

EXECUTIVE BOARD

DATE: 15 December 2021, TIME: 1030 - 1230

MS Teams

CHAIR: DAVID HARVIE, CROWN AGENT

AGENDA

1	TIME	ITEM	ASSOCIATED PAPER	PRESENTED BY
1	1030	Welcome and Apologies		Crown Agent
2	1035	Minutes of Previous Meeting		Crown Agent
3	1045	Finance Update Budget Update Overtime Update – For noting	EB21/22(44) Not releasable EB21/22(45)	Marlene Anderson
4	1115	VIA Review (Quarterly Update)	EB21/22(46)	Lindsey Miller
5	1125	Pathology Procurement Update	Not releasable	Lindsey Miller / Steve Scott
6	1135	Cloud Strategy Presentation	Not releasable	Keith Dargie
7	1215	Balanced Scorecard Absence Figures	EB21/22(49) EB21/22(50)	Lindsey Miller
Committee Updates – For Noting				
8	1220	Audit & Risk Committee	EB21/22(51)	Rob Tinlin
9	1225	Any other business/close: People Survey		

Executive Board meeting minutes

Meeting held on 15 December 2021 by Microsoft Teams

Present:

David Harvie (Chair)	Crown Agent
John Logue	Deputy Crown Agent, Local Court
Lindsey Miller	Deputy Crown Agent, Operational Support
Stephen McGowan	Deputy Crown Agent, Specialist Casework
Ian Walford	Deputy Chief Executive
John Cooper	Non-executive director
Annie Gunner Logan	Non-executive director
Fiona McLean	Non-executive director
Rob Tinlin	Non-executive director

In attendance:

Marlene Anderson (Item 3)	Head of Finance
Steve Scott (Item 5)	Deputy Procurator Fiscal
Keith Dargie (Item 6)	Chief Digital Officer
Ann Marie Henderson	Personal Assistant to Crown Agent (Secretariat)

Apologies:

No apologies.

Agenda Item 1 – Welcome and Apologies

1. The Crown Agent opened the meeting and welcomed all colleagues. The Crown Agent marked the passing of Stephen O'Rourke last week, and was grateful for the outstanding levels of professionalism shown.

Agenda Item 2 - Minutes of previous meeting

2. The minutes of the meeting held on 17 November 2021 were approved and can be published. Members confirmed there were no conflicts of interest.

Action tracker

3. Item 1, Business Plan has been sent to the Crown Agent for approval.
4. Items 2 to 5 will come to the Board at a later date.
5. Items 6 to 8 will be removed from the tracker and added to the yearly planner.
6. Item 9 will come to the Board at the February meeting.
7. Item 10 will be covered at Item 5 on agenda.
8. Item 11 will be removed from the tracker and added to yearly planner.
9. Item 12 will come to the Board at the February meeting.
10. Item 13 can now be closed as this action was circulated with the papers.

Agenda Item 3 - Finance Update

Finance Update

11. The Director of Finance and Procurement introduced paper EB21/22(44).
12. The Board noted the resource underspend for the current financial year to projects to support court recovery and core business and to cover capital overspend; and on extent of drawdown of court recovery funds for in-year costs including recruitment.

Overtime Update

13. The Director of Finance and Procurement introduced paper EB21/22(45).
14. The Board noted figures are reducing in period 8 as more staff are recruited.

Agenda Item 4 – VIA Review (Quarterly Update)

15. DCA Operational Support introduced paper EB21/22(46).
16. The Board noted the draft PID.

“Releasable under the Freedom of Information (Scotland) Act 2002 after the next meeting”

17. An email communication providing advance notice of the review was sent to all VIA staff, their Line Managers and SCS colleagues on 25th November 2021. The review was announced in an article from the Crown Agent published on PF Eye on 29th November 2021. A communications strategy will be developed to ensure that we appropriately consult and communicate with VIA staff in the first instance, colleagues within the teams and functions they are supporting and external stakeholders. A VIA Review channel will be created in MS Teams as a platform for staff to openly communicate and engage.
18. The PM will be responsible for keeping the Project Executive and PB aware of project developments and achievements through updates at scheduled board meetings and any intermediary updates via correspondence. A workstream plan and project progress tracker will also be developed and presented at PB meetings. Regular progress updates will be provided quarterly to Executive Board, who will also approve any key corporate decisions as necessary.

Agenda Item 5 – Pathology Procurement Update

19. DCA Operational Support introduced paper EB21/22(47). Steve Scott was in attendance for this item.
20. The Board noted the updated provided and following discussions:
 - agreed with the recommendations for the next steps for pathology procurement
 - encouraged consideration of Scottish Government Procurement ethical commissioning
 - noted that there required to be a discussion with the chair of Risk Management Group to ensure that all risks discussed were captured at a corporate level (as reflected in the Pathology Programme Board risk register)

Agenda Item 6 – Cloud Presentation Strategy

21. The Chief Digital Officer introduced paper EB21/22(48).
22. The Chief Digital Officer provided the Board with an update on the Cloud Strategy and set out the principles and transition frameworks. The Board discussed the programme of work, risks timescales and deliverables for the remainder of FY 2021/22 and 2022/23 as well as efficiencies and costs. The CDO discussed the scalable options on data centre running costs.
23. The CDO also confirmed that the hybrid model reflected in the paper does not restrict the potential to move digital casework systems securely to the cloud in due course. This gives choices, agility and flexibility moving forward.
24. The Board expressed support for the strategy paper.

