

Executive Board meeting minutes

Meeting held on 29 June 2022 in Crown Office and by Microsoft Teams

Present:

David Harvie (Chair)	Crown Agent
Stephen McGowan	Deputy Crown Agent, Specialist Casework
Keith Dargie	Head of Business Services
Marlene Anderson	Director of Finance and Procurement
Sarah Carter	Director of Human Resources
David Watt	Non-executive director
Annie Gunner Logan	Non-executive director
Fiona McLean	Non-executive director
Rob Tinlin	Non-executive director
Vanessa Davies	Non-executive director

In attendance:

Jennifer Harrower	Deputy Head of Local Court
Ann Marie Henderson	Secretariat
Mairi Boyle	Secretariat
Neil Rennick (item 7)	Director, Justice, Scottish Government

Apologies:

John Logue	Deputy Crown Agent, Local Court
Anthony McGeehan	Deputy Crown Agent, Operational Support

Agenda Item 1 – Welcome and Apologies

1. The Crown Agent opened the meeting and welcomed all colleagues, particularly the Director of Finance and Procurement and Director of Human Resources who were joining the meeting for the first time as members of the Board. Apologies were noted from the DCA Local Court and DCA Operational Support.
2. There were no conflicts of interest.

Agenda Item 2 - Minutes of previous meeting

3. The minutes of the meeting held on 18 May 2022 were approved and can be published. The Crown Agent asked those Board members chairing committees to ensure that publication of committee meeting minutes were up to date.

Action tracker

4. Item 2 – DCA Serious Casework proposed that an update would first be submitted to the Audit and Risk Committee, and then to the Board at its August meeting. This was agreed.
5. Item 3 – DCA Operational Support will provide an update at the August meeting.
6. Items 4, 6 and 7 – Head of Business Services to provide a verbal update under Agenda item 4 today.
7. Item 8 – The Deputy Head of Local Court gave an update on summary reform pilot courts; explaining that, as a consequence of the timing of legal aid regulations being laid before the parliament, when it next meets the project board is likely to agree that the pilots will commence on Monday 5 September; and providing detail on steps being taken to engage with the defence bar on their involvement in the project, which is crucial to its success.

Action: DCA Local Court will provide a further update to the Board on commencement of the pilot at its August meeting.

Agenda Item 3 - Finance Update

Finance Update

8. The Director of Finance and Procurement introduced papers EB22/23(09) and EB22/23(10).
9. The Director of Finance and Procurement reported that the 2021/22 accounts and annual report were with Audit Scotland for review. In relation to FY 2022/23 the first forecast has been completed showing a projected overspend of £3.1m. All expenditure is being actively managed to ensure that forecasts are accurate; that all opportunities for savings are taken; and that we work as efficiently as possible.
10. The Director of Finance and Procurement and Crown Agent gave an update on funding secured to resource CDIT so that state obligations in relation to the investigation of Covid deaths can be met as swiftly and efficiently as possible. The Crown Agent thanked all those who had contributed to the work that had culminated in this significant and helpful development. There was discussion about the wider RSR allocation, representations made to SG in the course of the RSR exercise, and future engagement with SG about what is and is not achievable if budgets were to reflect the RSR envelope.

11. It was noted that there would be £9m of capital investment over two years of the RSR period and the Head of Business Services outlined plans to use this to fund a capital programme creating next generation case management systems which will transform ways of working. The final year of RSR will be very challenging in terms of capital.
12. There was discussion about levels of elective overtime, with input from the DCA Serious Casework and Deputy Head of Local Court on why this has been necessary and work that is being done to return to normal stringent budgetary controls. It was noted that availability of overtime has been normalised and there would be benefit in developing communications to staff about this culture and the need for rapid change particularly given budgetary pressures. It was noted that levels of elective overtime for the current FY were on track to come in on budget. The Board wished to continue to monitor the overtime position.
13. Director of Human Resources is to work with Corporate Communications on messaging to staff.

Agenda Item 4 – Business Plan

14. Head of Business Services gave an update on business planning and how that aligns with work on budget, RSR and strategic planning. Function business plans have been finalised. As a consequence of RSR and the need to recognise financial restraints and how that impacts prioritisation and planning, it has taken slightly longer than anticipated to develop the corporate plan. Once the plan is finalised it will be the focus of senior leaders’ events so that all senior staff understand the journey we are on and leadership expectations. A new corporate strategic plan will be created as part of the business planning work and it is hoped that a substantive draft will be available by the start of 2023.

Action: Head of Business Services to circulate draft corporate business plan to SET and NXDs next week for comments; submit to Law Officers thereafter; and bring finalised plan to the August Board meeting.

Action: Head of Business Services to ensure that NXDs are invited to senior leaders events in August and October.

Action: Crown Agent and David Watt to discuss separately how COPFS can capture the benefits of David Watt’s experience in another organisation of monitoring implementation of corporate planning.

Agenda Item 5 – Hybrid/agile working policies

15. Head of Business Services introduced paper EB22/23(11) and gave an update on implementation of these policies. There will be an interim benefits realisation based on first quarter data at the FWOV programme board meeting in October. The programme board will also consider at that point what needs to be delivered by the end of the programme.

Action: Head of Business Services to report back to the Board by the end of the FY.

