

COPFS BUSINESS PLAN 2022-23

Introduction

The Crown Office and Procurator Fiscal Service (COPFS) is the sole public prosecution authority in Scotland, prosecuting cases independently, robustly, fairly and effectively in the public interest.

The Lord Advocate's position as head of the systems of criminal prosecution and investigation of deaths is enshrined in the Scotland Act 1998 and it is exercised independently of any other person.

In 2020 we published *Securing Justice: Our Strategic Plan for 2020-2023* and defined our high level objectives for this three-year period. The coronavirus pandemic had a profound impact on the justice sector and wider country and since March 2020 we have dealt with significant uncertainty and unprecedented change for COPFS and for the people of Scotland during this time.

We now face challenges to tackle the significant backlog of criminal cases and death investigations which are a direct result of the impact of the pandemic. In partnership with the Scottish Government and others in the justice sector we see this recovery period as an opportunity to improve our service, innovate our processes and build a stronger justice system.

In February 2022 the Scottish Government published 'The Vision for Justice in Scotland' - a new strategic plan for the Justice System in Scotland until 2026. The Scottish Government's strategic plan recognises the importance of treating victims, witnesses and those accused with respect and compassion, recognising the impact of trauma, imbedding a trauma informed approach to how justice services are provided, recovering from the pandemic with a transformed justice system and emphasises the important role that digital technology now has in the justice system.

The publication of the Scottish Government's Resource Spending Review (RSR) in May 2022 set out the spending framework for the years 2023 to 2027, with an expectation that public sector organisations will deliver improved outcomes with less. It is essential for COPFS to meet these challenges and reasonable public expectations from the provision of additional resources and to innovate, improve and deliver.

Our people have shown tremendous resilience, innovation, and commitment throughout the pandemic and, in developing our plans for 2022-23, our priority remains to protect the safety and wellbeing of our staff and service users as we continue to work together in new ways.

Whilst we move away from the coronavirus pandemic and into the 'new normal' our overall focus remains on keeping the people of Scotland safe from harm and on dealing effectively with those who break the law.

The Business Plan for 2022-23 details the business priorities for helping meet our state obligations to deliver justice, including delivering court recovery, covid investigation, case backlog and transformation of casework and services.

Securing justice: Our overarching strategy

Our purpose

Our purpose is to secure justice for the people of Scotland in respect of the investigation and prosecution of crime and the investigation of deaths. Our work helps to ensure that Scotland is safe from crime, disorder and danger.

We achieve our purpose by:

- Investigating and prosecuting crime, including allegations of criminal conduct against police officers.
- Investigating sudden, unexplained or suspicious deaths in order to establish in early course the causes of death, as well as to eliminate the risk of undetected homicide, to identify preventable dangers to life and to the health and safety of the public and to allay public concern.
- Removing financial gain achieved through criminal and unlawful conduct.

Our goals

Delivering our Strategic Plan for 2020-23 will ensure that Scotland's prosecution and sudden death investigation service remains fit for purpose in the face of a changing landscape.

The annual business plan for COPFS in 2022-23 reflects the overarching priorities set in the 2020-23 strategic plan as follows:

- **Deliver high quality casework:** We will secure justice through independent, robust, fair and effective professional decision-making, case preparation and presentation. We will explain our decisions, be open about our work and conclude our investigations more quickly.
- **Support our people:** We will build a skilled, engaged and diverse workforce, invest in staff development and strengthen our capacity to deliver an improved service.
- **Improve our service:** We will continue to digitise and modernise the way we work, supporting wider reform of the criminal justice system, securing efficient and effective justice and putting the public at the heart of all we do.

Our Strategic Plan outlines our operational context including an increasing challenge that our work is becoming more complex due to changes in the profile of our casework. We are committed to rising to meet these challenges and continuously improving the levels of service we provide to the public.

Our operational objectives for 2020-23 are:

- Earlier indicting of sexual offence cases in the High Court and Sheriff Court;

- Providing victims, vulnerable witnesses and bereaved relatives with more regular updates which explain the progress of investigations and case preparation;
- Shortening the time taken to conclude complex death investigations;
- Supporting work across the justice system to implement new domestic abuse and vulnerable witness legislation;
- Working with the courts and criminal justice partners to conclude and progress summary cases at a much earlier stage in order to reduce inconvenience to victims and witnesses.

We continue delivering the goals set out in our Strategic Plan, in accordance with the Law Officers' priorities and in line with the Scottish Government's Justice for Vision and our corporate strategies.

Resources

Our structure

COPFS has an operational structure designed to deliver our objectives and a high-quality service for the people of Scotland.