Agenda Item 7 – Balanced Scorecard and Absence Figures

25. DCA Operational Support introduced papers EB21/22(49) and (50).

26. The Board noted the position. DCA Operational Support confirmed that a breakdown of trends and themes of complaints and reviews would be provided for the next meeting.

Action: Breakdown of trends and themes of complaints and reviews to be provided for the March meeting.

Agenda Item 8 – Audit and Risk Committee Update

23. Rob Tinlin, non executive director introduced paper EB21/22(51).

24. The Board noted the paper.

Agenda Item 9 – AOB

25. The Board noted the high level people survey results. A further discussion will take place at the February Board meeting.

26. On behalf of COPFS the Crown Agent thanked John Cooper for his service and significant input as an NXD during this 4 years tenure.

December 2021

EXECUTIVE BOARD
DECEMBER 2021 MEETING
FINANCE UPDATE

Purpose

1. This paper provides the Executive Board with an update on:
 - The Financial budget and considerations for 2021-22.
 - Spending Review update for SR21 – 2022-23 budget.

Finance update 2021-22

2. The forecast to the end of March 2022 is currently showing an underspend of £1m on the resource budget and priorities are being reviewed.
3. The capital is forecasting to be almost on budget following the transfers agreed in October.
4. We are still continuing to press ahead with the recruitment of staff to fill all the agreed budgeted posts. Work with Management Accounting and Planning team Finance Business Partners and functions are continuing to ensure posts are correctly forecast and allocated to a budget.
5. Careful monitoring of non-staff expenditure is continuing and where pressures are identified without corresponding savings in other budget lines, allocation of contingency funds will continue to be taken to Resources Committee for approval.

Risks and Uncertainties

6. Ongoing recruitment and the slow speed of filling budgeted posts is likely to result in a continued underspend on staff costs as the year progresses. Additional staff costs for Court Recovery will be monitored separately in order to keep the distinction between business as usual and additional posts. Finance and HR are working together on this.
7. Current areas of Non Staffing Expenditure risk remain as:
 - Information Systems licencing and maintenance costs – as staffing levels increase, licencing costs increase as these are now resource spend (on a subscription basis);
 - Post mortems/toxicology is currently reporting an overspend of £66k due to additional work and new mortuaries storage facility to alleviate storage pressure at mortuary facilities;
 - Witness costs – As court sittings have been lower than pre-pandemic, witness costs continue to be lower than budget. Finance Business Partners and

Business Management Teams will continue to consider the speed and trajectory of the court recovery programme to determine whether the forecasts are realistic;

- Non recoverable VAT is continuing to be forecast over budget by £168k due to increased spend on non-recoverable categories. Careful monitoring and scrutiny of recoverability is ongoing and if this trend continues, it will require attention and budget cover from the contingency funds. This will, however be taken to the Resources Committee for approval if required with a comprehensive review in January 2022;
- Pay settlement has not yet concluded and any additional costs that may arise from this will have to be covered from the contingency funds and vacancy management. It is to be noted that any agreement reached by SG in their pay negotiations will be required to be matched by COPFS to ensure that pay coherence is maintained.

Overtime

8. The table below shows the actual against budget for 2021-22. This budget needs to be carefully controlled by Heads of Business Management with all pressures reported to this committee. The Table below shows actual spend at the end of P7 with a total forecast overspend of £1m.
9. LC are forecasting £801k over budget. This is down to the additional court sittings being held on public holidays, overtime for COP26 and recruitment gaps. There is increasing reported overspend in SCG and OS of £139k and £88k respectively which are being managed by Heads of Business Management. The overspend in overtime is included in the staffing forecasts and therefore currently being funded by savings in staffing from vacancy management.

Overtime & On-Call (£000)

Function	Annual Budget	Forecast	Actuals YTD 2021/007		2020/21 Accrual	Actuals YTD 2021/007	Proportion YTD Actual vs Annual Budget
			On Call	Over-time	Total	Total	
Local Court	318	1,119	105	608	(215)	497	157%
Serious Casework Group	245	382	85	237	(87)	234	96%
Operational Support	65	153	5	118	(32)	91	140%
Major Cases	-	4.9	3	5	(2)	5	-
Total	627	1,655	198	967	(337)	828	132%

Court Recovery Programme

10. The court recovery budget of £7m is now reduced to £5.7m, with the revised amount embedding across the functions to be completed, phased from September 2021 to March 2022.

Spending Review 2021

11. Following from last month there has been further preparation and discussion regarding the Spending Review 2021. The budget announcement on 9 December will be available at the meeting.

Conclusion

- 12. The Executive Board is asked to note, and if it wishes, comment on the above.**

Finance Directorate

7 December 2021

EXECUTIVE BOARD – DECEMBER 2021

OVERTIME REPORT

Purpose

1. The purpose of this paper is to provide an update to the committee on the 2021/22 overtime financial position for each function.

2021/22 Budget v Expenditure

2. The table below shows the annual budget versus the actual spend to date as at 31 October 2021 for overtime and on-call aggregated. The period 1 figure is net of the sum accrued into financial year 2020/21. A period by period breakdown of each function's overtime and on-call payments can be found in Annex A.

