

Executive Board meeting minutes

Meeting held on 18 August 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
Andrew Shanks (Item 6)	Deputy Procurator Fiscal
Sarah Carter (Item 7)	Director of HR
Jonathan Shebioba (Item 7)	Director of Support Services
██████████	Legal Assistant to the Crown Agent
██████████████████	Personal Assistant to Crown Agent (Secretariat)

Apologies:

Agenda Item 1 – Welcome and Apologies

1. The Crown Agent opened the meeting and welcomed all colleagues. There were no apologies.

Agenda Item 2 - Minutes of previous meeting

2. The minutes of the meeting held on 16 June 2021 were approved and can be published. Members confirmed there were no conflicts of interest.

Action tracker

3. Item 1 (Overtime Budget) will be covered at Agenda Item 3. Action now closed.
4. Item 2 (Annual Business Plan) an update will be provided at the September meeting.
5. Item 3 (Revised Complaints Handling) DCA Operational Support updated the Board on the two issues that the Board requested clarity and assurance on. The Board were content with the update and agreed that the policies could be published. Action now closed.
6. Item 4 - An update will be provided at the November meeting.
7. Items 5 and 6 - An update will be provided at a future meeting.
8. Item 7 - An update will be provided at the November meeting.
9. Item 8 (COP26). An update will be provided at the September meeting.
10. Item 9 is now closed and can be removed from the tracker after this meeting.

Agenda Item 3 - Finance Update

Finance Update

11. The Director of Finance and Procurement introduced paper EB21/22(17).
12. The Board noted the update provided on the 2020-21 annual accounts and the budget considerations for 2021-22.
13. The DFP updated the Board on counter fraud activity. Resources Committee and Audit & Risk Committee will be kept updated on progress.

Overtime Update

14. The Director of Finance and Procurement introduced paper EB21/22(18).
15. The Board noted the paper, and were content with the update provided.

Agenda Item 4 – Corporate Risk Register

16. The Deputy Chief Executive introduced paper EB21/22(19).
17. Following discussion the Board agreed that the Head of Strategic Communications should be invited to the next Board meeting to consider opportunities for positive proactive media.
18. It was agreed that a meeting should be arranged for all non executive directors to provide an update on litigation matters.

Action

PS CA to invite Head of Strategic Communications to the September meeting.

PS CA to arrange meeting with non executive directors to provide update on litigation matters.

Agenda Item 5 – VIA Remit

19. DCA Operational Support introduced paper EB21/22(20).
20. The Board noted the update provided and approved a review of VIA to be led by DCA Operational Support and supported by a number of underpinning workstreams.
21. It was agreed that quarterly updates should be provided to the Board, with the first update being provided at the December meeting.
22. Annie noted her interest in this piece of work and advised she would be happy to assist further.

Action

PS CA to note updates on VIA Remit to be provided on quarterly basis on action tracker, with the first update at the December meeting.

Agenda Item 6 – Service Improvement

23. DCA Local Court welcomed Andy Shanks who introduced paper EB21/22(21).
24. The Board noted the progress made on service improvement to date, the next steps that will require to be taken to increase our corporate commitment to service improvement going forward, and the planned activities in the year ahead.

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

25. The Board agreed that updates should be provided on a 6 monthly basis.

Action

PS CA to add to action tracker for update at the February meeting.

Agenda Item 7 – Future Ways of Working – Agile Working Policy

26. Deputy Chief Executive introduced paper EB21/22(22) and welcomed Sarah Carter and Jonathan Shebioba to the meeting.

27. Following discussion the Board agreed to approve the Agile policy and procedure for implementation from 1 October.

28. There will be a detailed communications plan for the next 6-8 weeks as more staff come back into offices.

29. The Board agreed that an interim report should be provided for the February meeting, with quarterly updates thereafter.

Action

PS CA to add FWOW to agenda for February meeting.

Agenda Item 8 – Resources Committee

30. DCA Operational Support introduced paper EB21/22(23).

31. The Board noted the paper.

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

Agenda Item 9 – Operational Performance Committee

32. DCA Serious Casework introduced paper EB21/22(24).

33. The Board noted the paper.

Agenda Item 10 – Business Process Improvement Committee

34. DCA Local Court introduced paper EB21/22(25).

35. The Board noted the paper.

Agenda Item 11 – Operational Support Function Update

36. DCA Operational Support introduced paper EB21/22(26).

37. The Board noted the staffing challenges being faced in Policy.

Agenda Item 12 – Serious Casework Function Update

38. DCA Serious Casework introduced paper EB21/22(27).

39. The Board noted the paper.

Agenda Item 13 – Local Court Function Update

1. DCA Local Court introduced paper EB21/22(28).

2. The Board noted the paper.

August 2021

EXECUTIVE BOARD
18 AUGUST 2021 MEETING
FINANCE UPDATE

Purpose

1. This paper provides the Executive Board with an update on:
 - a. 2020-21 Annual Accounts; and
 - b. The Financial budget and considerations for 2021-22;

2020-21 Annual Accounts

2. The audit of 2020-21 is now complete with the exception of the final litigation provisions. The position is detailed below, subject to late provision adjustments. Due to IONA settlements, COPFS will be reporting an overspend which SG are aware of and has approved budget cover for the overspend.

