



CROWN OFFICE  
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FISCAL SERVICE

SCOTLAND'S PROSECUTION SERVICE

## COPFS BUSINESS PLAN – 2021-22

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# COPFS BUSINESS PLAN – 2021-22

## 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 has 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 due to the outbreak of coronavirus (COVID-19).

Our people have shown tremendous resilience, innovation, and commitment throughout the pandemic and, in developing our plans for 2021-22, 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 respond to the challenges of coronavirus and enter '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.

We will continue to review and refine our business planning for 2021-22 as new information and advice becomes available.

## 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 2021-22 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.

## **Achieving our goals**

We will measure progress on these objectives against our organisational performance between 2017-2020.

Between 2020 and 2023 we still intend to deliver, taking account of the impact of coronavirus, a significant transformation in our service.

## **Context and priorities**

### **Coronavirus and court recovery**

The coronavirus pandemic has had a significant impact on the work of COPFS, most notably leading to a substantial increase in the backlog of criminal cases. This has resulted in delays for those involved in criminal cases.

Throughout 2021-22 we will work with our justice partners to outline and implement plans to reduce the backlog and trial delay periods.

It is anticipated that recovery to pre pandemic levels will take some years and the Scottish Government has provided additional recovery funding to COPFS to allow us to tackle the backlog as quickly as possible.

We are actively working with justice partners to deliver the Recover, Renew, Transform (RRT) programme, focusing on returning court capacity to pre-pandemic

capacity and reducing historical backlogs, creating new ways of working and resolving cases at the earliest possible opportunity. We recognise that greater use of technology and more digital practices have a potential to lower, if not eliminate, some of the usual barriers to accessing justice such as financial cost, time and the complexity of justice systems.

## **Budget**

### **Resources for 2021-22**

In 2021-22 we received a welcome and significant 12% increase in the resources available to COPFS.

Our allocation of £147m recognises the demands brought by our increasingly serious and complex caseloads.

This funding will enable us to recruit new colleagues to teams across all three Functions, including those working on the large number of major investigations, those carrying out deaths investigations, including covid deaths, and further strengthen Local Court. The funding will also enable additional investment in the central services required to support COPFS staff.

In 2020-21 we invested significantly in technologies to support our people and improve our digital services, including distributing laptops and supporting digital court processes. This investment will continue in 2021/22, helping us realise our ambitions to improve our digital services.

We have also been allocated £4.8m for capital expenditure, which will support our Future Ways of Working plans, transforming our technology and estates to allow more flexibility for where and how we work as we recover from the pandemic.

The budget allocation will also enable us to meet the requirements of the 2021 public sector pay policy.

Taken together, these measures will help us deliver a service which meets the reasonable expectations of victims, next of kin and witnesses in every area of our business.

### **Pay parity**

In March 2021 COPFS also secured further funding from the Scottish Government to address pay parity concerns. We have worked with the FDA and PCS trade unions to agree a three year roadmap provides for all COPFS colleagues to receive rates of pay that are equivalent to those payable to employees of Scottish Government.

This very welcome project allows us to improve our pay and grading system to one which is fair, open and understandable to everyone. One of COPFS' key objectives, which we share with both FDA and PCS, is to have clarity and agreement over grading, job content and how our employees move through the grades.

This work will continue throughout 2021-22.

### Continued investment in COPFS for 2022-23

As of December 2021, COPFS secured a further welcome and significant increase for the 2022-23 financial year. Our £169.8m resource budget for 2022-23 will enable us to:

- Maintain staffing levels at the record levels we will reach by the end of March 2022
- Continue to deliver the court recovery programme, with a £13m allocation for this work over the next year
- Fund the second year of the pay parity settlement
- Meet the requirements of the Scottish Government public sector pay policy which has been announced today subject to negotiations with the trade unions.

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.

### **Workforce and recruitment**

COPFS enters the 2021-22 year with staffing levels at a record high. Our budget allocation for 2021-22 will allow us to recruit almost 150 new colleagues across all the Functions.

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.

### **Skills and training**

We have recently carried out a review of our learning and development capability, resulting in the publication of an interim strategy and appointment of a new Head of Learning and Development.

Throughout 2021-22 we will continue to support essential operational learning and development needs as well as develop and begin introduce a systematic and sustainable approach to learning and development that allows people to access a range of quality learning opportunities. This builds a strong foundation to build on and ensure that people and COPFS are supported now, and as our teams manage an increasing more complex environment in the future.