Table 1: 2020/21 Overtime and On-call (Annual Budget and YTD Actual) Analysis

	Operational Support	Local Court	SCG / Major Cases	Total
Budget	60,000	290,000	230,000	580,000
Expenditure				
P1	1,067.93	11,707.25	-3,245.82	9,529.36
P2	10,986.41	65,531.55	25,430.48	101,948.44
P3	15,879.47	70,381.94	42,928.61	129,190.02
P4	13,736.56	74,227.52	41,685.64	129,649.72
P5	15,161.61	94,369.49	42,432.32	151,963.42
P6	10,090.57	78,207.06	40,632.04	128,929.67
P7	24,396.41	103,006.11	49,323.36	176,725.88
P8	30,102.81	83,530.05	46,230.40	159,863.26
Total	121,421.77	580,960.97	285,417.03	987,799.77

3. As previously reported significant overtime costs for 2020/21 have been incurred because of the continued high number of vacant posts, particularly within Local Court and Serious Casework Group. The Executive Board will note that major recruitment drives have been undertaken and once new staff are in post it is anticipated that overtime levels will reduce to lower levels.
4. Annex B (attached) details the top 20 claims for overtime and on-call for this financial year. Of the total year to date spend on overtime and on-call of just under £1 million, the top 20 overtime and on-call submissions have cost a combined £303,706 or 30.75% of all claims paid to date.

Recommendation

5. The Committee are invited to
 - (a) Note the content of this report;
 - (b) Recommend that the overtime remains devolved to functions but that the overall financial position is closely monitored each month by the Heads of Business Management.

ANNEX A

2021/22 OVERTIME AND ON CALL PAYMENTS BY PERIOD

	OPERATIONAL SUPPORT				LOCAL COURT				SERIOUS CASEWORK GROUP / MAJOR CASES				Total			
	O/T	P13 Accrual	On-Call	Total	O/T	P13 Accrual	On-Call	Total	O/T	P13 Accrual	On-Call	Total	O/T	P13 Accrual	On-Call	Total
P1	31,870.54	- 31,537.00	734.39	1,067.93	209,443.66	- 215,488.00	17,751.59	11,707.25	78,774.91	- 89,151.00	7,130.27	- 3,245.82	320,089.11	- 336,176.00	25,616.25	9,529.36
P2	10,323.09		663.32	10,986.41	47,937.12		17,594.43	65,531.55	12,203.68		13,226.80	25,430.48	70,463.89		31,484.55	101,948.44
P3	15,096.70		782.77	15,879.47	53,727.28		16,654.66	70,381.94	26,344.32		16,584.29	42,928.61	95,168.30		34,021.72	129,190.02
P4	13,025.86		710.70	13,736.56	63,259.42		10,968.10	74,227.52	31,953.12		9,732.52	41,685.64	108,238.40		21,411.32	129,649.72
P5	14,593.05		568.56	15,161.61	76,819.44		17,550.05	94,369.49	26,510.08		15,922.24	42,432.32	117,922.57		34,040.85	151,963.42
P6	9,190.35		900.22	10,090.57	64,408.90		13,798.16	78,207.06	26,882.80		13,749.24	40,632.04	100,482.05		28,447.62	128,929.67
P7	23,685.71		710.70	24,396.41	91,992.59		11,013.52	103,006.11	38,568.22		10,755.14	49,323.36	154,246.52		22,479.36	176,725.88
P8	29,368.42		734.39	30,102.81	72,242.17		11,287.88	83,530.05	33,653.47		12,576.93	46,230.40	135,264.06		24,599.20	159,863.26
TOTAL	147,153.72	- 31,537.00	5,805.05	121,421.77	679,830.58	- 215,488.00	116,618.39	580,960.97	274,890.60	- 89,151.00	99,677.43	285,417.03	1,101,874.90	- 336,176.00	222,100.87	987,799.77
Budget	50,000.00		10,000.00	60,000.00	100,000.00		190,000.00	290,000.00	110,000.00		120,000.00	230,000.00	260,000.00		320,000.00	580,000.00

TOP TWENTY OVERTIME CLAIMS 2020/21

Grade Name	Function	Business	Grand Total

* 1,479 individuals have claimed overtime in 2021/22, with 364 claims being processed in P8



CROWN OFFICE
& PROCURATOR
FISCAL SERVICE

SCOTLAND'S PROSECUTION SERVICE

VICTIM INFORMATION AND ADVICE (VIA) REVIEW

PROJECT INITIATION DOCUMENT

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1.0 Project Document

1.1 Project Details

The following table outlines the key project details.

Item	Details
Project Title	Victim Information and Advice (VIA) Review
Project Lead	Lindsey Miller
Project Manager	Alison McCluskey
Start Date	November 2021

1.2 Project Board

The project is accountable to the Executive Board (EB) and is managed by the Project Board (PB). The PB consists of the following members and their associated role, with accepted substitute representatives.