2020-21	Original Approved Budget £m	Updated Budget £m	Outturn £m	Variance £m
Cash Resource Expenditure	124.4	156.3	154.0	2.3
Non-Cash Resource Expenditure	4.6	5.1	4.9	0.2
AME Impairment	-	0.7	0.7	-
Total Resource Expenditure	129.5	162.1	159.5	2.5
Capital Expenditure	4.3	8.3	9.1	(0.8)
Total Resource and Capital	133.8	170.4	168.7	1.7
AME provision 2020-21	-		4.7	(4.7)
AME Provisions 2019-20 Utilised	-	(12.6)	(12.6)	-
Total	133.8	157.8	160.8	(3.0)

Finance update 2021-22

3. Forecasts for the year are now underway and the figures in this report are consistent with the CFR submitted by functions to the MAP team. We are currently forecasting a revenue underspend of £97k including Major Cases but excluding IONA. Although capital is forecasting overspend on this table, we are anticipating a capital transfer of £500k at ABR for ISD. Once this is approved, we will adjust the budget to reflect this.

2021-22 Summary Net Cash Expenditure (£000)

Expenditure Type	Annual Budget	Annual Forecast	Variance Forecast to Budget	Actuals YTD 2021/003	Proportion YTD Actual over Annual Budget
Staff <i>(excluding MC)</i>	110,586	110,600	(14)	25,753	23%
Non-staff <i>(excluding MC)</i>	32,300	32,768	(468)	7,211	22%
Income	(70)	(366)	296	()	0%
Sub Total	142,817	143,002	(186)	32,964	23%
Major Cases <i>(excluding IONA)</i>	3,334	3,051	283	383	11%
Total Cash	146,151	146,054	97	33,347	23%
Capital	4,800	5,332	(532)	400	8%
Non-Cash	5,100	5,278	(178)	(3,387)	-66%
Total	156,051	156,664	(613)	30,359	19%
IONA	2,794	7,397	(4,603)	4,849	174%
Total	158,845	164,061	(5,216)	35,208	22%

4. We are continuing to press ahead with the recruitment of staff to fill all the agreed budgeted posts. Work with MAP team FBPs and functions are continuing to ensure posts are correctly forecast and allocated to a budget.
5. HR have applied the pay award and pay coherence to the June salaries. Further consultation with Trade Unions have taken place to ensure a consistent and agreed approach is taken in the application of year 1 pay coherence.
6. When the costs of the pay coherence are known by function, the increased costs will be allocated to function budgets, anticipated by end of July for August forecasts, and the resultant funding will be drawn down at ABR (Autumn Budget Revision).

Risks and Uncertainties

7. The overtime budget has been reduced in line with staffing increases. The risk is where courts are sitting on public holidays as per the new courts proposal from SCTS. This budget is now under pressure, please refer to the separate paper on Overtime for more information.
8. Current areas of NSE risk remain as:
 - a. ISD licencing and maintenance costs – as staffing levels increase, licencing costs increase as these are now resource spend (on a subscription basis);
 - b. Post mortems/toxicology – contract creep and inflationary rises above that expected;
 - c. Witness costs – as the court recovery programme beds in, careful monitoring of witness costs is required to ensure additional costs are covered by the additional funding accessible. Witness costs are currently under budget due to fewer court sittings;
 - d. Non recoverable VAT is currently forecast to be over budget 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.
9. Ongoing work will be required to monitor and control all expenditure, including HOBMs, HR and Finance working together to ensure pressures and savings are identified as early as possible to allow COPFS to fully utilise the allocated budget to the benefit of the service. WPG and Resources Committee will approve movements, variations to FTE, reallocation of posts, budget savings and control measures for pressures identified.
10. COP26 will take place in November 2021 and although COPFS has not bid for any funding, any associated additional costs will be closely monitored and reported to the COP26 Steering Board of which Lindsey Miller is a member. It is currently felt that as there will be reduced courts during this period, COPFS may be able to absorb the associated costs within our core budget.

Court Recovery Programme

11. A draft business case for the Court Recovery Programme was approved at the June Resources Committee and has been allocated to function budgets at the end of July. Finance has been in discussion with SG to ensure that COPFS receive the full £7m budget allocation which has been confirmed, part of which will be drawn down at ABR and the remainder at SBR.
12. £430k of staff costs has been included in this month's forecast for posts already identified as CR which is for 13.2 FTE in SCG. Over the coming months the forecast is expected to increase as posts are identified and recruited for court recovery. £7m budget will be allocated to Functions by the end of July prior to the next forecast.