Agenda Item 6 – Balanced scorecard and absence figures

16. Director of HR introduced paper EB22/23(12), highlighted a general increase in short and long term absence over last year part comparing April and May in both years; and explained how HR had engaged with managers, TUs and occupational health to better understand this data. This work indicated that mental health issues, in some cases exacerbated by cost of living concerns, were a factor in the increase. HR is working on a range of support and, with Corporate Communications, will ensure this is understood and accessible to staff. Managers are being encouraged to apply the attendance policy and have supportive conversations with staff. Covid and long Covid continue to be a feature of absence data and analysis of that is ongoing.

Action: Director of HR to provide further update to the Board at the September meeting including on management time devoted to attendance management and on See Me audit.

Agenda item 7 Work of SG Justice Directorate and reflections on the challenges ahead

17. The Crown Agent welcomed and introduced Neil Rennick to the Board.
18. Neil Rennick gave an outline of how he sees the current challenges across the criminal justice sector including: the implications for justice organisations if the RSR funding envelopes are reflected in budget allocations and advice to Ministers about this; Justice Vision and issues that will remain priorities notwithstanding RSR; and the legislative programme and opportunities there to modernise the criminal justice system.
19. There was then wide ranging discussion with the Board. This covered the Prevent agenda; the work that has resulted in a huge drop in numbers of young people in prison; work still needed to support those people who are in the criminal justice system principally because of addiction and mental health issues; and how to prevent crime against women. The Crown Agent emphasised the need for a cross-public sector response, including Health particularly, for the individualised response set out in the Justice Vision to be realised.

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20. The Board thanked Neil for attending and for the meaningful discussion and asked that he attend a future Board meeting.

Agenda Item 8 – Committee update - Resources

21. The Board noted paper EB22/33(13).

Agenda Item 9 – Committee update – Business Improvement

22. The Board noted paper EB22/33(14).

Agenda Item 10 – Committee Update – Operational Performance

23. The Board noted paper EB22/33(15).

Agenda Item 10 – Committee Update – Audit & Risk

24. The Board noted paper EB22/33(16). Rob Tinlin highlighted the significant QLTR work on the property transfer scheme.

Any other business

25. The Crown Agent said that he would provide NXDs with a further confidential update on litigation at a separate meeting.

June 2022

EXECUTIVE BOARD

JUNE 22 MEETING

FINANCE UPDATE

Purpose

1. This paper provides the Executive Board with an update on:
 - The Financial outturn for the annual accounts for 2021-22.
 - Budget considerations for 2022-23.
 - Resource Spending Review.

Finance update 2021-22

2. The outturn is showing an underspend of £1.7m on resource and capital excluding audit adjustments and possible late adjustments to provisions (Appendix A).
3. Audit is progressing with no current changes to results required.

Budget 2022-23

4. The first forecast for 2022-23 has been completed (Appendix B). The forecast reflects a possible outcome of an overspend of £3.1m were COPFS not to proactively manage spend. COPFS will proactively manage spend to meet budget. There are various modelling and control options being implemented which will bring the next forecast closer to budget and inform further actions to be taken.
5. The following proactive measures are being taken:
 - The Finance Business Partners and HOBMs are scrutinising all non-staff costs for any options of savings to contribute to bringing down the overspend;
 - Business process reviews are continuing to be carried out by the transformation teams and individual directorates;
 - Teams are looking at options for/implementing restructures to facilitate more efficient working/reallocation of work (informed by the work carried out by transformation teams and individual directorates) to realise possible savings;
 - WPG is establishing a short life working group which will focus on post-based control testing, prioritising vacancies according to need and challenging direct replacement of leavers, to:
 - i. Ensure only essential posts/vacancies are filled;
 - ii. Ensure all posts are in the budget and, where there is a deviation from budget, that vacancies are deleted to accommodate the new structure posts and budget reallocated;

- iii. Track the savings required to bring the forecasts back to a balanced budget to enable appropriate decisions and corrective action to be taken as early as possible.
 - Scrutinise overtime and ensure that it does not add to the current pressure.
6. Our budgeted FTE in 2021-22 was 2,397.33. The proposed baseline FTE is 2,434.05 due to reconfiguration of posts. While the FTE has increased, these changes in structure and FTE were affordable and within budget before the pressure to absorb the pay policy and increase in employers' NI. The above actions may result in a fluctuation in FTE to address the overspend position.
7. A bid for additional funding for the COVID Deaths Investigation Team has been submitted to Scottish Government and further discussions are taking place. A verbal update will be provided.

Resource Spending Review (RSR)

8. The RSR was published at the end of May with COPFS results as follows:

	2022-23	2023-24	2024-25	2025-26	2026-27	Total
Resource	169.8	170.0	170.0	170.0	170.0	849.8
Capital	5.3	11.3	9.3	6.3	Not yet allocated	32.2
Total	175.1	181.3	179.3	176.3	170.0	882.0

Note: The above table shows cash resource and capital, and does not include the non-cash ring fenced allocation for depreciation and audit fees.

9. The RSR allocations show flat cash until 2026-27. It is to be noted that this is not our final budget allocations as the allocations will go through the annual budgeting process, including bilaterals to determine our final allocations each year. We do, however, need to plan as far as possible on this basis and take steps to ensure that we maximise efficiencies to ensure that we are as close as practicable to the RSR envelope indicated above. Resources Committee are establishing a shortlife Budget Planning Working Group. The Group will contribute to the COPFS budget bid for 2023-22, modelling financial and resource outcomes dictated by budget, CDIT funding, pay settlement and RSR scenarios.