Staff	Project Role
Lindsey Miller	Project Executive
Andy Shanks	Senior User - Local Court - customer service lead
<i>tbc</i>	<i>Senior User - Local Court</i>
<i>tbc</i>	<i>Senior User - Serious Casework Group</i>
<i>tbc</i>	<i>Senior User - Serious Casework Group</i>
<i>tbc</i>	<i>Senior User - Operational Support (National Enquiry Point)</i>
<i>tbc</i>	<i>Senior Supplier - Policy Division</i>
<i>tbc</i>	<i>Senior Supplier - Learning & Development</i>
<i>tbc</i>	<i>Senior Supplier - ISD (Enterprise Solutions)</i>
<i>tbc</i>	<i>Senior Supplier - Victim Support Scotland</i>
Annie Gunner-Logan	Non-executive Director (Project Assurance)
<i>tbc</i>	Corporate Communications
Alison McCluskey	Project Manager
Ali Caddis	Project Support/Secretariat

1.3 Document Details

The following table outlines the document version history.

Version	Modifications/Comments	Author	Reviewed	Date
0.1	<ul style="list-style-type: none"> Initial Draft 	Alison McCluskey	-	Nov 21
	<ul style="list-style-type: none"> 			
	<ul style="list-style-type: none"> 			
	<ul style="list-style-type: none"> 			
	<ul style="list-style-type: none"> 			
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1.4 Project Team

The Project Team (PT) is chaired by the Project Manager (PM) with members being fluid to support and deliver this project throughout the various phases.

The following PT members are suggested: -

Staff	Unit
<i>tbc</i>	<i>Legal Assistant to DCA Operational Support</i>
<i>tbc</i>	<i>VIA - Local Court (Summary)</i>
<i>tbc</i>	<i>VIA - Local Court (Sheriff & Jury)</i>
<i>tbc</i>	<i>VIA - High Court Sexual Offences</i>
<i>tbc</i>	<i>VIA - High Court RTFIU</i>
<i>tbc</i>	<i>VIA - SFIU</i>
<i>tbc</i>	<i>VIA - HSIU</i>
<i>tbc</i>	<i>VIA - CDIT</i>
<i>tbc</i>	<i>National Enquiry Point</i>
<i>tbc</i>	<i>Policy Division</i>
<i>tbc</i>	<i>Learning & Development</i>
<i>tbc</i>	<i>ISD - Enterprise Solutions Team</i>

2.0 Project Purpose

The purpose of the project is to undertake a comprehensive review of VIA in the current climate of justice sector recovery and increased court capacity and to revisit VIA's role and remit in order to enhance the ability of COPFS to prepare and prosecute serious and major casework effectively.

2.1 Aims/Objectives

- To clarify the ownership and business management of VIA and where it fits within the COPFS structure in terms of corporate responsibility and oversight of best practice, stakeholder engagement, resourcing and business planning.
- To consider the impact of the covid-19 pandemic on VIA and the challenges it highlighted.
- To review VIA resource requirements in line with VIA case levels across Sheriffdoms and Functions taking into account grading, responsibilities and qualification of staff.
- To revisit VIA business processes including recording/file discipline to identify best practice and ensure that processes are standardised, efficient, trauma informed and effective and consistent nationally across all forums of prosecution.
- To consider a mechanism to help identify future policy legislation and any subsequent link into the VIA remit and service delivery.

- To revisit VIA branding to consider whether the current name and brand reflects the service being delivered.
- To consider where VIA fits into the wider strategy for a single point of entry service for victims, under the new parliamentary term as part of manifesto commitments.

3.0 Project Background

Mid2021 Senior Executive Team (SET) considered a paper submitted by Policy Division following a review of the VIA Remit, to assess whether those victims and witnesses currently referred to VIA should continue to be referred to VIA, to ensure that resources are being targeted appropriately, particularly given the increased volume and complexity of the VIA workload.

The greater number of witnesses requiring an increased level of service, in terms of the frequency of contact and depth of engagement, has increased the VIA workload. Understandably, this impacts on the level of service that VIA can provide to each individual witness.

Issues have been raised by Operational Performance Committee (OPC) in relation to the impact of the pandemic on the workload, and consequently the welfare, of VIA staff across COPFS.

It was agreed at SET that the DCA Operational Support would lead on a review of VIA and prepare a strategy paper for Executive Board to consider. Approval to proceed was provided by Executive Board in August.

4.0 Project Approach

4.1 Initial Phase (Dec 21 to Feb 22)

The first phase of the project prior to establishing the formal Project Board, will consist of detailed information gathering which will also to help inform further detail within this PID going forward.

4.1.1 We will aim to at an early stage, establish the following: -

- Number and profile of current VIA resources (service-wide) - this information is not currently readily-available, centrally
- Volume and profile of current active caseload across teams and functions - this information is not currently readily-available, centrally
- Key tasks and accountabilities for all current VIA roles - referring to L & D role profiles and information collated through the development of those
- VIA workflow and end-to-end business processes

4.1.2 There will also be some initial consultation and engagement with VIA staff via an online survey and at focus groups to help understand their views on: -

- Key challenges and constraints (pre and post-COVID)
- Key priorities for review
- Potential 'quick wins'
- Potential for alternative digital solutions

The project will be far-reaching and involve extensive on-going consultation with VIA staff and relevant external stakeholders.

The project will also consider how any changes will fit into the wider, longer-term Victim Centred Approach workstream of Scottish Government's Victims Task Force.