13. The table below shows the Court Recovery Programme costs forecast. It was agreed at July Resources Committee that due to the Ballater Street refurb being placed on hold, the £500k would be reallocated to staffing and non-staffing costs as required:

2021-22 COURT RECOVERY BUDGET							
A/c Grp	A/c Code	A/c Description	Total £	LC £	SCG (ex PM) £	OS £	Crown £
SG Funding			7,000,000				
Total Pay Parity Funding			62,085	16,013	41,881	4,192	
Total Budget			7,062,085				
Total Staffing Budget			7,148,706	3,850,007	2,847,176	451,523	0
Total Non-Staffing Budget			1,566,956	293,872	262,886	1,010,198	0
Total Capital			500,000	0	0	500,000	0
Total Revenue Budget			9,215,662	4,143,880	3,110,061	1,961,721	0
A/c Grp	A/c Code	A/c Description	Total £	LC £	SCG (ex PM) £	OS £	Crown £
ST	11000	SALARIES	7,101,415	3,822,299	2,832,593	446,523	
ST	11010	SALARIES - OVERTIME	47,292	27,708	14,583	5,000	
ST	11030	MATERNITY PAY					
ST	11060	NXD PAYMENTS					
ST	11070	VACANCY MANAGEMENT - BUDGET ONLY	0				0
Total Staffing Costs			7,148,706	3,850,007	2,847,176	451,523	0
Total Office Costs			113,700	41,700	67,200	4,800	0
Total Case Related Costs			447,858	252,172	195,686	0	0
Total CE Costs			1,005,398	0	0	1,005,398	0
Total Fixed Assets Costs			500,000	0	0	500,000	0
Total Non Staff Expenditure Budget			2,066,956	293,872	262,886	1,510,198	0

Counter Fraud

14. The DCE and DFP met with the new Counter-Fraud Officer at SG who has shared his proposed remit and discussed counter fraud activity in COPFS. There is an intention to provide forums for sharing best practice, providing organisations with a fraud risk template/tool to assist in identifying any gaps. We are keen to engage with this forum and look forward to receiving the proposed tools. There is currently no indication of timescales, but Resources Committee and ARC will be kept informed as things progress.

Spending Review 2021

15. As previously reported, initial work providing a high level 5-year funding plan had taken place in June. It is assumed that this will inform the Guide Funding Estimates to be provided by SG. As a reminder, the high-level funding plan provided by COPFS:

- does not identify any savings as COPFS is demand led, is funded to meet reasonable public expectations and has no income streams;

- includes the future years' pay coherence agreed with Ms Forbes (£2.9m in 2022-23 and £1.1m in 2023-24) which will form part of COPFS core budget;
- identifies the need for the Court Recovery funding to continue while required;
- assumes that for staffing the pay policy will remain unchanged – any increases will require additional funding;
- assumes an inflation rate of 2.22% as stated in published papers (Public Expenditure System - PES);
- did not assume any non-staff savings as new contracts would deliver opportunity cost savings rather than cash savings (what we would have had to pay if the contract was not put in place but the contract prices are assumed to be higher than current prices in line with inflation);
- no reduction for Toxicology costs for SPA taking over the provision as this has not yet happened, and the contract with Glasgow University for extension of contract for 2022-23 had not been finalised, so costs were not certain. An increase in costs is anticipated for 2022-23 which we have no alternative to, as private suppliers would be in the same ballpark for costs; and
- does not include further settlements for the IONA case as this is underwritten by SG.

16. The OBG (Operational Budget Group) meeting was an introduction to the Resource Spending Review and took place on Tuesday 27th July. [REDACTED]

[REDACTED]

17. [REDACTED]

[REDACTED]

18. [REDACTED]

[REDACTED]