COPFS is divided into three Functions, each led by a Deputy Crown Agent:

- Local Court: comprising Initial Case Processing and all prosecutions in the Sheriff and JP Courts;
- Serious Casework: comprising the High Court Unit, Appeals Unit, the Scottish Fatalities Investigation Unit, Proceeds of Crime Unit and other specialist units; and
- Operational Support: comprising Business Services, covering Information Services, Human Resources, Estates and Finance and Procurement, and Policy and Engagement.

Our governance structure, with the Executive Board, chaired by the Crown Agent and Chief Executive, focuses on strategic decision-making with business decision-making delegated to three Committees of the Board – Operational Performance, Business Process Improvement and Resources. These Committees are responsible for delivering the objectives and our corporate strategies supporting delivery.

This structure allows us to focus on ensuring that we can continue to deliver improving levels of service, investigate and present cases in court effectively, secure best value and provide a better environment for staff.

Financial resources

COPFS is a demand led organisation that is required to meet state obligations to deliver justice and reasonable public expectations. Expenditure is therefore determined by demand and statutory compliance with limited availability for discretionary spend.

The increase in resource funding in 2022-23 includes £13m to address court backlogs along with years 1 and 2 of pay parity funding.

Cash allocations	2021-22 £m Revised	2022-23 £m
Running costs	156.2*	169.8
Non Cash costs**	5.6	5.8
Capital	8.4***	5.3

* 2021-22 Original allocation was £148.9m. The increase is due to pay parity and court recovery but excludes in year transfers for major cases and litigation.

** Non cash costs includes depreciation and audit fees.

*** 2021-22 Original capital allocation was £5.3m. This was increased due to additional cross-justice funding and agreed reallocation of resource transfer to capital funding. 78% of COPFS 2022-23 resource budget represents staffing, reflecting our commitment to increase staffing levels to provide an efficient and effective public service.

The publication of the RSR currently describes a challenging budgetary picture for COPFS. While the RSR is not a budget and final resources will be confirmed as part of annual budget process, there is an expectation to deliver more with less. The impact for future years is to be assessed during 2022-23 with some difficult decisions possibly required.

COPFS has long had a careful approach to workforce planning and prioritisation. These are not practices which we need to reintroduce as a result of the RSR. We will continue planning our resources effectively and detailing the essential funding the Service requires to deliver justice.

Staffing

COPFS enters the 2022-23 year with staffing levels at a record high. Our resource budget for 2022-23 represents an increase of 64% since 2016-17. Over the same period our full-time equivalent staffing complement has grown by almost 50%.

The investment in COPFS over the last five years reflects the Scottish Government's commitment to securing a system of public prosecution and deaths investigation which meets the understandably high expectations of victims, next of kin and witnesses in every area of our business.

We recognise the additional strain that recruitment, onboarding and training of new staff will create on existing teams in the short term, and we are taking this into account within our functional business plans.

Staffing levels (full time equivalents) at 31 March 2022 were as follows:

Senior Civil Servants: 28

Prosecutors: 685

Administrative staff: 1,508

Total: 2,221

Our priority activities for 2022-23

Deliver high quality casework

In 2022-23 we will focus significant resource on reducing the pandemic caseload to pre-pandemic levels across our portfolio. To do this we will:

- Significantly reduce the number of High Court cases which are not indicted within 10 months of appearance on petition. We also aim to strengthen our performance in relation to marking and pre-petition cases;
- Reduce the number of summary cases which call for intermediate diets by ensuring that the Pre-Intermediate Diet Meeting (PIDM) process of case preparation is effective;
- Ensure that case management of solemn cases in the Sheriff Court is effective by exploring resolution, seeking agreement of evidence and focusing on contested issues at the first diet;
- Implementing the judicial led reform of case management in the summary courts over 2022-23.

We will also ensure that cases are prioritised effectively, working closely with our justice partners. We will prioritise High Court custody cases where the accused has been deprived of their liberty pending trial. We will also prioritise cases involving witnesses who are younger than 12 years of age.

We will develop our National Initial Case Processing (NICP) capability to support the Summary Case Management Pilots in 2022-23, work with Police Scotland and other reporting agencies to increase the quality and timeliness of reports, and for initial and final decisions for all new reports to be taken within 28 days and three months respectively.

Improve our service

In 2022-23 we will undertake a comprehensive review of Victim Information and Advice (VIA) services. This programme will aim to deliver an improved service to victims, witnesses and next of kin and support the effective preparation of casework and prosecution of crime.

We will also publish a service improvement strategy and action plan, detailing how we will use insight from staff and the public to improve our customer-facing activities.

We will commence a review of the way we prepare High Court cases in order to improve the quality of our work, and to increase output. This will involve reviewing our processes and ensuring that work done is grade appropriate.