Conclusion

- 10. The Executive Board is asked to note the progress towards concluding the 2021-22 Annual Accounts.**
- 11. The Executive Board is invited to note, and if it wishes, comment on the 2022-23 budget and the RSR envelopes published.**

Finance Directorate

20 June 2022

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OFFICIAL SENSITIVE

APPENDIX A

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EXECUTIVE BOARD
FUTURE WAYS OF WORKING (FWOW) PROGRAMME
AGILE WORKING POLICIES AND NEW WAYS OF WORKING
JUNE 2022 UPDATE

Purpose

1. To provide the Executive Board with an update on the progress of the Future Ways of Working (FWoW) Programme and implementation of COPFS' agile working policies and new hybrid ways of working.

Update

2. The FWoW Programme Board last met on 26 June and is next scheduled to meet on 1 September 2022. This paper gives an update on the implementation of the Agile Working Policy and related deliverables and activities.

Key Policy and New Ways of Working Updates

3. Functions continue implementing the corporate agile working policies, including considering agile working requests from staff against local business delivery and team needs. Functions report increasing confidence on implementation of the agile policies and hybrid working arrangements, with these new ways of working reflected in Business Plans.
4. The key policy aspects of FWoW are delivered. An FWoW subgroup is meeting later this month to finalise policy details for location neutral working and working outwith a reasonable commute within the UK. Updated work location/travel to work policies will be published when this work is complete with interim guidance published on Connect earlier this month.
5. The FWoW Programme Board received a demo from ISD of the new Desk Booking Corporate App. The digital app – designed to deliver agreed specifications and functionality – was well received and will be evaluated in the Glasgow Ballater Street and Inverness offices (with Kilmarnock also being considered) over the summer. This evaluation approach will provide important feedback on the app design and business processes ahead of releasing to all staff over Q3 2022/23. The Board agreed the importance of communications in successfully implementing and embedding the new desk booking solution and process. ISD will also communicate later this month the availability of the new Microsoft Teams and digital meetings solutions installed in all main offices to digitally support meetings and collaboration from any connected location.
6. Programme delivery and communications plans continue raising awareness of the new policies and supporting staff and managers to work and manage via hybrid team working arrangements. Reminders for staff to complete homeworking self-assessment forms and essential e-learning are issued.
7. Benefits analysis from the implementation of agile working policies and new ways of working to date will be discussed at the next FWoW Programme Board meeting in September. An interim report on benefits and key milestones will be presented to the Executive Board at its September meeting. The FWoW Programme closure process will include detailed analysis and reporting of business transformation programme outcomes and benefits realisation, which will also be presented to the Executive Board in due course.

EB22/23(11)

8. The Scottish Government internal audit report on the FWoW programme was discussed at the last Board meeting. Actions are in place to consider relevant recommendations and the Head of Business Services will coordinate any required corporate activities.
9. The FWoW Programme Board will consider at its next meeting the key priorities and deliverables for the remainder of the programme, with an indicative programme completion date planned to coincide with the end of the current corporate year. Detailed planning will, however, confirm remaining programme deliverables and timescales (factoring the Board's focus on embedding the new ways of working). These elements will be reflected in updated programme plans and communications.

Decisions/Actions required by Executive Board

10. The Executive Board are invited to note progress and comment as appropriate on the delivery of the FWoW programme and implementation of COPFS' agile working policies and new hybrid ways of working.

Keith Dargie

Head of Business Services

21 June 2022

June 2022 Meeting – Sensitive information**Absence by days lost**

These figures are collated by HR on a quarterly basis (March, June, September and December) for the past year.

Average annual working days lost per employee for period 01 April 2021 to 31 March 2022	% long term absence (more than 20 working days)	% short term absence (20 working days or less)	Average working days lost in year ending previous quarter published (01 January 2021 to 31 December 2021)	Days lost in previous year (01 April 2020 to 31 March 2021)
10.9	66.1%	33.9%	9.7	6.59

This equates to 4.8% of all working days

Staff numbers remaining on longer term absence by duration as at 31/05/2022, 30/04/2022 & 31/05/2021. Figures for 31/05/2020 & 31/05/2019 have also been included to compare against pre-COVID figures.

Month	Short Term Absences			Long Term Absences				
	Less than 10 days	10-19 days	20-27 days	More than 28 days and less than 3 months	3 – 6 months	6 – 9 months	9 – 12 months	12 months +
31/05/2022	14	2	11	22	12	4	3	4
30/04/2022	9	11	5	25	10	5	3	4
31/05/2021	5	11	6	24	9	5	2	2
31/05/2020	4	2	3	21	13	0	3	1
31/05/2019	7	7	4	19	8	2	0	0

The above data shows a constant total amount of absences in April and May 2022 with 72 absences at the end of each month. This figure is higher than the figures recorded in May 2021, 2020 & 2019 which recorded a total of 64, 47, & 47 absences respectively. The increase of absences is spread equally across short and long term absences.