5.0 Business Case

5.1 Business Case Background

The genesis of VIA (Victim Information and Advice), previously known as the Victim Liaison Service and then Victim Liaison Office, developed from an original proposal for a victim and witness support service, put forward by the then Lord Advocate in 1999. Pilot offices were opened in the Grampian area in November 2000, and in Hamilton in May 2001, and thereafter the first Director of the service (at Senior Civil Service level) was appointed, and offices opened in Glasgow, Kilmarnock, Edinburgh and Dundee. The service was officially launched in June 2002, under the name Victim Information and Advice or VIA. It was recognised as the most significant development in the support to victims of crime in the last 20 years.

It was described as a "dedicated victim information and advice service within the Crown Office and Procurator Fiscal Service" and its main aim was to "provide a way through the criminal justice system and to reduce the confusion and uncertainty that many victims face when the case in which they are involved is reported for prosecution". It had three principal functions:

- To provide information to victims, bereaved next of kin and some witnesses about the criminal justice process in general.
- To keep victims and bereaved next of kin informed about the progress of the case that affects them in particular; and
- To advise on and facilitate referral to other agencies for specialist support and counselling as required.

Since its inception, the VIA remit has expanded significantly. In October 2010, the VIA Remit was expanded to include the following additional categories of case:

- all solemn cases with an identifiable victim;
- all cases involving hate crime; and
- all other cases in which a legal member of staff believes the victim would benefit from VIA involvement

In 2015, the remit was further expanded to include all witnesses aged 60 years and older, reflecting Law Officers' priorities, including increased resourcing of the prosecution of crime impacting on older people. In addition, there has been increased demand placed on VIA due to other factors including, but not restricted to:

- The Victims and Witnesses (Scotland) Act 2014
- The COPFS response to the Inspectorate of Prosecution's Review of Investigation and Prosecution of Sexual Crime
- The COPFS response to the Inspectorate of Prosecution's Review on the Victim's Right to Review
- The Vulnerable Witnesses (Criminal Evidence) (Scotland) Act 2019
- COPFS High Court Victim Strategy for victims of sexual offences and expansion into Sheriff and Jury, Local Court (VIA makes contact with the victim for all strategy cases marked for petition proceedings, pre-petition investigation, or given an interim marking)

As the VIA service evolved the senior leadership of COPFS agreed that VIA should be incorporated more fully into COPFS case preparation teams (rather than existing as a distinct entity within the organisation) and the Director of VIA role was dispensed with as closer integration of the VIA staff into COPFS was sought.

5.2 Business Case Options

The paper from Policy Division considered and assessed the benefits and risks of 3 potential options for the role of VIA going forward:

- Option 1: Only vulnerable witnesses in terms of section 271 of the Criminal Procedure (Scotland) 1995 Act are referred to VIA¹. In summary this would mean removing all solemn level cases with an identifiable victim, cases involving hate crime and cases involving a witness aged 60 years or older from the VIA remit:
- Option 2: Opt-in model for witnesses in solemn cases and hate crime cases who would otherwise fall out-with the vulnerable witness categories in the 1995 Act; or
- Option 3 - Maintenance of the status quo

5.3 Business Case Conclusion

The recommendation to SET was for Option 3, and that instead of the reducing the scope of the VIA Remit and reducing the number of witnesses referred to VIA, it would be appropriate to assess whether VIA has sufficient resources to fulfil its remit. That assessment should be carried out against the background of a series of inter-related projects across COPFS² and cognisant of the volume of workload and the current backlogs across the criminal justice system as a result of the pandemic.

The high-level benefits are outlined below:

Benefits

Item	Outcome/Details
Improved protocols/procedures	<ul style="list-style-type: none"> • Clearer structure • Improved consistency in business processes and service delivery • Updated guidance and support
Revised Structure	<ul style="list-style-type: none"> • Clearer reporting lines • Management and monitoring of resources, management information and business processes • Single point of contact for internal and external stakeholders at a strategic level • Improved resilience and development opportunities for staff

5.4 Success and Measures

6.0 Scope

6.1 In Scope

Review of: -

- VIA Remit, roles, and anticipated case levels
- Resources
- Wider structure including inter-dependencies with teams and functions
- Business processes including digital dependencies and opportunities to streamline through digital solutions
- Management Information requirements
- Learning & Development requirements
- Potential extension to the Victim Statement Scheme (tbc)
- Anticipated deliverables of the Victim Centred Approach workstream under Scottish Government's task force

6.2 Out of Scope

- Work of the Victim Centred Approach workstream under Scottish Government's task force

7.0 Products

The planned project outcomes and products are as follows:

Products	Outcome/Details

8.0 Project Controls

8.1 Assumptions

The following assumptions are made:

Assumption	Details	Comments
Business Justification	Executive Board and the PB agrees that the project is justified and meets legitimate business needs.	
Benefits	The PB agrees that the benefits from the project will deliver the project purpose and are deliverable.	The benefits should be tangible such that the organisation can notice improvements and information flow.
Risks	The PB accepts that there are risks related to the project and that the risk management strategy described below will cover all the major risks and achievable mitigating actions.	Registers for risk and Issues will be maintained for the project and reported at the PB meetings.
Funding and Affordability	The PB agrees that the project at this stage is affordable, fully funded with marginal costs associated to the project. Any future requirements for funding and affordability will be put to the PB at the appropriate time, based on updated costs and project plan.	The majority of costs for this project will be internal staff time dedicated to the project.