19. SG are hoping to provide portfolio Guide Funding later this month or early September.

Conclusion

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

Finance Directorate

9 August 2021

APPENDIX A

BUDGET 2020-21: STAFF FTE SUMMARY: AGREED ESTABLISHMENT

BAND	2021-22	2021-22	2021-22	2021-22	2021-22	Change in FTE	APPROVED STAFFING £	Change in £
	BASELINE TOTAL FTE	BASELINE TOTAL £	APPROVED WPG CHANGES FTE	APPROVED WPG CHANGES £	APPROVED TOTAL FTE			
Function >	TOTAL	TOTAL	TOTAL	TOTAL	TOTAL		TOTAL	
B	703.12	21,693,866	-	-	703.12	0.00	21,693,866	0.00
C	264.92	10,276,020	-	-	264.92	0.00	10,276,020	0.00
D	329.20	15,070,055	-	-	329.20	0.00	15,070,055	0.00
E	54.00	3,272,555	-	-	54.00	0.00	3,272,555	0.00
F	27.28	2,199,428	-	-	27.28	0.00	2,199,428	0.00
G	9.00	863,542	-	-	9.00	0.00	863,542	0.00
H	2.00	148,513	-	-	2.00	0.00	148,513	0.00
AAD	24.81	1,351,882	-	-	24.81	0.00	1,351,882	0.00
PFD	289.83	19,145,503	-	-	289.83	0.00	19,145,503	0.00
SPFD	143.72	11,263,338	1.00	56,990	144.72	1.00	11,320,329	56,990.25
PPFD	120.18	11,246,427	-	-	120.18	0.00	11,246,427	0.00
G(L)	30.50	3,131,036	-	-	30.50	0.00	3,131,036	0.00
TS	64.00	2,292,093	-	-	64.00	0.00	2,292,093	0.00
SCS	27.92	3,480,407	-	-	27.92	0.00	3,480,407	0.00
Secondee	4.84	570,055	-	-	4.84	0.00	570,055	0.00
Total excl. ADs	2,095.32	106,004,720	1.00	56,990	2,096.32	1.00	106,061,711	56,990.25
AD	56.41	6,539,606	-	-	56.41	0.00	6,539,606	0.00
Agency	5.60	291,448	-	-	5.60	0.00	291,448	0.00
Total incl. ADs	2,157.33	112,835,774	1.00	56,990	2,158.33	0.00	112,892,765	56,990.25

ON-CALL	320,000	ON-CALL	0	ON-CALL	320,000	0.00
OVERTIME	260,000	OVERTIME	0	OVERTIME	260,000	0.00
EXCESS FARES	290,000	EXCESS FARES	0	EXCESS FARES	290,000	0.00
FEEES TO ADS	250,000	FEEES TO ADS	0	FEEES TO ADS	250,000	0.00
NXDS	34,000	NXDS	0	NXDS	34,000	0.00
VACANCY 1%	-1,128,358	VACANCY 1%	0	VACANCY 1%	-1,128,358	0.00
TOTAL	112,861,417	TOTAL	56,990	TOTAL	112,918,407	0.00

CROWN	1,108,583	1,108,583
Total Staffing	113,970,000	114,026,990

EXECUTIVE BOARD

18 AUGUST 2021 MEETING

OVERTIME UPDATE

Purpose

1. The purpose of this paper is to provide an update to the Executive Board on the 2021/22 Overtime financial position.

2021/22

2. Table 1 details the overtime and on-call expenditure to end June 2021 for each function.

Table 1: 2021/22 Overtime and On-call YTD Actual Analysis

Function	P1 £	P2 £	P3 £	Total £
Local Court	11,707	65,532	70,382	147,621
Serious Casework Group	(3,246)	25,430	42,929	65,113
Operational Support	1,068	11,106	16,963	29,137
Total	9,529	102,068	130,274	241,871

3. It should be noted that the overtime which was paid in April 2021 was worked before 31 March 2021 and Table 1 therefore shows the cash sum paid between April and June.

Period 3 Update

4. During 2021/22 580 individuals have submitted overtime claims in 2021/22, including those who submitted claims for work carried out in March 2021. In Period 3, 264 claims were submitted to HR for payment in the June pay-run.

In Period 3, 67 on-call claims were processed across all functions.

5. Annex A provides detail of the top 20 overtime and on-call claimants. For overtime, the top 20 have claimed £50,087 to the end of Period 3, while the top 20 on-call claimants have received £48,725 for the same time period.
6. The main reason for overtime working being required is to cover for the level of vacant posts within functions. As previously reported, vacancy levels remain high across functions and a major recruitment drive is in operation to fill as many of these vacant posts as possible.

7. The vacancy savings are currently sufficient to cover the excess overtime as shown in the Finance update with a total overspend on staffing related costs of £14k. This situation will be closely monitored and reported on.
8. Functions have been reminded that savings from other staff areas will require to be transferred to overtime to ensure that a breakeven position is maintained throughout the financial year, subject to approval at Resources Committee.

Conclusion

9. The Executive Board are invited to note and comment on the content of this report.

Finance Division

10 August 2021

Annex A

2021/22 TOP 20 OVERTIME CLAIMS TO DATE *

Grade Name	Business	Grand Tot
Pay Band E (Legal)	Local Court	4,863.07
Senior Procurator Fiscal Depute	Local Court	3,923.10
PAY Band F (Legal)	Serious Casework Group	3,843.00
PAY Band C	Serious Casework Group	3,658.63
PAY Band D	Serious Casework Group	3,493.47
PAY Band D	Local Court	3,272.08
PAY Band B	Operational Support	2,700.26
PAY Band F (Legal)	Local Court	2,584.25
PAY Band E	Operational Support	2,510.91
Pay Band E (Legal)	Serious Casework Group	2,250.50
Pay Band E (Legal)	Local Court	2,133.40
Senior Procurator Fiscal Depute	Local Court	1,865.74
Senior Procurator Fiscal Depute	Serious Casework Group	1,851.38
PAY Band F (Legal)	Local Court	1,816.10
Pay Band E (Legal)	Local Court	1,748.14
Senior Procurator Fiscal Depute	Serious Casework Group	1,730.89
PAY Band C	Local Court	1,597.65
PAY Band B	Operational Support	1,441.71
Senior Procurator Fiscal Depute	Local Court	1,425.90
PAY Band B	Serious Casework Group	1,376.59