Long term absence costs (Payroll recording of absences costs of 20 days or more commenced in April 2021)

2021-2022

Month	Admin	Legal	Total	Year to Date
Apr-21	£89,954.02	£81,296.57	£171,250.59	£171,250.59
May-21	£93,898.72	£92,096.94	£185,995.66	£357,246.25
Jun-21	£81,757.63	£115,240.06	£196,997.69	£554,243.94
Jul-21	£94,910.04	£40,512.79	£135,422.83	£689,666.77
Aug-21	£65,353.31	£52,617.44	£117,970.75	£807,637.52
Sep-21	£92,349.04	£100,650.13	£192,999.17	£1,000,636.69
Oct-21	£152,076.14	£156,189.27	£308,265.41	£1,308,902.10
Nov-21	£122,420.31	£150,932.59	£273,352.90	£1,582,255.00
Dec-21	£143,145.92	£181,331.20	£324,477.12	£1,906,732.12
Jan-22	£23,004.98	£116,931.10	£139,936.08	£2,046,668.20
Feb-22	£81,358.87	£153,438.45	£234,797.32	£2,281,465.52
Mar-22	£240,763.55	£149,972.98	£390,736.53	£2,672,202.05
Totals	£1,280,992.53	£1,391,209.52	£2,672,202.05	

*Absence payroll costs from 21st day of sickness

2022-2023

Month	Admin	Legal	Total	Year to Date
Apr-22	£133,228.70	£123,161.64	£256,390.34	£256,390.34
May-22	£197,590.61	£181,437.76	£379,028.37	£635,418.71
Totals	£330,819.31	£304,599.40	£635,418.71	

*Absence payroll costs from 21st day of sickness

Absence Reasons

The following table provides information relating the reason for absences over the past 12 months (**01/04/2021 – 31/03/2022**); this information is gathered on a quarterly basis. The groupings are in line with Cabinet Office data request categories.

Illness Type	Percentage of days lost
1. Pregnancy Complications	2.8%
2. Symptoms Ill-Defined*	15.1%
3. Mental Ill Health (Made up of:)	39.6%
- <i>Stress Related Illness</i>	50.7%
- <i>Stress Work Related</i>	32.7%
- <i>Family/Situational**</i>	16.6%
4. Muscular	5.6%
5. Cancer Related	3.1%
6. Digestive System	1.8%
7. Injury & Poisoning	2.5%
8. Respiratory	5.3%
9. Infection	1.3%
10. Other***	4.7%
11. Awaiting Certification	4.4%
12. Pandemic (COVID)	13.7%
Total	2.8%

*Symptoms ill-defined covers where reasons given which are not specific to clarify e.g. debility, exhaustion, mobility problems, nausea, operation and general sickness

**Family/Situational covers reasons surrounding bereavement, family circumstances, family illness and situational crisis

***Other covers reasons surrounding skin complaints, heart conditions, gynaecological problems, diseases of the eye, ear and blood, and nerve complaints

BALANCED SCORECARD – Quarter 4 – 2021/22

PEOPLE	Current Quarter (Jan-Mar 2022)	Previous Quarter (Oct- Dec 2021)	Variance from last Quarter	Current FY to date (2021/22)	Previous FY (2020/21)
Staff Numbers (FTE) Permanent employees Temporary employees Total Employees % Temporary employees	2152.63 68.07 2220.7 3.1%	2061.01 63.07 2124.08 3.0% As at 31/12/21	4.45% increase 7.93% increase 4.55% increase		1795.9 83.83 1879.73 4.46% As at 31/03/21

Staff Turnover Rate	1.58% (0.04% involuntary 1.54% voluntary) Jan-Mar 2022	1.26% (0.09% involuntary 1.17% voluntary) Oct-Dec 21	25.4% increase	5.85% (0.23% Involuntary 5.62% Voluntary) Apr '21 – Mar '22	1.35% (0.25% involuntary 1.10% voluntary) Jan-Mar 2021
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Absence Rate Average working days lost	Average WDL = 10.9 Short Term = 3.7 Long Term = 7.2 As at 31/03/2022	Average WDL = 9.7 Short Term = 3.0 Long Term = 6.7 As at 31/12/2021		Average WDL = 11.1 As at 30/04/2022	Average WDL = 6.6 Short Term = 1.6 Long Term = 5.0 As at 31/03/2021
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QUALITY	Current Quarter (Jan-Mar 2022)	Previous Quarter Quarter (Oct-Dec 2021)	Variance from last Quarter	Current FY to date (2021/22)	Previous FY (2020/21)
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Right to Review	43 received 42 issued	48 Received 42 Issued	-5	175	198
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Complaints	74 Received 5 = upheld 18 = Partially upheld (=31%)	83 Received 6 = Upheld 8 = Partially Upheld (=17%)	-9	376	399
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Payment Performance % paid in 10 working days					
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Invoices	99.63%	99.69%	-0.06	99.41%	98.52%
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Witness Payments	100%	100%	-	100%	100%
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Travel & Subsistence claims	100%	100%	-	100%	100%
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DELIVERY	Current Quarter (Jan-Mar 2022)	Previous Quarter (Oct-Dec 2021)	Variance from last Quarter	Current FY to Date 2021/22)	Previous FY (2020/21)
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Performance Targets					
% indictments served within statutory time limits	100%	100%	-	100%	100%

% Take and Implement Decision within 4 weeks (75%)	77%	63%	+14	73%	76%
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% CAAP cases closed within 6 months (75%) – following review revised target introduced July 2021	92%	79%	+13	87%	n/a
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% Deaths investigated within 12 weeks (80%)	44%	56%	-12	50%	59%
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Right to Review	76%	60%	+16%	66%	77%
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Complaints	67%	57%	+10%	60%	81%
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Freedom of Information	92%	98%	-6%	95%	96%
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FINANCE	Actual spend to date	Current end year forecast	Full year budget	Variance
Running Cost Expenditure (includes cash and non-cash)	£168.8m	£168.8m	£171.3m	£2.5m
Capital expenditure	£9.2m	£9.2m	£8.36m	-£0.8m

Quarterly Data as at the end of the quarter unless otherwise noted.