8.2 Constraints

The following constraints are outlined as follows:

Constraint	Comments
Pressure of justice sector recovery and current significant workload	<ul style="list-style-type: none"> Lack of capacity available for VIA staff to contribute to and assist the project
Lack of existing (national) management information on resources and caseload	<ul style="list-style-type: none"> Requirement for the project to extract information at a local level
Accuracy of data extracted on caseload	<ul style="list-style-type: none"> Dependency on update of case management system
Lack of consistency of business processes between Sherifffdoms and teams in the absence of a corporate steer	<ul style="list-style-type: none"> Requirement for the project to review multiple local processes
On-going, local review and transformation in response to business needs	<ul style="list-style-type: none"> Requirement for the project to remain closely linked to local improvement initiatives, to ensure they dovetail with any wider planning

8.3 Risk Management

A risk register for the project will be developed, reflecting risks and any associated mitigation strategies. The risk register will be managed by the PM working closely with the PT.

High level risks are outlined as follows:

Risks	Outcome/Details
	•
	•
	•
	•
	•
	•

8.4 Issues Management

The PM and PT will identify and record issues, and deal with them accordingly. These details will be captured in an issues register.

8.5 Dependencies

The project crosses many boundaries and is being delivered in a live environment i.e., business processes and potential technology it is intended to shape in future are continuing to evolve. As set out within the constraints, it is necessary for on-going local review and update to business processes to respond to business needs, however this needs to be closely aligned to the wider project aims and deliverables, to avoid any duplication of effort and to begin promoting consistency nationally.

Other likely dependencies are:-

- Potential extension to the victim statement scheme which may need to be considered under the scope of the review
- Progress/status of the Victim Centred Approach workstream of the Scottish Government's victim task force
- Upcoming changes to legislation which may impact on VIA remit/service delivery

9.0 Stakeholders

The project is wide-ranging and will require consultation with a range of internal and external stakeholders, including the agencies and support networks VIA engage with routinely. A RACI document will be produced setting out the list in detail.

10.0 Communications Strategy

An email communication providing advance notice of the review was sent to all VIA staff, their Line Managers and SCS colleagues on 25th November 2021. The review was then announced in an article from the Crown Agent published on PF Eye on 29th November 2021.

A communications strategy will be developed to ensure that we appropriately consult and communicate with VIA staff in the first instance, colleagues within the teams and functions they are supporting and external stakeholders.

A VIA Review channel will be created in MS Teams as a platform for staff to openly communicate and engage.

11.0 Project Management Structure

There will be a dedicated PM and PT and they will develop and monitor delivery of the project plan. The PM will work closely with a PT drawn from the principal user and supplier teams

The PB will be chaired by the DCA (Operational Support) and will include senior suppliers and senior users and a Non-Executive Director. The distribution list is included at Section 1.2.

12.0 Project Plan

A high-level Project Plan (PP) will be available separately. The initial discovery phase will influence the future direction of the project and generate more specific milestones. This PP will remain fluid, with updating as needed and reported to the PB at board meetings.

A detailed project plan supports the high-level version that will be used for the PM and PT to deliver the project. This detailed plan will also remain fluid to add, change, remove and complete items throughout the project.

13.0 Reporting

The PM will be responsible for keeping the Project Executive and PB aware of project developments and achievements through updates at scheduled board meetings and any intermediary updates via correspondence.

A workstream plan and project progress tracker will also be developed and presented at PB meetings.

Regular progress updates will be provided quarterly to Executive Board, who will also approve any key corporate decisions as necessary.

DRAFT

BALANCED SCORECARD – Quarter 2 – 2021/22

PEOPLE	Current Quarter (Jul - Sep 2021)	Previous Quarter (Apr – Jun 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	1960.59 66.59 2027.18 3.3%	1876.56 68.14 1944.7 3.5%	4.48% Increase 2.27% Decrease 4.24% Increase	1973.41 67.51 2040.92 3.3%	1766.02 59.82 1825.84 3.28%
	As at 30/09/21	As at 30/06/21		As at 31/10/21	As at 30/09/20
Staff Turnover Rate	1.78% (0.09% involuntary 1.68% voluntary) Jul-Sep 21	1.22% (0% involuntary 1.22% voluntary) Apr-Jun 21	45.9% Increase	3.39% (0.1% involuntary 3.29% voluntary) Apr-Oct 21	0.96% (0.05% involuntary 0.91% voluntary) Jul-Sep 2020
Absence Rate Average working days lost	Average WDL = 8.6 Short Term = 2.2 Long Term = 6.4 As at 30/06/21	Average WDL = 7.6 Short Term = 1.7 Long Term = 5.9 As at 30/06/21		Average WDL = 8.7 As at 31/10/2020	Average WDL = 7.9 Short Term = 2.6 Long Term = 5.3 As at 30/09/2020
Training No of MDP training days completed	0	0			
No of training days, other	191				
Cost of training per person inc. seminars	223.05				
E-Learning hours completed	30.5				
Overall training costs	£49,405	£88,818			