## Future ways of working

During 2021-22 we will implement our plans for Future Ways of Working within COPFS.

The coronavirus pandemic has already 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 even when we are not all in the office.

We are working towards the FWOW 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 want our workspaces to be fit for purpose and built around our service requirements. Our Estates Transformation Strategy details how we will improve our estates between 2020-23 to help us realise our FWOW vision.

## Annexes – functional business plans

The attached function-level business plans explain how these priorities are being given effect on a day-to-day basis in their different circumstances throughout 2021-22.

The Function business plans also explain how each Function is:

- Supporting the cross-Justice court covid recovery plan; and
- Deploying the additional resources which were made available to COPFS in 2021-22, covering both business as usual activity and court recover activity.

Each Function will report progress to Executive Board regularly through updates.

Each Function will monitor risks to its business plan and escalate as necessary to the corporate Risk Management Group



## Local Court Business Plan

### Our purpose

The purpose of Local Court is to prepare and prosecute all summary casework in the Justice of the Peace (JP) Court and Sheriff Court and prepare and prosecute indictable offences in the Sheriff Court. Our National Initial Case Processing team is part of the Local Court function and is responsible for taking prosecution decisions in summary casework.

### Our priorities for 2021-22

As a result of the pandemic, volumes of casework in the JP and Sheriff Court had risen considerably by April 2021. The number of indictments awaiting trial in the Sheriff Court had increased by 153% to 3,564 since April 2020. The number of cases being prepared for indictment had increased by 31% to 4928.

The number of summary cases awaiting trial in the Sheriff Court had increased over the same period by 119% to 30,645 and in the JP Court by 29% to 4,165.

This increase in casework was matched by an increase in the time taken for cases to conclude and resulted in more witnesses waiting longer to give evidence, requiring our VIA staff to maintain regular contact with more witnesses at a time when they are also concerned about the continuation of the pandemic.

Local Court will continue to work closely this year with the Scottish Courts and Tribunal Service (SCTS), Police Scotland and third sector support groups for victims and witnesses to build and maintain momentum and confidence in the efforts to reduce the pandemic backlog of cases throughout the year. We also recognise that the recovery effort in the criminal justice system will increase the demand on policing as more witnesses are cited, sometimes requiring the intervention of the police to serve citations, and more police officers are required to give evidence at court.

In addition to the pandemic recovery efforts, Local Court will lead for COPFS on the preparations for the COP26 Climate Change Conference in Glasgow in November 2021. It will be the largest conference hosted in the UK, supported by a significant policing security operation, and attracting large-scale climate protests. The possibility of public disorder and disruption to normal working over a two-week period presents a number of challenges which will require careful planning and joint-working with other criminal justice agencies and the UK Government and support for our staff.

Against that background, our priorities will be to:

- Complete recruitment and induction of new staff funded by pandemic recovery budget to be ready for the new recovery courts which will start in September 2021;
- Work with SCTS to expand the range of jury cases, with multiple accused, which can be brought to trial;

- Develop and expand the virtual custody pilot at Falkirk Sheriff Court to a full sheriffdom virtual custody court in Tayside, Central and Fife or North Strathclyde;
- Develop and expand the virtual summary trial model being piloted at Aberdeen Sheriff Court;
- Expand the use of remote video evidence for police officers and professional witnesses to facilitate them giving evidence;
- Make more effective use of the PIDM (Pre-Intermediate Diet Meeting) process to ensure cases are prepared or resolved before the intermediate diet;
- Develop an updated model for the EPR (Evidence and Procedure Review) pilot courts to allow them to re-start after the pandemic restrictions have been lifted;
- Prepare for the COP26 Climate Change Conference in November 2020-21;
- Implement FWOV (Future Ways of Working) to support staff working flexibly once pandemic restrictions have been lifted;
- Establish a Transformation Team to increase the capacity of Local Court to deliver improvements and efficiencies to our business practices;
- Implement a new induction programme for Local Court to supplement the corporate induction provided by the Scottish Prosecution College;
- Promote service improvement, including surveying our staff to allow us to prioritise actions

### **Our resources and people**

As of April 2021, Local Court had 876 staff (300 of whom were prosecutors). Our aim is to increase this to 1,117 staff (355 of whom will be prosecutors) by the end of the year. This increase includes additional staff to allow cases to be prepared and prosecuted in the two extra jury courts and additional summary trial courts which will start in September 2021.