Financial Year Data is shown at the end of the relevant period (year to date or full year).



Resources Committee minutes

28th April 2022 meeting, held via Microsoft Teams

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Present

Members

- Anthony McGeehan, Deputy Crown Agent (Operational Support) (Chair)
- Keith Dargie, Head of Business Services & Chief Digital Officer
- Graham Kerr, Head of Business Management (Local Court)
- Thomas Lindie, Head of Business Management (Serious Casework)
- Elaine Hales, Head of Business Management (Operational Support)
- Jonathan Shebioba, Director of Support Services
- Doreen Crawford, Head of Workforce Planning and Reward
- Marlene Anderson, Director of Finance and Procurement
- Fiona McLean, Non-Executive Director

In attendance

- Ali Caddis, Secretariat

Apologies

- Sarah Carter, HR Director
- Sharon Davies, Head of Management Accounting and Planning

Welcome

The chair welcomed everyone to the meeting and noted apologies.

Minutes from meeting held on 31st May 2022

The Committee confirmed that the minutes were an accurate reflection of the meeting.

Action Log

The Committee agreed the following regarding the Action Log and noted progress with the remaining actions

Action 013 – The DoFP confirmed budgets have been uploaded into the finance system and now on DEPM. When final journals are completed for May, functions will be asked to submit their forecasts.

Action 014 – The Chair confirmed that the additional post proposals have been presented to SET and the Executive Board but have not been approved in light of the current Resource Spending Review.

Finance Update 2021-22

The Chair provided background on the Finance update and the financial pressures faced not only by COPFS but more widely. Scottish Government have provided indicative allocations to each Government portfolio, and COPFS is a flat cash envelope for the years 2023-24 to 2026-27. The Chair advised that conversations have commenced with Scottish Government on the consequences of this indicative allocation to COPFS due to the real terms reduction of available budget. It is to be noted that although these funding envelopes have been provided for planning purposes, the final budget allocations will take place annually as normal. The budget process for 2023-24 will begin in the autumn with the budget possibly published in the winter.

The Director of Finance and Procurement (DoFP) provided an overview of the Finance Update paper for the financial outturn for the annual accounts for 2021/22 and noted an underspend as major case legal expenses have been lower than expected. This is subject to further analysis and audit adjustments but DoFP anticipates reporting an underspend in due course.

Resource Spending Review (RSR)

DoFP provided an overview of the Resource Spending Review (RSR) and noted the current staffing budget deficit due to pay parity and the increase in National Insurance that COPFS was required to absorb within the budget allocation. The DoFP also indicated that future pay policy will also require to be absorbed. In relation to overtime, additional overtime will require to be carefully considered until we return to a balanced budget. The DoFP stated although this was a challenging picture, COPFS are known for managing their budget and a continued corporate approach by all will assist..

A discussion took place on the detail of the RSR. The HoBS/CDO confirmed detailed modelling will take place over the coming months and will be used for actual budget discussions with Scottish Government and, if required, used as mechanism for decisions on organisational priorities. HoBS/CDO further noted the additional capital investment provided in 2023-24 and 2024-25 to transform systems such as the next generation case management systems.

The Chair confirmed that budgetary planning for future years has begun including modelling staffing scenarios, however reminded that the RSR is an indicative settlement for planning purposes only. The Chair further confirmed there was no proposal to pause current recruitment. However, consistent with current best practice, there is a need to assess the need to fill particular vacancies against wider business demands and priorities. This assessment will be conducted by the Workforce Planning Group (WPG). WPG will have checkpoints for assessing staffing priorities and affordability throughout the year.

The Non-Executive Director (NXD) raised the need to consider the communications to staff. The Chair confirmed that this need had been recognised and that a message providing some reassurance would be published today via Connect.

HR Update

The Head of Workforce Planning and Reward (HoWPR) provided an overview of the HR update paper and confirmed that staff in post continues to increase due to ongoing recruitment with 27 new entrants in May and 87 pre-recruitment checks being undertaken, reducing the vacancy factor. The HoWPR noted that turn-over is relatively low compared to the wider market. Absences have returned to pre-covid levels and continues to be monitored. In relation to overtime, HoWPR stated there was a marked decrease in overtime from March 2021 to March 2022 and will confirm the figures for April.

DoFP observed that due to the increased level of staffing in COPFS it was expected the requirement for overtime would reduce.

The absence figures were raised in relation to individual functions. HoWPR confirmed absence data will be provided to assist functions.

Estates Update

DoSS summarised the financial position in relation to Estates paper and confirmed the last financial year closed on budget and half of this financial year's capital spend has been allocated across various estate projects. A RAG rated report will be provided as the year develops and will highlight where projects are on or off track financially.

Two key points on the project portfolio highlighted by DoSS are the Edinburgh Estates and Glasgow Ballater Street.

In relation to the Edinburgh Justice Campus, DoSS confirmed the business case has been forwarded to Scottish Government, with phase 1 proceeding. It was noted that Phase 1 does not affect COPFS and relates to a sale of an asset. Regarding Phase 2, which relates to COPFS, where we will vacate Edinburgh Sheriff Court, update Crown Office, and procure a satellite site, Scottish Government have advised that no

substantial work should be undertaken at this time. at present. It is anticipated that work on the design and specification can continue. A communication will be issued in due course to staff within Edinburgh and thereafter to the wider COPFS staff. DoSS confirmed that SET will be updated.