We will conclude complex death and criminal investigations more quickly, particularly cases involving children and vulnerable witnesses.

We will provide meaningful, consistent and more frequent contact for bereaved relatives and victims to help reduce uncertainty during investigations and case preparation and throughout the prosecution process.

We will also continue to deliver significant digital enabled transformation in 2022-23.

We will deliver digital innovations to benefit our service users including by launching the new COPFS website and implementing our new Witness Gateway digital solution, providing witnesses with access to information relating to their case and confirming witness availability more easily online.

We will work with justice system stakeholders to implement solutions that will both reduce the pandemic court backlog and deliver improved service, including digital services such as the Pre-Intermediate Diet Meeting appointment booking app; incremental implementation of the COPFS Defence Agents Service (DAS) portal for solicitors to access digital services and information about cases to allow them to engage with prosecutors to prepare and resolve cases.

We will work in partnership with other Scottish justice agencies to deliver digital solutions which benefit the whole sector, including designing, planning and implementing the cross-Justice Digital Evidence Sharing Capability (DESC), supporting a pilot commencing in Dundee as part of phased evaluation and national rollout in 2022 and 2023.

We will also make improvements to the digital systems used by our staff including further digital workplace solutions to support an agile and dynamic workforce operating in a changing justice system landscape and managing complex casework and delivering court recovery and reform programmes.

We will implement a new HR system and services and launch new corporate digital apps for desk booking and replacing manual and paper-based processes.

We welcome the Scottish Government's allocation of additional capital funds for 2023-24 and 2024-25 to support our ambitious digital strategy vision for maximising the use of technology and innovation to improve casework efficiency and for transforming the delivery of user focussed services and the way the organisation works. This funding will enable us to implement next generation casework systems and processes designed for the digital age. This work is complex, and delivery is multi-year. We will commence planning later this year in preparation for the investment being available from 2023/24.

Support our people

In 2021, the Scottish Government agreed to provide funding to address pay parity issues in COPFS. Between now and 2024, we will work to implement pay parity for all COPFS colleagues. This ensures that our people are rewarded for the work they do and ensures rates of pay are brought in line with equivalent Scottish Government roles.

During 2022-23 we will continue to implement our plans for Future Ways of Working within COPFS.

The coronavirus pandemic provided a significant insight into the flexibility we are able to offer. We have learned more about what tasks must be done from an office, how our office spaces and policies can change to support flexibility, and how to use technology to work together effectively from the office, court or any connected location.

We are working towards our Future Ways Of Working vision:

- **People:** We will improve working lives by encouraging you to work as flexibly as possible, subject to business need.
- **Workplaces:** We will modernise our buildings, creating efficient and task-focussed environments that encourage collaboration and decrease our estates footprint.
- **Technology:** You will have the digital tools to work successfully in offices, courts and at home.

We will continue implementing our COPFS Employee Wellbeing Strategy Action Plan for 2021-2024, delivering wellbeing, inclusion and diversity policies to support our people.

Our new Scottish Prosecution College Prospectus, launched in 2022, provides a range of work-based and learning initiatives across the organisation to continuously develop our skills, knowledge and professional capabilities, including providing case processing guidance and training for new and existing staff.

We want our workspaces to be fit for purpose and built around our service requirements. Our Estates Transformation Strategy details how we will improve and transform our estates to realise our FWOV vision. We will continue our strategic journey towards eliminating our use of fossil fuels, using electricity from renewable sources and reducing our carbon footprint from our use of IT to contribute to Scotland's ambitious climate change legislation targets.

Measuring success

We will monitor progress with delivering the priorities set out in this Business Plan and measure progress on our objectives against our organisational performance between 2017-2020. The COPFS Annual Report and Accounts provides an annual overview of our performance and outcomes against our goals.

Significant transformation in our service has been delivered since the publication of our strategic plan in 2020 and we intend delivering further transformation and casework reform over 2022-23.

In the creation of the strategic plan we consulted with our staff and organisations with whom we work closely to consider the service we aspire to provide by 2023, and the changes we will make to achieve this.

Key indicators for 2022-23

Core business	Key indicator for 2022-23
Indictments	Serve 100% of solemn indictments within statutory time limits.
Take and implement decisions	Take a decision on the appropriate course of action and implement that decision in at least 75% of cases within 4 weeks of the report being received.

Complaints against the Police	Complete investigation of complaints of criminal conduct by police officers and advise complainer of the outcome within 6 months of the report to the Procurator Fiscal in at least 75% of cases.
Deaths requiring investigation	In reports of a death where further investigations are required, conduct the investigation and advise the next of kin of the outcome within 12 weeks of receipt of the report in at least 80% of cases.