Reflecting the challenges of local recruitment in some parts of the country as the pandemic progresses, we will continue to be agile in our workforce planning and recruitment. We will recruit staff with the right skills and experience in locations where they are available and develop virtual teams. Including the new staff, to undertake centralised business processing tasks which deliver outcomes and benefits across the country.

We will use the results of the People Survey results in November 2021 to develop the Local Court Business Plan for 2022-23.

We will continue to support staff working flexibly, ensuring that those who are required to attend an office or court to support casework can do so in a safe

environment and that the responsibility of undertaking this work is shared equally across Local Court.

We will develop proposals for the COP26 Conference to allow staff to work in shift patterns in order to provide the necessary capacity for large volumes of custody casework to be ready for court each day over a two week period. Will also take steps to ensure that staff required to attend offices and courts during the conference can do so safely.

### **Accountability**

We will report and account for our performance to the Local Court Executive Board and the relevant sub-committees of the COPFS Executive Board.

We will monitor service delivery performance against the KPIs and Quality indicators.

### **Communication**

The involvement and participation of everyone in Local Court is essential. Thus, we will provide:

- Quarterly updates on progress from the Deputy Head of Local Court on our Intranet Homepage;
- Disseminate information at Team Briefings;
- Monthly Local Court Executive Board Meetings;
- Develop proposals for wider engagement in person with staff once pandemic restrictions are lifted.

### **Risk management**

Each Sherifffdom/NICP will be responsible for monitoring and mitigating risks within their unit and escalating risks as necessary for discussion at the Local Court Performance Board and the Local Court Executive Board. The Local Court risk register and the Sheriff and Jury risk register will be reviewed and updated in line with the changing corporate risk register. Decisions to escalate risks to the corporate risk register will be taken by the Deputy Crown Agent.

### **Measuring progress**

Sherifffdom PFs, the PF for NICP and Business Managers will individually and collectively:

- Monitor progress with delivering the priorities set out in this plan
- Review performance against current key performance indicators
- Monitor sickness absence levels, quarterly conversations, performance appraisal and skills portfolio completion, annual leave take up

- Review progress with actions to respond to the annual Civil Service People Survey

## **Business services: Planning and people priorities: 2021-22**

Enabling COPFS and supporting our people

### **Our purpose**

The purpose of Business Services is to enable and support COPFS in delivering the objectives set out in the Strategic Plan in the most efficient and effective way within available resources and creating the conditions for all staff in COPFS to lead healthy and fulfilling working lives.

### **Our overarching priorities**

Our overarching priorities in fulfilling this purpose are to:

- Provide continuously-improving, customer-focused service in supporting the day-to-day business of COPFS (this takes up approximately 90% of BS time)
- Support all aspects of covid recovery across COPFS including the court recovery programme
- Support progress towards financial sustainability
- Support continuing transformation of business and people processes

The specific priorities for 2021-22 for each unit in Business Services are set out below.

### **Our approach**

The core elements of our approach – i.e. how we will deliver – are as follows:

- Ensuring that everything we do is consistent with the priorities set out in the COPFS strategic plan and the various underpinning corporate strategies
- Engaging closely with all our customers across COPFS
- Working together across Business Services, maximising cohesion and cutting out unnecessary duplication: none of our overarching priorities can be achieved by any one unit working in isolation
- Respecting all the various specialisms which make up Business Services
- Working with and learning from our partners in the criminal justice sector and from other organisations
- Taking full account of risks and benefits in providing advice

## Specific priorities for 2021-22

2020-21 was an extraordinary year. Right from the outset, and then right throughout the year, our focus had to shift to supporting COPFS as we managed together the consequences of the covid-19 crisis and supported preparation for recovery and renewal.

It is anticipated that COPFS will continue to recover from the covid crisis during 2021-22, and then move to new ways of working once social distancing restrictions in offices are removed. The timing of the recovery is, of course, uncertain, and so everyone in Business Services will need to be prepared to adapt day to day priorities as public health guidance changes, and to activate contingency plans in the event of a third or subsequent wave of covid.

BS is benefiting from the additional resources provided to COPFS by Scottish Government in 2021-22. This is funding 27.80 FTE additional posts across the BS units.

New corporate strategies will be finalised and published during 2021-22 as follows: People, Estates, Finance, Digital, Learning and Development. These will underpin unit priorities in 2021-22 and beyond.