Work continues on the business case for Glasgow Ballater Street and it is anticipated this will be available within the next few weeks to be reviewed formally by Resources Committee and SET. DoSS further advised that he and DoFP are considering commercial options for Ballater Street. DoSS confirmed Resources Committee will be provided with further details prior to any decisions being made.

DoSS thereafter provided information on the Risk Register and Energy Report and noted the figures are distorted due to the pandemic and will have a truer picture as business as usual continues. DoSS further noted the green initiatives ongoing for parts of the estate and the bids made to Scottish Government for our carbon reduction projects in Elgin and Falkirk. DoSS confirmed when the pilots are finalised further bids will be put to Scottish Government to reduce our carbon footprint.

Function Procurement Report

The Head of Business Management (Local Court) (HoBM (LC)) provided an overview of the Function Procurement Report and thanked colleagues in procurement and the organisation for the positive report, highlighting the cash and non-cash savings made to date demonstrating the value of professional procurement.

The Chair formally recorded his thanks to the Central Procurement Team.

Any Other Business (AOB)

No AoB noted

Date of the next meeting: 30 June 2022

**EXECUTIVE BOARD
BUSINESS PROCESS IMPROVEMENT COMMITTEE
JUNE 2022 UPDATE**

Purpose

1. To provide the Executive Board with an update on the progress of the work of the Business Process Improvement Committee (BPIC).

Priority

2. Routine.

Update

3. BPIC last met on 3 February and is next scheduled to meet in July 2022. The meeting in May was rescheduled to align with corporate business planning activities and members availability.
4. At its meeting next month, BPIC will review delivery of the 2021/22 business process improvements and confirm priorities for 2022/23. BPIC will provide a summary report to the Executive Board meeting in August on the 2021/22 delivery outcomes and set out the programme of business improvements and transformation priorities for 2022/23.
5. Work over Q1 2022/23 focusses on the following corporate and Vision for Justice priorities:
 - Launching the new COPFS website;
 - Digital Meeting Rooms technologies installed and available in all main offices to deliver the Digital Strategy vision and support new Agile working policies and ways of working;
 - Ongoing development of the DESC solution;
 - Analysis of solution options for a new Defence Agents General Booking App;
 - Implementation of the first of the new HR system products from 30 June;
 - Evaluation of new Desk Booking and Claims Corporate Apps from this month;
 - Completion of the Digital Workplace Exchange Online migrations;
 - Advanced work and planning to enable the migration of the first of the onsite datacentres to a new offsite datacentre facility over July – August 2022;
 - CMiC App for use in Sheriff and Jury cases ready for deployment on a phased basis over coming months;
 - Final scoping and planning for the development and evaluation of the Witness Gateway from Q2 2022/23;
 - Continued design and development of the Defence Agent Service portal;
 - Development of the Electronic Reporting to Crown Counsel digital casework solutions for implementation to agreed plans over the next few months.

Decisions/Actions required by Executive Board

6. The Executive Board are invited to note delivery progress and comment as appropriate on BPIC's planning for 2022/23.

John Logue

Deputy Crown Agent - Local Court

21 June 2022

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Operational Performance Committee

Minutes of meeting held on 8 June 2022 by Microsoft Teams

Present:

Stephen McGowan	Deputy Crown Agent – Serious Casework (Chair) (DCA)
Jennifer Harrower	Procurator Fiscal, Local Court (JH)
Laura Buchan	Procurator Fiscal, Specialist Casework (LB)
Kenny Donnelly	Procurator Fiscal, Policy and Engagement (KD)
Graham Kerr	Head of Business Management, Local Court
Fiona Roberts	Head of Management Information Unit (FR)
Robert Tinlin	Non-Executive Director (RT)
Gioia Ezzi	PA DCA – Serious Casework (Secretariat) (GE)

Apologies:

Ruth McQuaid Procurator Fiscal, High Court

1. Welcome and Apologies

The DCA welcomed everyone to the meeting, apologies were noted.

2. Minutes of previous meeting

The minutes of last meeting were agreed and can be published.

3. Outstanding actions

Action 1/22: Take forward recovery mapping with Heads of Business Management and MIU. **Action closed**

Action 2/22 Feedback to be provided in respect of draft recovery mapping report. Feedback provided. **Action closed**

Action 3/22 Report to include emphasis on cases relying in emergency statutory extensions. **Action closed**

OPC
08/06/2022

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Action 4/22 Communication of reducing age profile. **Action closed**

Action 5/22 Re 4/22 to be raised at Executive Board. EB content. **Action closed**

4. Monthly Stats/Key Performance Indicators

High Court (HC)

- HC stats are static, nothing exceptional to note.
- Work being done on remodelling potential Key Performance indicators (KPIs) in HC which will be circulated to members for comment, mainly all have been agreed within HC function.
- There is ongoing remodelling work within Scottish Courts & Tribunal Service (SCTS) in clearing backlogs. Aiming to indict 100 cases a month into system which will need to find a home.
- Principal aim is to reduce number of cases within statutory extension, mitigate risk to us to get through those cases.