*580 overtime claims have been processed in 2021/22

2020/21 TOP 20 ON-CALL CLAIMS *

Grade Name	Business	Grand Total
Pay Band E (Legal)	Local Court	7,257.36
PAY Band F (Legal)	Serious Casework Group	6,968.08
PAY Band F (Legal)	Serious Casework Group	3,496.43
Pay Band E (Legal)	Local Court	3,285.17
Senior Procurator Fiscal Depute	Local Court	2,435.58
Pay Band E (Legal)	Local Court	2,358.92
PAY Band F (Legal)	Local Court	2,133.69
PAY Band F (Legal)	Local Court	2,006.45
Pay Band E (Legal)	Local Court	1,924.00
Senior Procurator Fiscal Depute	Serious Casework Group	1,780.77
PAY Band F (Legal)	Serious Casework Group	1,736.80
Senior Procurator Fiscal Depute	Serious Casework Group	1,683.34
Senior Procurator Fiscal Depute	Serious Casework Group	1,630.69
PAY Band F (Legal)	Serious Casework Group	1,543.56
PAY Band F (Legal)	Local Court	1,512.54
Pay Band E (Legal)	Local Court	1,505.34
Pay Band E (Legal)	Local Court	1,412.07
PAY Band F (Legal)	Serious Casework Group	1,411.29
Senior Procurator Fiscal Depute	Local Court	1,336.34
Pay Band E (Legal)	Local Court	1,306.30

*103 on-call claims have been processed to Period 3.

From: Ian Walford

9 August 2021

Executive Board

Corporate Risk Register

Purpose

To provide Executive Board with the updated Corporate Risk Register for information and comment.

Priority

Routine

Background

The current Corporate Risk Register was developed following the Risk Workshop held in October 2020 and is regularly reviewed by the Risk Management Group (RMG), the last meeting having been held on Thursday, 5 August 2021.

Each DCA and the DCE were assigned the role of Risk Owner for each of the corporate risks with senior managers being assigned the role of Risk Managers. This was in order to ensure that each risk was being managed, regularly reviewed and updated where necessary as well as being used to drive decision making at a corporate level.

At each RMG at least one of the risks is the subject of a “deep dive” whereby the risk owner attends the meeting having submitted a Risk Health Check Report in advance. The risk owner provides fuller information at the meeting in relation to the long and short-term actions and controls in place to reduce the risk score. RMG are then able to ask any pertinent questions in order to gain assurance that the risk is being adequately managed.

In advance of each meeting, [REDACTED], HOBM OS, liaises with the relevant risk managers to ensure that the risk register is as update as can be and to request that managers review the risk scores, actions, controls and target dates. Updates are then collated and applied to the master risk register.

Update

At the RMG meeting on 5 August, the Serious Casework Risk Register was reviewed, and Stephen McGowan spoke to the register being the subject of a major overhaul to bring it in line with the Local Court Risk Register which had been the subject of review earlier this year.

The Corporate Risk Register was also the subject of review and RMG are content that the risks are being appropriately managed. Each risk still does not have a target date assigned to it and this can often mean it is difficult to assess whether the controls and actions in place are sufficient to achieve the target risk score by the target date.

RMG have discussed and agreed that a further Risk Workshop be held in late November to review how the current risk register has been used, to consider whether the processes have worked, if targets are realistic and if there is anything else missing. One further item for discussion will be how to embed risk within the organisation to drive decision making.

It has been agreed that [REDACTED] will liaise with each of the risk managers/owners to discuss their thoughts on how to embed risk in order to provide a briefing document for discussion by those attending the workshop.

Decisions/Actions for Executive Board.

Executive Board are asked to consider and comment on the content of this paper and the Corporate Risk Register as appropriate.

Ian Walford

9 August 2021

Corporate Risk Register (August 2021)