Against this background of additional staff, short-term uncertainty, and long-term strategy the following are the five key priorities for each of the six units which comprise Business Services, over and above business as usual and implementation of the corporate strategies. To state the obvious, these priorities are only the tip of the iceberg in terms of what colleagues across Business Services will do on a day-to-day basis.

The key priorities will be reviewed throughout the year and adjusted as necessary.

### ISD:

- Completion of the Digital Workplace project, including introducing digital meetings and full features of Microsoft Teams to further equip our people to work productively and collaboratively from the office, home or from any location
- Enhancing our IT datacentres, systems resiliency and support capabilities, and testing cyber-security and business resiliency plans
- Implementing the Digital Transformation Programme and supporting Criminal Justice Recover, Renew and Transform priorities, virtual courts and external stakeholder information and communication systems
- Developing DESC and implementing the Witness Gateway and Defence Agents Service
- Developing full digital casework and our next generation case management systems by maximising the use of digital technology

## HR:

- Working with the trade unions on implementation of pay coherence in the current and next two financial years
- Working in partnership with L&D on the implementation of outstanding Fair Future products and ensuring that the benefits are realised
- Supporting the Future Ways of Working project, especially the development of an agile working policy
- Implementation of the new HR digital system and Learning Management System
- Implementation of a strengthened approach to HR diversity and inclusion practices, particularly in recruitment, retention, and career development

## Support Services:

- Working in partnership with HR on the implementation of outstanding Fair Future products and ensuring that the benefits are realised
- Leading and co-ordinating the work of the Office Recovery and Safety Group and recovery planning to address the backlog of court cases built up during the Covid-19 Pandemic
- Leading and co-ordinating the work on Estates Transformation and delivery of high-quality facilities management and business support services
- Implementing the L&D Strategy, including a revised structure for L&D, development of learning pathways and blended learning solutions, and leadership and management development for legal and non-legal grades
- Leading and co-ordinating the Future Ways of Working project and working with HR to develop training material for working and managing remotely

## Finance and Procurement:

- Managing 2020-21 year-end and annual account including liaison with SG, Audit Scotland, and ARC
- Supporting the operational Functions in preparing plans to draw down court recovery funding
- Supporting the business in providing forecasts that are as accurate as possible and managing pressures against the 21-22 budget allocation
- Supporting preparation for 2022-23 and beyond resources and capital spending reviews

- Implementing outcomes of review of off-contract expenditure and contract management and managing the volume of procurement exercises required to ensure procurement compliance across COPFS

#### Corporate Communications:

- Continuing to deliver targeted internal communications campaigns to support achievement of corporate goals and positively impact employee engagement
- Working with HR to implement the COPFS wellbeing strategy
- Continuing to lead the work to develop and launch a new intranet
- Leading the work to develop and launch a new COPFS website and develop a new operating model for website management and publications
- Supporting plans for further staff engagement building including pulse surveys

#### OS Business Management:

- Leading support for the Corporate Resilience Group
- Supporting the Risk Management Group including preparation for a risk workshop in autumn 2021
- Supporting the recruitment of Business Services technical apprentices (as and when social distancing restrictions in COPFS offices are removed)
- Supporting OS managers in preparation for 2022-23 spending review

#### Our people

In April 2021 the number of staff in post (SIP) in Business Services stood at 209.44 FTE. There were in addition 51.54 FTE vacancies.

The top priority while the vast majority of BS staff work from home will be to stay in touch and support their wellbeing. At the same time all Business Services units will consider options for their own future ways of working taking into account the experience of mass working from home since March 2020 and extensive experience of location-neutral working in recent years, to feed in to the corporate FWOV project.

We will plan to replace staff who leave through natural turnover, but not necessarily on a like for like basis. We will take every opportunity – such as the end of a project, and the departure of any member of staff – to review our structure.

We will aim to improve year on year the engagement index from the current **68%** (which is already above the average for the highest-performing units across the Civil Service) in the annual people survey.

We will aim to continue to reduce sickness levels across Business Services in line with the revised attendance management policy.