QUALITY	Current Quarter (Jul-Sep 2021)	Previous Quarter Quarter (Apr-Jun 2021)	Variance from last Quarter	Current FY to date (2021/22)	Previous FY (2020/21)
Right to Review	43 Received, 30 Issued.	41 received, 35 issued	+2	116 as at 1st Dec 2021	198 Received
Complaints	137 Received 11 = Upheld 6 = Partially Upheld (=12.4%)	92 received, of which 6 upheld and 6 partially upheld =12 (13%)	+45	289 as at 1st Dec 2021	399 Received
Payment Performance % paid in 10 working days					
Invoices	99.53%	98.41%	1.12%	99.24%	96.86%
Witness Payments	100%	100%	0%	100%	100%
Travel & Subsistence claims	100%	100%	0%	100%	100%

DELIVERY	Current Quarter (Jul-Sep 2021)	Previous Quarter (Apr-Jun 2021)	Variance from last Quarter	Current FY to Date 2021/22)	Previous FY (2020/21)
Performance Targets					
% indictments served within statutory time limits	100%	100%	-	100%	100%
% Take and Implement Decision within 4 weeks (75%)	71%	77%	-6	74%	76%
% CAAP cases closed within 12 weeks (90%)	76%	60%	+16	65%	91%
% Deaths investigated within 12 weeks (80%)	52%	46%	+6	49%	59%
Right to Review	66%	71%	-5%	67%	77%
Complaints	67%	63%	+4%	71%	81%
Freedom of Information	95%	95%	-	96%	96%

FINANCE	Actual spend to date	Current end year forecast	Full year budget	Variance
Running Cost Expenditure (includes cash and non-cash)	£66.10m	£168.72m	£166.84m	£-1.88m
Capital expenditure	£-0.91m	£6.76m	£5.79m	£-0.96m

Releasable under the Freedom of Information (Scotland) Act 2002 after Next Meeting EB21/22(49)

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).

December 2021 Meeting – Restricted 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 October 2020 to 30 September 2021	% 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 July 2020 to 30 June 2021)	Days lost in previous year (01 October 2019 to 30 September 2020)
8.56	74.14%	25.86%	7.61	7.9

This equates to **3.80%** of all working days

Official Sensitive Data - Most recent OGD absence rates received for comparison

Department	Days lost for year ending 30 September 2018	Day lost previous corresponding year	Increase/Decrease	% Short Term Days Lost 30 September 2018	% Long Term Days Lost 30 September 2018
Civil Service wide	7.0	6.8	+1.8	44%	57%
Scottish Gov (all departments)	10.2	9.4	+0.8	39%	61%
Scottish Gov (main)	7.8	7.3	+0.5	52%	48%
Scottish Court Service	-	9.0	-	-	-
Crown Prosecution Service	6.8	6.7	+0.1	44%	56%
COPFS	8.5	8.7	-0.2	41%	59%

(COPFS figure is 8.56 30/09/2021) (Information supplied not to be communicated externally)

Staff numbers remaining on longer term absence by duration as at 31/10/2021, 31/09/2021 & 31/10/2020. Figures for 31/10/2019 & 31/10/2018 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 +
31/10/2021	15	15	10	24	12	1	2	4
31/09/2021	35	13	6	28	7	2	3	3
31/10/2020	11	9	4	12	8	2	3	1
31/10/2019	8	4	3	17	4	1	2	0
31/10/2018	10	1	1	16	2	2	1	2

The above data shows a decrease in absences from September to October 2021 from a total of 97 absences down to 83 (a reduction of 14) at the end of each month, however the figure of 83 is higher than the figures recorded in October 2020, 19 & 18 which recorded a total of 50, 39, & 35 absences respectively. The main increase in figures comes from short term absences and long term absences up to 3 months.

Long term absence costs (Payroll recording of absences costs of 20 days or more commenced in April 2020)

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
Totals	£792,719.21	£789,535.79	£1,582,255.00	

*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 (**01/10/2020-30/09/2021**); 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	2.93%
2. Symptoms Ill-Defined*	17.98%
3. Mental Ill Health (Made up of:)	43.17%
- <i>Stress Related Illness</i>	47.21%
- <i>Stress Work Related</i>	35.71%
- <i>Family/Situational**</i>	17.08%
4. Muscular	6.45%
5. Cancer Related	3.05%
6. Digestive System	0.81%
7. Injury & Poisoning	3.61%
8. Respiratory	2.83%
9. Infection	1.31%
10. Other***	4.30%
11. Awaiting Certification	3.85%
12. Pandemic (COVID)	9.71%
Total	100%

*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

ARC (2021) – 67

COPFS and QLTR Audit and Risk Committee

Minutes of the meeting

held on 24th November 2021

(via MS Teams)

Present:

Members

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

In Attendance

David Harvie	Crown Agent, Chief Executive and COPFS Accountable Officer
Robert Sandeman	QLTR Accountable Officer
Ian Walford	COPFS Deputy Chief Executive
Gillian Woolman	Audit Director, Audit Scotland
Jim Montgomery	Audit Manager, SG Internal Audit Directorate
William Wilkie	Senior Auditor, SG Internal Audit Directorate
Marlene Anderson	COPFS Director of Finance and Procurement
Nikolas Koutris	COPFS Head of Financial Accounting & Finance Systems
Sharon Davies	COPFS Head of Management Accounting and Planning
Ian Palmer	COPFS Secretariat

Apologies

Esther Scoburgh	Senior Audit Manager, Audit Scotland
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Taiba Hussain Senior Auditor, Audit Scotland

1.