Local Court

- Management information is being worked on.
- JH gave an update in relation to the summary case management pilot, which is the renamed EPR pilot. Delay restart of the pilot provisionally to first week in September. Lot of expectation on the results of that which could result in a lot less pre for many thousands of trials.
- Confirm still considering KPI's in Sheriff & Jury (S&J) both for sexual offences and child witnesses. These to be brought back to committee for consideration.
- National Initial Case Processing (NICP) – not a huge reduction in overall number of unmarked cases, the numbers in NICP have been strengthened by creating a programme of secondment for 2nd year trainees which was mentioned at last committee and seeing a positive impact from that but that has been somewhat negated by holiday weekends where there have been fewer days to mark cases with police still reporting same amount.
- Age profile has improved, particular focus on unmarked cases from 2020 and older and there has been a substantial improvement.

Specialist Casework

- Significant amount of time and work over course past few weeks into a submission for additional resource for Covid Deaths Investigation Team (CDIT), in terms of projection of figures and staff required to deal with those deaths.
- Movement of legal and admin staff from Scottish Fatalities Investigation Unit and Health & Safety Investigation Unit into new Custody Deaths Unit and

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transfer of work into that unit and how we are going to resource that in longer term from pool of people already have.

- Serious & Organised Crime Unit had and continue to have a good run of convictions, mostly in relation to pleas and sentencing and continue.
- This week is first week that all staff are back in the offices for hybrid model of working. It is working well and managed well and can see that pattern of work being retained.

Policy & Engagement

- Very busy, but number of things looming legislative wise. UN Convention of Rights of the Child Bill (UNCRC) which partly fell foul of Supreme Court is back before parliament with view to amending it, due to that there is a review of policies and processes. Bill out for comment, age for referral to reporter increased from 16 to 18, reflecting on UNCRC definition of an adult, accused 16, victim 18, does raise number of challenge issues.
- Bail Release and from Custody Bill published at parliament next week. Primary change is that bail can be refused initially on grounds of public safety.
- The Bill which follows on from Lady Dorrian’s report into management of sexual offences has paper out for consultation which may lead to fairly significant changes.
- Current extension of time provisions in old coronavirus acts expires on 30 September. There is a new Bill live before parliament which has been published and consulted on and now there is a series of proposed amendments. Seek to continue to influence that and appear to have government on side on that. KD provided clarification that if the timebar provisions did not go through and what would be the challenges and priorities. Necessary to get through this period in a balanced way.

5. Recovery Mapping

GK went through paper 5 on LC recovery mapping. Draft paper sets out what is being done, but also what can actually be achieved. First part is business plan in LC, undertaking numerous things to help recover quickly with lot of it refocusing efforts in different areas. Not at the stage to provide figures but will start to become clearer moving through the year. In relation to S&J recovery mapping, output on case prep over last 3 years basis to form prediction from where we should be, based amount of case preparers and investigative assistants in which there has been a significant increase in resource but that has not borne out on output due to pandemic, lack of training, new to job, but this will start to stabilise.. In relation to S&J court recovery, can only go on what is happening in courts at moment. Summary, better news, can see intermediate diets falling.

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Action: Serious Casework Recovery Mapping paper – Central Operations Team to produce this. GE to schedule meeting with DCA & RR.

6. AoB

There was no AoB.

Date of Next Meeting: 6 July 2022

DRAFT

COPFS and QLTR Audit and Risk Committee

Minutes of the meeting held on 25 May 2022

(via MS Teams)

Present:

Members

Robert Tinlin Non-Executive Director (Chair)
David Watt Non-Executive Director

In Attendance

David Harvie Crown Agent, Chief Executive and COPFS Accountable Officer
Robert Sandeman QLTR Accountable Officer
Gillian Woolman Audit Director, Audit Scotland
Esther Scoburgh Senior Audit Manager, Audit Scotland
Keith Dargie COPFS Chief Digital Officer and Head of Business Services
Neil Reid Audit Scotland COPFS Lead
Jim Montgomery Audit Manager, SG Internal Audit Directorate
William Wilkie Senior Auditor, SG Internal Audit Directorate
Marlene Anderson COPFS Director of Finance and Procurement
Sharon Davies COPFS Head of Management Accounting and Planning
Ian Palmer COPFS Secretariat

Apologies

Vanessa Davies Non-Executive Director
Katie Gibson Audit Scotland QLTR Lead

1.

Welcome / Declarations of Interest and Feedback on pre-meetings

The Chair welcomed the group.

There were no declarations of interest.

Pre-meetings had been held with ARC and representatives of internal and external audit. It was agreed that any updates in that regard would be given when the appropriate agenda item was being discussed.

2.

Minutes of the Previous Meeting

The draft minutes of the ARC meeting held on 3 March 2022 were approved.

Action: Secretariat to arrange for the approved minutes to be published on COPFS website.

3.

Matters Arising and COPFS ARC Action Tracker

The written update on progress with actions from the HMIP Report on COPFS management of CAAPs was noted. Updates on this topic will now form a substantive ARC agenda item.

The action tracker was agreed. The actions specified below will be removed, having now been fulfilled:

Item 13 (*ARC to be issued with schedule of COPFS Health & Safety inspection visits*)

Item 15 (*Scottish Parliament Report on Public Bodies Sponsorship to be sent to some members of ARC meeting group*)

Item 16 (*Secretariat to arrange ARC meeting to discuss COPFS procurement of forensic pathology and mortuary services.*)

4.

Audit Trackers

Internal Audit Tracker

ARC Paper 13 (2022) was discussed, and progress noted.