Our other workforce planning priorities are as follows:



- We will fill permanent posts on a permanent basis. We will use short-term and agency staff and temporary promotion/responsibility as necessary and appropriate to support operational priorities in COPFS and/or project work, particularly where there is an invest to save or improve business case;
- We will continue to develop a flexible, project-based approach to staff deployment: every permanent member of staff will have a core role but will be expected to contribute to other priorities in Operational Support and elsewhere as they emerge;
- We will use automation and process redesign to cut out work which adds relatively little value and ensure that all staff are in roles where they can add optimum value consistent with their competence and experience;
- We will provide opportunities for career development: in particular we will continue to develop team profiles, implement the high potential leadership development scheme for Bands C-E and develop plans for the BS technical apprentice scheme and a high potential development programme for staff in Bands F-H
- Each unit will continue to support continuing professional development for the staff in their teams

A workforce plan for the Operational Support Function sets out people priorities in more detail.

## **Communication**

The involvement and participation of everyone in BS is essential to delivering our workforce and business priorities. Thus we will:

- Hold regular virtual workshops for all Senior Managers in Business Services, and at least one face to face workshop once restrictions in offices are lifted sufficiently
- Continue to publish a quarterly newsletter, with each unit taking a turn to edit
- Send out regular updates from the Deputy Chief Executive;
- Disseminate information through unit-level comms;
- Hold monthly Business Services Heads meetings.

## **Risk management**

The overall risk to COPFS if Business Services is not able to deliver its planning and workforce priorities is that the operational Functions will not be able to deliver services to the people of Scotland on a daily basis to an acceptable standard and/or they are not able to improve efficiency and effectiveness and quality as well as or as quickly as planned.

Each unit within Business Services will be responsible for monitoring and mitigating risks within their particular unit and escalating risks as necessary for discussion with the Deputy Chief Executive and at Business Services Heads meetings and ultimately to the Risk Management Group. The Deputy Chief Executive will consider whether to propose escalation of risks to the COPFS corporate risk register.

### **Measuring progress**

The Business Services Heads will individually and collectively:

- monitor progress with delivering the priorities set out in the response and recovery phases and the impact on COPFS, and consider detailed priorities for the renewal phase depending on progress with the easing of restrictions and the evolution of public health guidance
- review performance against the current key performance indicators
- monitor sick absence levels, quarterly conversation completion rates, skills portfolio completion rates, annual leave take up, and the results of the annual Civil Service People Survey and other ad hoc surveys
- monitor financial performance against budget.

## Policy and Engagement – Supporting COPFS in 2021-22

### Our purpose

The high-level objectives for COPFS are set out in the Strategic Plan for 2020-23 and the COPFS Business Plan identifies the priorities for the whole service in 2021-22.

The purpose of Policy and Engagement is:

- to provide effective guidance, information, and support to COPFS staff, the public and the media;
- to support Law Officers; and
- to engage effectively with external stakeholders in delivering our corporate objectives.

### Our approach

It is recognised that Business Plans have been prepared at a time of significant uncertainty and change for people throughout Scotland due to COVID-19. A key priority for all functions in COPFS is protecting the safety and wellbeing of staff and service users, as we continue to manage the consequences of the COVID-19 crisis and support preparation for recovery and renewal.

The core elements of the Policy & Engagement approach are as follows:

- Ensuring that what we do is consistent with the priorities set out in the COPFS Strategic Plan and the various underpinning corporate strategies;
- Monitoring and supporting the well-being of our staff;
- Engaging with internal and external stakeholders to inform improvements in the quality of our service delivery;
- Monitoring changes to the demand for our services, including consequences of the COVID-19 crisis, to ensure we are appropriately staffed;
- Optimising the resources available to us: Each team will work to maximise opportunities for effective collaborative working and aim to reduce unnecessary, or duplication of, work; and
- Delivering efficiency: Policy and Engagement teams will continue to identify key work priorities, critically appraising how the work can best be achieved to ensure enhanced efficiency and cost effectiveness.

## Our priorities

### COVID-19 – Specific Priorities

The COPFS Business Plan for 2021-22 outlines how the Service is approaching the year in light of the revised working arrangements necessitated by COVID-19.

During 2020-21 our focus was on meeting a number of new operational challenges to keep our employees and the public safe from harm while ensuring that essential business could continue.

As we move into the recovery phase in 2021-22, we will see more business running through the courts and more of our employees returning to workplaces once social distancing restrictions in offices are removed. However, as the Future Ways of Working approach is adopted, we anticipate moving to new ways of working with an agile working policy in place.

Progress will be directed by the Scottish Government route map through and out of the coronavirus crisis and we recognise the need to adapt our priorities and activate contingency plans if public health guidance changes.