Welcome / Apologies / Introductions / Declarations of Interest and Feedback on pre-meetings

The Chair welcomed the group

There were no declarations of interest.

There was no feedback of any pre-meetings.

2.

Minutes of the Previous Meeting

The minutes of the ARC meetings held on 25th August and 22nd September 2021 were approved.

Action: Secretariat to arrange for the approved minutes to be published on COPFS website and action tracker updated with publication date.

3.

Matters Arising / COPFS ARC Action Tracker

General discussion in relation to progress with tracker items. The committee noted most have now been completed. Secretariat will update tracker accordingly.

4.

Audit Action Tracker – Internal/External Audit

It was noted that the RAG Status (Red Amber Green) traffic light system incorporated in the tracker has been enhanced to provide clarity.

Finance Governance and Sustainability will have a follow up audit in Quarter 4.

It was agreed that the publication date of each set of approved Committee minutes would be reported at each ARC meeting.

5.

Finance Update 2021-22 and 2022-23

MA presented paper ARC(2021) 53.

It was noted that potential underspends are to be redeployed into areas of the business where the most significant pressure has been identified.

Progress continues in the recruitment of staff to all budgeted posts.

It was noted that the Pay Settlement has not yet been concluded and any additional costs will need to be borne from the existing budget.

Overtime is currently over-budget This is being offset by savings in staffing costs made through management of vacancies.

The committee noted contents of the paper.

6.

COPFS Update

DH (CA) gave a verbal update which covered issues including:

Spending Review

DH(CA) gave an overview of the current position. It was agreed that it is a constantly moving picture and things can change significantly between now and end of the month. Further conversations likely with Ministers and others.

High Profile and Serious Cases

General update given and noted.

COP 26

DH (CA) grateful for the contribution made by COPFS and the excellent interagency cooperation that took place during the event. Well focussed contingency planning had allowed things to go relatively smoothly from the CJ partners perspective.

COVID 19

Additions to the existing AD cadre is assisting the implementation of Evidence on Commission to help minimise delays for vulnerable witnesses giving evidence.

Forensic Toxicology – update to be given in December with a view to further discussion.

Court Recovery Programme is making gradual improvements.

7.

QLTR Update

BS gave a general update.

On case volumes. National Ultimus Haeres Unit (NUHU) advise they are at sufficient capacity both in terms of staffing and PPE to meet expected spikes over the winter period, and his own department is keeping an eye on case volumes and company dissolution data.

ARC met with COPFS, QLTR and associated parties on 18 November 2021 to discuss matters in relation to the Property Transfer Scheme.

BS gave a brief overview of that meeting and progress was noted.

Action:

BS to present a further update re Property Transfer Scheme to the ARC May 2022 meeting.

8.

Risk Management Update

DW provided an update.

The following papers were noted:

ARC (2021) 55 RMG Meeting Minutes October 2021

ARC (2021) 56 RMG Meeting Minutes September 2021

General discussion followed. It was agreed that issues would be further explored at the Risk Management Workshop to be held by MS Teams on 26 November 2021.

9.

Internal Audit

WW presented (ARC 2021) 57 DIAA Progress Report and general discussion followed.

The following papers were noted for information:

(ARC 2021) 58 IA Guidance Note – Assurance Mapping

(ARC 2021) 59 Quarterly Bulletin – Cybersecurity

(ARC 2021) 59A Cyber GIAA

(ARC 2021) 59B EY Thought Leadership

In relation to Cybersecurity it was agreed that it would be useful for ARC to be given further insight into what action COPFS are taking in this regard. This could include the COPFS Chief Digital Officer (Keith Dargie) giving an update at a future ARC Meeting, exploring BPIC papers and the RMG Deep Dive.

Internal audit, they advised of a change to the programme of audit work, moving Toxicology to Q1 2022-23 and bringing forwards Future Ways of Working.

Action

IW(DCE) to discuss Cybersecurity ARC update with Keith Dargie

10.

HM Inspectorate of Prosecution Annual Report

HM Inspectorate Report on Inspection of Management by COPFS of Criminal Allegations against the Police (CAAP)

The above reports were noted, and general discussion followed.

Action:

DH(CA) to advise the February 2022 ARC meeting of the COPFS response to the HM Inspectorate CAAP Management Report and thereafter give updates on recommendations progress.

11.

Assurance Mapping: Group 3 Update

ARC welcomed the progress being made in relation to:

3.1 Financial Management;

3.2 Procurement;

3.4 Fraud.

In relation to section 3.3 (Information including Data Loss), ARC observed that the content and presentation of the update requires further development.

Action: IW (DCE) to discuss content and presentation of section 3.3 update with COPFS Chief Digital Officer.

Action

Agreed that ARC Members will review the expected content and presentation of these reports with DFP.

12.

AOB

MA reported that work is ongoing in preparing the design aspects of the COPFS Annual Report and Accounts (20-21) for publication. ARC will be updated with progress.

MA proposed that the ARC meeting to approve the COPFS Annual Report and Accounts (21-22) be held in August 2022. This was agreed.

13.

Next Meeting

ARC will next meet on 23rd February 2022 at 11 am.

COVID regulations permitting, it will take place in Crown Office, Edinburgh.