Risk Description	Potential causes	Potential Consequences	Key Controls	Status ✓ X !	Current Risk Impact	Current Risk Likelihood	Current Risk Score	Key Actions	Target Risk Impact	Target Risk Likelihood	Target Risk Score	Target Date	Review Date	Risk Manager	Risk Owner
1 Insufficient resource to enable COPFS to meet public expectations	<ul style="list-style-type: none"> Inability to recruit skilled staff; Inability to retain skilled staff; Inability to develop existing staff; Failure to reach all the diverse groups within society and therefore lack of diverse skills and experience; Unexpected costs arising from litigation including from loss of LA absolute immunity; 	<ul style="list-style-type: none"> May not be able to recruit sufficient employee numbers at a sufficient level to manage existing workload and clear the backlog arising from the Covid pandemic; COPFS do not remain within budget allocations; Key discretionary activities – e.g. VIA, some procurement and some equality work - may be difficult to protect because services that are perceived as not being COPFS's core business may not be funded when difficult decisions must be made; Reputational risk and loss of public confidence if litigation cases increase from loss of LA absolute immunity. 	<ul style="list-style-type: none"> Workforce Planning Group manages and controls workforce planning - monthly meetings; Resources Committee meets monthly and reviews actual and forecast expenditure and exercises budget control as necessary; Close liaison with SG re annual spending reviews and on-going dialogue with SG Finance Business Partner; Business Services continually reviewing recruitment, development and succession planning issues to secure supply of specialist staff; Cases for additional funding are submitted to the Scottish Government when considered necessary; COPFS involved in Criminal Justice Board which is planning Covid recovery; Regular partnership meetings and Employee Relations Committee meetings with unions ensure ongoing dialogue with unions on industrial relations; 	<ul style="list-style-type: none"> ✓ ✓ ✓ ✓ ✓ ✓ ✓ 	4	3	12	<p>Short Term Actions</p> <ul style="list-style-type: none"> Pay negotiations with unions in light of budget allocation – Feb onwards; Spending Review 2021 for 2021-22 funding to commence and preparations to be completed to assist and inform Crown Agent and Law Offices in the Bilaterals. Allocation of Court Recovery budgets and monitoring to ensure spend is within budget and activity is progressed; Assessment and monitoring of the financial risks of COP26. <p>Actions required to achieve target score</p> <ul style="list-style-type: none"> Finalise negotiations with Unions on 21-22 pay; Implementation of pay coherence Years 2 and 3; Continue collaborative working with Justice partners; Prepare for Spending Review 2021. 	3	2	6	August 2021	Director of Finance & Procurement	DCA Operational Support	
2 Inadequate leadership and management of COPFS staff	<ul style="list-style-type: none"> Managers not feeling sufficiently trained or equipped to lead and manage their staff; Challenges in leading people remotely; Low compliance with Performance Management 	<ul style="list-style-type: none"> Higher levels of sick absences; Increased number of grievances and disputes leading to successful and expensive litigation; Poor staff survey results; Increased pressure on HR due to dealing with 	<ul style="list-style-type: none"> Communications to staff on performance management and why they should engage; Senior leadership keeping a watching brief on MI and processes around performance 	<ul style="list-style-type: none"> ✓ ✓ 	4	3	12	<p>Short Term Actions</p> <ul style="list-style-type: none"> Career Movement and Development can be used for level transfers from 1 July Completion of new intranet – Autumn 2021; Development of senior leader training programme – ongoing; 	3	2	6	Sept 2021	HoBM Local Court/ Serious Casework	DCA Local Court	

Corporate Risk Register (August 2021)

Risk Description	Potential causes	Potential Consequences	Key Controls	Status ✓ X !	Current Risk Impact	Current Risk Likelihood	Current Risk Score	Key Actions	Target Risk Impact	Target Risk Likelihood	Target Risk Score	Target Date	Review Date	Risk Manager	Risk Owner
	<p>System therefore performance and absences not being properly managed;</p> <ul style="list-style-type: none"> Lack of clear direction from senior leaders through business planning and objective setting; Decision-making pushed to senior levels too quickly; Not acting on results of Civil Service Survey and Pulse survey; HR support sought too late or advice not acted upon; 	<p>unnecessary work associated with grievances etc.</p> <ul style="list-style-type: none"> Operational performance standards decline; Staff lose confidence in management to make good decisions; Staff and management well-being negatively impacted; 	<p>management and training;</p> <ul style="list-style-type: none"> Analysing and acting on results of Civil Service survey and pulse surveys; Continually reviewing policies and processes to make sure they are fit for purpose; New intranet in development to improve two-way comms; Strategic plan in place up to 2023; Learning and Development Strategy to support remote management; Skilled, professionally qualified HR managers working alongside functions to provide support and advice. 	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>				<ul style="list-style-type: none"> Development of new People strategy – launch in late summer 2021; <p><u>Long Term Actions</u></p> <ul style="list-style-type: none"> CMD wider applications will depend on departmental tolerance; <p><u>Actions required to achieve target score</u></p> <ul style="list-style-type: none"> Role profiles and associated training in place across all grades below SCS; Management training in place to support and equip managers to lead and manage their staff; All Function Business Plans in place to communicate succinctly the ties to the Strategic Plan; Career Movement and Development Policy in place to facilitate staff moves and support clear career paths; Unnecessary tasks removed to provide managers time to manage staff appropriately; 							
3	Poor wellbeing and low morale of COPFS staff	<ul style="list-style-type: none"> Lack of engagement by managers, especially quarterly wellbeing conversations; Working remotely and dealing with harrowing cases in isolation; Continued homeworking and lack of contact with people due to Covid resulting in feelings of isolation and inclusion; Workload pressures due to inadequate resource; 	<ul style="list-style-type: none"> Mental health and increased workload could lead to increased sick leave; Inability to keep a balance between workload and health with operational performance suffering; Increased number of staff requiring access to Vicarious Trauma support leading to longer waiting times; Increased pressure on HR due to dealing with additional work associated with attendance management etc; 	<ul style="list-style-type: none"> Wellbeing strategy being implemented, including targeted communications signposting help available plus wellbeing portal on intranet; Senior leadership keeping a watching brief on MI and processes around performance management and training; Analysing and acting on results of Civil Service survey and pulse surveys; 	<p>✓</p> <p>×</p> <p>✓</p>	3	3	9	3	2	6		September 2021	Director of HR	DCA Serious Casework