### Policy and Engagement priorities

Each Unit in Policy and Engagement has identified key priorities during this year, as follows:

#### Information Governance Unit (IGU)

- To monitor service-wide compliance with the Data Protection Act
- To provide national Data Protection information and training
- To produce a range of Data Protection sharing agreements
- To support change strategies
- To consider, identify and implement the best structure for dealing with SARs

#### Management Information Unit (MIU)

- To provide COPFS and criminal justice partners with the business information required during the pandemic
- To develop new reports on VIA business volumes, vulnerable witnesses and victims, witness special measures and related issues
- To review data quality and reports in relation to deaths (SFIU)
- To set up systems for reporting on key performance indicators

## Media Relations

- To establish and maintain effective contacts with agencies
- To roll out engagement with Local Court teams, helping to publicise the good work of LC and promoting understanding of the media
- To provide new MSPs with information about the work of COPFS, seeking to improve relationships and understanding
- To promote wider awareness across COPFS of the work and expertise of the media relations team

## National Enquiry Point (NEP)

- To explore the viability and suitability of telephony systems enabling NEP operators to answer calls remotely
- To continue to create a safe and supportive environment for staff during the pandemic recovery phase
- To engage with HR and Learning & Development re bespoke training and courses for staff dealing with difficult calls and callers in crisis

## Response and Information Unit (RIU)

- To be ready to respond to the increase in complaints and VRRs, rolling out a revised complaints-handling procedure and raising awareness of the procedure across the service
- To work with Service Improvement Board, reviewing the policies that support staff, including the Unacceptable Actions Policy
- To ensure that RIU responses are accurate and of high quality, providing feedback to Service Improvement Board re complaints handling
- To consider and identify the best structure for dealing with SARs

## Policy – Domestic Abuse

- To continue to monitor the prosecution of domestic abuse cases in terms of recent legislation and other domestic offending, including the use of appropriate domestic abuse aggravations and linked statutory sentencing requirements to consider Non-Harassment Orders
- To ensure ongoing liaison with support organisations in relation to the impact of changes to court programming on victims and witnesses and to support vulnerable and child victims and witnesses to give evidence
- To work with criminal justice partners to provide ongoing mutual training on domestic abuse issues, while also supporting colleagues through the provision

of support, feedback and training to develop staff and ensure the provision of a high quality service to victims and witnesses in domestic cases

### Policy – Victims and Witnesses

- To respond to new legislation:
  - a) UNCRC Compatibility (Scotland) Bill
  - b) Vulnerable Witnesses (Criminal Evidence) (Scotland) Act 2019 – Implementation in Sheriff and Jury cases
  - c) UK Domestic Abuse Bill
  - d) Forensic Medical Services (Victims of Sexual Offences) Bill
- Stakeholder engagement:
  - a) Victims' taskforce (or its successor)
  - b) Review of COPFS Standards of Service for Victims and Witnesses
  - c) Maintenance of existing relationships and creation of new ones
- To improve services to victims and witnesses:
  - a) Updated COPFS Website & New Witness Gateway
  - b) Nurse Sexual Offence Examiners Pilot
  - c) Video Recorded Interview Pilot
  - d) Access to Witness Statements Policy
  - e) Evaluation of JIIs
  - f) Barnahus

### Policy – Criminal Justice

- To engage with SG in relation to the ongoing operation of the various Coronavirus Acts and their impact on the recovery from the pandemic
- To review the coronavirus provisions currently in place, checking for any gaps and building an evidence base to retain provisions, as required
- To provide information to COPFS staff in relation to new offences, ensuring that guidance is clear and that the information is easy to access
- To amalgamate guidance on cybercrime, providing information to staff involved in case decision-making and processing
- To support the business response to COP26, developing Lord Advocate's guidelines for police and prosecutors

## **Our resources**

Policy and Engagement will continue to work closely with the Deputy Crown Agent for Operational Support in monitoring staffing levels and reviewing effective use of non-staff resources and spend.

## **Accountability**

The Procurator Fiscal Policy and Engagement will report and account for our performance to the Deputy Crown Agent for Operational Support and to the relevant sub-committees of the Executive Board.

## **Communication**

We recognise the critical importance of staying in touch with staff and supporting their well-being, particularly during this time when staff continue to work remotely. We want to ensure that clear and timeous communication is provided to all staff within Policy and Engagement.