A further specific action was identified :

Information Management Assurance Phase 2

It was noted that the original target date had been missed. KD reported that extensive work is ongoing in the various strands of strategic planning and a framework document is being developed which will facilitate identification of new timeframes.

Action

KD to issue ARC with Information Management Assurance Phase 2 framework document once completed.

External Audit Tracker

ARC Paper 15 (2022) was noted.

KD reported that meetings of BPIC had been re-aligned to tie in with the business planning process. This has slightly altered the target for publication of meeting minutes of that group.

5.

COPFS Update

DH (CA) gave a general update which included:

Resource Spending Review

General discussion pending publication on 31 May 2022 of the Resource Spending Review initial indicative allocations.

Court Recovery Programme

Owing to the nature of the pandemic, recovery progress in the earlier months of 2022 has been variable. In the last 6–8-week period there has been gradual improvement and work continues to bring recovery up to projected levels. Liaison work continues with CJ partners to progress recovery.

6.

QLTR Issues

BS gave a general update including:

QLTR Team

QLTR held a recent Team Workshop event and outcomes of this are to be taken forward
New QLTR case management IT system to be introduced in June 2022.

QLTR Property Transfer Scheme

The scheme remains on track to move to consultation phase by Autumn 2022 and launch in Spring 2023. Good progress is being made with pilot cases and liaison work with public and community bodies continues. Recruitment ongoing and should be completed within next few weeks.

Treasure Trove

Future review of Treasure Trove policies and systems to be undertaken.

Given lockdown issues and an increased public interest in using metal detectors, there is a significant backlog of recovered artefacts awaiting appraisal. QLTR have consulted with SG Finance and National Museum of Scotland, and it has been agreed that QLTR will fund 3 temporary (18 months) TTU posts to assist with this work. This is to be funded through the ringfencing of funds normally submitted through the Scottish Consolidated Fund. Recruitment for these posts commences in June 2022.

ARC expressed their appreciation of the diversity of work being undertaken by QLTR.

7.

Finance Update, Draft Annual Accounts

MA presented paper ARC 16a (2022)

Key points included:

Outturn as at time of meeting showing £1.7m underspend in relation to resource and capital.

Year-end adjustments for accruals, annual leave commitments etc have been factored in but provisions are to be finalised.

Court Recovery programme is ongoing. Current overspend is being offset by savings identified through recruitment delays and workforce attrition.

General update in relation to Resource Spending Review. Indicative allocations to be published at end of May 2022.

COPFS Executive Board have approved the delegated budgets for 2022/23. Forecasts due to begin at end of June 2022. Planning and monitoring programme have also been discussed at Workforce Planning Group.

ARC noted the contents of the update.

7. (cont.)

COPFS Annual Report on Fraud

MA gave an overview of paper ARC 16b (2022).

Ongoing initiatives to help counteract potential payment fraud were discussed.

Work continues to ensure that all COPFS staff are kept updated on any fraud awareness issues.

It was noted by ARC that no instance of fraud had been identified during the reporting period.

8.

External Audit – Audit Scotland

COPFS Management Report 2021-22 ARC Paper 17 (2022)

ES presented the above

The report concluded that all effective and appropriate internal controls are in place.

ARC noted the paper.

9.

DIAA Update

JM presented the following papers:

Progress Report ARC Paper 18 A (2022)

COPFS Annual Assurance Opinion Report ARC Paper 18 B (2022)

IA Report: Future Ways of Working ARC Paper 18 C (2022)

The undernoted papers were issued for general information:

Internal Audit Strategy ARC Paper 18 D (2022)

Internal Audit Charter ARC Paper 18 E (2022)

Above papers were noted and general discussion followed.

It is anticipated that a DIAA Gateway Review into COPFS Procurement of Mortuary and Forensic Pathology Services can be conducted and concluded by the time of the next ARC meeting in July 2022. The commissioning of this review was agreed.

There was a lengthy discussion in relation to Future Ways of Working and the implementation of the report's recommendations. It was agreed that these discussions will be continued off-table.

The overall assurance received for the 2021-22 internal audits was Reasonable Assurance.

10.

COPFS Procurement of Mortuary and Forensic Pathology Services

This was included in discussion at agenda item 9 above.

11.

Risk Management

DW gave an overview of the following papers:

Risk Management Group Annual Report ARC Paper 19 A (2022)

Risk Management Group Chair Report ARC Paper 19 B (2022)

Risk Management Group Meeting Minutes ARC Paper 19 C (2022)

COPFS Corporate Risk Register ARC Paper 19 D (2022)

ARC noted these reports and the excellent progress made on Risk monitoring, deep dives and updates to risk actions.

The introduction of a COPFS Risk Champion and the development of Risk Awareness training for all staff was welcomed.

12.

Assurance Mapping and Draft Governance Statement

Assurance Mapping ARC Paper 20 A (2022) was discussed and agreed.

ARC valued the report and thanked the various teams involved in its production.

Draft Governance Statement ARC Paper 20 B (2022) was discussed.

It was agreed that the paper be updated to reflect that all NXD members are on COPFS Executive Board and that 2 NXDs are now on the COPFS Risk Management Group.

Some formatting and textual changes are also to be agreed and these will be discussed offline.

13.

AOB and Date of Next Meeting

No additional items raised.

ARC will next meet on 6 July 2022 at 11 am by MS Teams

DRAFT