Corporate Risk Register (August 2021)

Risk Description	Potential causes	Potential Consequences	Key Controls	Status ✓ X !	Current Risk Impact	Current Risk Likelihood	Current Risk Score	Key Actions	Target Risk Impact	Target Risk Likelihood	Target Risk Score	Target Date	Review Date	Risk Manager	Risk Owner
	<ul style="list-style-type: none"> • COPFS pay continued to lag comparator bodies; • Impact of civil litigation and future inquiries (specifically on staff witnesses but also staff more generally) 	<ul style="list-style-type: none"> • Disputes re mishandling of disability related absence cases leading to successful and expensive litigation (employment tribunal and/or personal injury); 	<ul style="list-style-type: none"> • Continually reviewing policies and processes to make sure they are fit for purpose; • Corporate and Sheriffdom Health and Wellbeing Committees meet regularly; • New Attendance Management Policy to be launched – May/June with e-learning available at the same time; • Future Ways of Working Project looking at how to enable better work life balance; • Wellbeing communications plan to support rollout of actions; • Flexi and annual leave monitored centrally and locally; • Regular meetings with trade unions to retain partnership approach to wellbeing actions 	<ul style="list-style-type: none"> ✓ ✓ ✓ ✓ ✓ ✓ ✓ 				<ul style="list-style-type: none"> • Enhanced communications about importance of wellbeing discussion during PM quarterly conversations – Jan-Mar 2021; Achieved and will continue on ongoing basis. • Analysis and action on wellbeing results from 2020 People survey – Jan-Mar 2021; Achieved – we are now moving forwards with actions in advance of 2021 people survey (September 2021). • Complete recruitment to 150 new posts in order to reduce workload – September 2021; Ongoing. • Reach agreement with unions on pay parity offer (achieved April 2021) – year 1 pay implementation paid in June salaries. <p>Actions required to achieve target score</p> <ul style="list-style-type: none"> • Maintain staff numbers at new record level; • continue to develop well-being products in line with staff feedback; • Enhance line management support (taking account of remote working factors); • Improve take up of Vicarious Trauma support offering; • Implement pay policy offer and three year pay parity offer to timescale; • Continued monitoring of flexi and annual leave to make sure staff are taking regular leave/ breaks /not working excessive hours; • Regular communication around support available re civil litigation / public inquiries; • Bespoke support for individuals directly impacted by civil litigation/public inquiries; 							

Corporate Risk Register (August 2021)

Risk Description	Potential causes	Potential Consequences	Key Controls	Status ✓ X !	Current Risk Impact	Current Risk Likelihood	Current Risk Score	Key Actions	Target Risk Impact	Target Risk Likelihood	Target Risk Score	Target Date	Review Date	Risk Manager	Risk Owner	
								<ul style="list-style-type: none"> Continued communications and Function-led focus on quarterly conversations as a management tool for assessing and providing support for individual wellbeing 								
4	<p>Insufficiently skilled or experienced COPFS staff available to meet current public expectations, and to strengthen our capacity to change and improve services</p>	<p><u>L&D Strategy</u></p> <ul style="list-style-type: none"> Lack of forward planning from operations on the Training needs Analysis creates pressure on L&D to develop training at short notice; Training viewed as non-essential or non-priority, e.g. staff not being released or given time to undertake training; Poor commitment to the externally funded programmes and the consequential financial impact; Insufficient dialogue between managers and staff regarding training needs through PAR process and lack of staff movement, creating static career paths; <p><u>L&D Structure/Delivery</u></p> <ul style="list-style-type: none"> Need to develop resources in L&D (and HR) to support management training; Limited capacity of subject matter experts in the functions to support design and delivery; Inadequate digital capacity, e.g. lack of a modern HR System or Learning 	<ul style="list-style-type: none"> Quality of service being impacted, leading to inequality of access to justice for all and reputational damage; Inexperienced legal staff making the incorrect decisions at the case marking stage; Managers not feeling equipped to lead and manage their staff; Insufficiently skilled workforce to meet the demands of their roles due to the changing complexity and sophistication of casework and working environment; Potential increase in litigation resulting in financial loss; Lack of overall resilience due to insufficiently skilled resources to perform routine and specialist tasks. 	<ul style="list-style-type: none"> Continually reviewing the structure and resourcing of L&D; Curriculum approach to training being developed in line with role profiles, encouraging development and attendance on courses teaching skills and knowledge beyond role profiles; Senior leadership keeping a watching brief on training; Communications to staff around the importance and requirements for training; L&D producing online training packages to support development during pandemic; 	!	4	3	12	<p>Short Term Actions</p> <ul style="list-style-type: none"> Supporting the response to Covid recovery and resolution of court backlog: ongoing Management development scheme across (non-legal) Grades B-H launched and underway: ongoing Supporting COPFS senior leadership development and remote management ability: April 2021-March 2022; <p>Actions required to achieve target score</p> <p><u>L&D Strategy</u></p> <ul style="list-style-type: none"> Begin implementation of the L&D strategy, aligned with COPFS People Strategy: Apr 2021-Mar 2022; Rebranding L&D to increase visibility and drive consistency across all L&D products: Jun-Dec 2021; Establish a partnering model of engagement with operational managers: Sept-Dec 2021; Development of a Legal Strategy, including leadership development scheme: Sept-Dec 2021; Modifying COPFS approach to recruiting and deploying Legal Trainees: September 2021-March 2022 <p><u>L&D Structure/Delivery</u></p> <ul style="list-style-type: none"> Band G (Head of L&D) recruitment and implementation of new 	3	2	6	March 2022	Dec 2021	Director of Support Services	DCA Operational Support