To that end meetings, using MS Teams or face-to-face (where appropriate), will be held as follows:

- Policy and Engagement Unit Heads – Monthly;
- Individual Units/Teams – Weekly; and
- 1-1 meetings between line managers and job holders – weekly or fortnightly.

## **Risk management**

Each Unit Head within Policy and Engagement has responsibility for assessing and monitoring risks, reporting back to the Procurator Fiscal Policy and Engagement, as necessary. Risk registers for units within Policy and Engagement will be reviewed and updated on a quarterly basis.

## **Measuring progress**

The Unit Heads will individually and collectively:

- Monitor progress with delivering key priorities; and
- Review performance against the current key performance indicators.

## Serious Casework Group: Business and Workforce Plan 2021-22

### Our purpose

The purpose of Serious Casework Group is to investigate and prepare all High Court cases, investigate sudden, suspicious or unexplained deaths and undertake complex casework such as international co-operation, organised and economic crime, complaints against the police, health and safety, environmental and wildlife crimes.

### Our priorities for 2021-22

#### High Court

The volume of new High Court (HC) petitions increased by 46% over the three-year period between 1 April 2017 and 31 March 2020. The number of new petitions in the financial year 2020/21 decreased by 20 cases (2%) compared to the previous year. Whilst the reduction is welcome it is Homicide and Road Traffic Fatalities where there has been a reduction, which are the areas of our business which are historically most prone to fluctuations in the level of business. The reduction is perhaps not as significant as might have been expected having regard to the lockdown restrictions imposed because of the pandemic. The prevailing trend remains upwards.

The case preparation work in hand at April 2021 of 798 cases is an increase of 272 cases (52%) compared to April last year. We continue to monitor the progress of older cases against the increasing demands of existing caseloads.

Resource to support the operational performance included in the initial budgetary bid for 21/22 and funding secured for additional budgeted posts. That bid also secured funding for 13 additional Advocate Deputes to support the continued uplift in casework based on the analysis and projection of business out with any consideration of a court recovery plan.

There has been an upward trend in outstanding High Court trial business which increased from a low point of 279 cases in August 2017 to 563 cases as at 15 March 2020 (i.e. the week prior to the suspension of trials due to the pandemic), an increase of 102% in approximately 2 and a half years. That figure has now risen to 941 as of 31 March 2021. This represents an increase of 237% since August 2017 and increase of 67% since the suspension of trials in March 2020

There are currently 20 High Court trial courts available to sit each day increased from 16 per day as part of Court Recovery. As the increase to 20 courts per day is part of Justice Recovery additional resource has been added to staffing profile to meet the business needs.

In recent years the balance of cases in the High Court has shifted markedly with increases in both sexual offending and major crime. As of 31 March 2021, the breakdown by discipline of the cases which are indicted awaiting trial in the High Court was as follows:-



- Homicide: 6%
- Road Traffic Fatalities: 2%
- Major Crime: 24%
- Sexual Offences: 68%

The HC Business team continue to work on key priority elements of the HC Improvement plan which includes:

- Electronic reporting of cases for Crown Counsel Instructions
- The introduction of tablet devices for Preliminary Hearings, Evidence By Commissions (EBCs) and Trials
- The introduction of Scottish Government led Digital Evidence Sharing Capability for all HC casework
- The introduction of national admin units including Witness Management, Vulnerable Witness Notices/EBCs, Digital media
- A review of VIA process, structure, roles and responsibilities and service provided to Victims and Vulnerable witnesses
- A review of the operating model for Crown Counsel

### Specialist Casework

The level of business within Specialist Casework in 2020-21 remained relatively static although there were areas that saw an increase in high profile and high volume cases – Scottish Fatalities Investigation Unit (SFIU), Covid Deaths Investigation Team (CDIT) and cases involving multiple Organised Crime Groups (OCGs) in Serious and Organised Crime Unit (SOCU). This was tackled by creating a specific team for Covid related deaths and increasing the resourcing levels within both SFIU and SOCU.

Known areas of pressure in 2021-22 will continue to be within CDIT, SFIU, Health and Safety Investigations Unit (HSIU) and SOCU. SFIU have had increased resourcing in recent years and following the conclusion of the SFIU Modernisation Project, which brought a new structure and enhanced focus on shortening the journey times in Fatal Accident Inquiry cases, the continued bedding in of the new structure and processes are a priority. This has been made more challenging following the COVID-19 pandemic which has meant new ways of working and managing staff differently. HSIU remains an area where further work will be required to reduce the age profile of current cases. We expect to commence the HSIU Modernisation Project in 2021, using the template and building on the learning from the SFIU project to improving the efficiency of business processes, shorten journey times of cases while further enhancing the service provided to members of the public.

CDIT was established in 2020. That team will be in place for the foreseeable future as we manage large numbers of cases and will likely inform future inquiries relating to Covid-19. A strategy paper has been prepared for Law Officers as to how this teams work develops and how it interacts with the proposed public inquiry into Covid deaths.

An area which we have seen a significant increase in workload has been within SOCU. Following significant technological development in investigations by Police Scotland (along with European law enforcement agencies – Operation Venetic), we have increased our staffing profile for SOCU to meet the challenges of these cases. A consequence of the increased workload in SOCU is the likely increased workload in Proceeds of Crime Unit (POCU) and Civil Recovery Unit (CRU). As part of the approved budget bid for 21-22, POCU and CRU were areas that both factored in additional resource, this was across specialist accountancy, legal and administrative resource. Both CRU and POCU can provide a direct correlation between additional resources to additional income which is provided to the Scottish Consolidated Fund.

Work relating to International Co-operation and outcomes from Brexit remain a priority and a robust Action Plan is in place to tackle this. A dedicated work/risk plan has been created for COPFS and will be adapted accordingly at specific milestones in line with wider EU/UK nations.

## **Our resources and people**

As part of the budget bilateral process, SCG was successful in securing additional resource across all teams.

As mentioned above, in line with wider SG Court Recovery, SCG have received additional resourcing to meet both the operational impact of additional courts as well as the ongoing business pressures dealing with the higher volume of cases across SCG that have not made it to court. We will also look to strengthen our central support capacity across SCG in order to take forward key performance management, the design and implementation of function specific change as well as ensuring that corporate and digital change is implemented as smoothly as possible.

In terms of recruitment, we continue to work closely with HR and Local Court to ensure that we fill our current vacancies as timeously as possible to ensure we have the right levels of resource (including Advocate Deputes) to manage our ongoing business as well as court recovery business.

In terms of wider Workforce Planning, our aim is to recruit to fill all our current vacancies to bring the function to complement as well as bed in additional resource sought through Court Recovery to ensure that we operate as a function as efficiently as possible while meeting the demands of the business in 21-22 and 22-23.

## **Learning and Development**

Given the wide range of recruitment and moves into SCG, we have appointed a Learning and Development lead to work in partnership with and support Learning and Development to ensure that all colleagues coming to SCG carry out a standard

induction developed by teams as well as training requirements captured at the earliest stage. This will ensure specific training needs are met, particularly where bespoke training is required e.g.: case preparation for High Court cases. We are also developing a more structured on the job training programme for new entrants.

### People Survey Plan and Change

In response to the People Survey results in 2020, SCG have developed an action plan which will be taken forward through our newly established Change Board. The action plan is based on 6 key areas:

- Learning and Development
- Communications
- Health and Wellbeing
- Values and Behaviours
- Workload
- Leading and Change

The Change Board was established in May 2021 and will be in addition to the Digital Board already in place where we take forward the digital agenda and small system changes required across SCG. The Change Board remit is as follows:

- SCG Change Board will form part of the SCG governance structures and be the vehicle for all significant change within SCG including:
  - Future Ways of Working and Estates programme
  - Fair Futures (legacy outputs)
  - People Survey Action Plan
  - Significant business change (e.g. HC Improvement Plan)

### Communication

We recognise the critical importance of staying in touch with staff and supporting their wellbeing, particularly during this time when some staff continue to work remotely. We want to ensure that clear and timeous communication is provided to all staff within SCG.

Thus, we will provide:

- Monthly updates on progress from the Head of Business Management for SCG – providing progress updates against our goals
- Disseminate information at Team Briefings;
- Monthly SCG leadership meetings

- Regular catch ups / 1 to 1s between line managers and their staff and active participation in quarterly conversations/ performance management.

### **Risk management**

Each unit head within SCG is responsible for actively managing their risks and reporting to the DCA and HoBM.

### **Measuring progress**

A new revised KPI model has been introduced to support an incremental improvement in reporting and indicating over the next years in line with the SCTS recovery programme.