Corporate Risk Register (August 2021)

Risk Description	Potential causes	Potential Consequences	Key Controls	Status ✓ X !	Current Risk Impact	Current Risk Likelihood	Current Risk Score	Key Actions	Target Risk Impact	Target Risk Likelihood	Target Risk Score	Target Date	Review Date	Risk Manager	Risk Owner	
	<p>Management System;</p> <ul style="list-style-type: none"> • Social distancing may adversely impact the quality of training, as most must be delivered online; 							<p>structure for L&D team: April-September 2021;</p> <ul style="list-style-type: none"> • Implementation of Career Movement and Development Policy: Jun-Dec 2021; • Development of local L&D plans in LC/SCG/OS – with identified local L&D ‘Champions’: Sept-Dec 2021; • Develop online content that includes exercises, so trainers “encourage” participation from reluctant attendees; ongoing • Developing portfolios of blended learning, aligned to the learning pathways (accessed via LMS): starts during 2021/22 								
5	Decline of organisational performance and service delivery	<ul style="list-style-type: none"> • Capacity issues due to summary and solemn business backlog and churn; • Increased journey times; • Our ability to influence timely outcomes/ prioritisation of cases; • Increase in the nature, complexity and sophistication of crime and our ability to deal with them; • Insufficiently trained staff; • Toxicology reports being unavailable to enable cases to be processed timely; 	<ul style="list-style-type: none"> • Reputational damage; • Potential increase in litigation resulting in financial loss; • Increase in errors or failing to meet time bars resulting in cases falling; • Duplication of effort due to churn requiring more resources; • Higher number of victims, witness and next-of-kin waiting longer for cases to be concluded which in turn increases the volume of work to keep them updated; • Inequality of access to justice for all; 	<ul style="list-style-type: none"> • Allocation of experienced staff to complex and high-profile cases; • Relevant training provided to equip staff to carry out their role; • Engagement with targeted CJ stakeholders and groups; • Operational Performance Committee and Function management review MI regularly and decide whether resources need to be shifted to keep journey times at appropriate level; • SCG Project Board working closely on renewing provision of toxicology, pathology and mortuary requirements; 		4	4	16	<p>Short Term Actions</p> <ul style="list-style-type: none"> • Allocation of resources to top casework priorities in light of budget allocation – Feb-Mar 2021; • Continuing discussions about how to tackle trial backlog with SG and CJ partners – Jan-June 2021 and ongoing; • Continue to monitor, discuss performance and measures for tackling backlog of toxicology and PM reports with service providers <p>Actions required to achieve target score</p> <ul style="list-style-type: none"> • Completion of Recruitment and transfer exercise in line with 21/22 budget allocation; • Decision on management and resourcing of additional courts programme; • Review of toxicology provisions; 	3	3	9		April 2021	OPC	DCA Serious Casework

Corporate Risk Register (August 2021)

Risk Description	Potential causes	Potential Consequences	Key Controls	Status ✓ X !	Current Risk Impact	Current Risk Likelihood	Current Risk Score	Key Actions	Target Risk Impact	Target Risk Likelihood	Target Risk Score	Target Date	Review Date	Risk Manager	Risk Owner					
								<ul style="list-style-type: none"> Completion of High Court review on streamlining VIA process; Completion of Mental Health Session roll out for Managers; Continue to review KPIs aligned to journey times to ensure sufficient resource allocation 												
6	Inadequate digital resource and capital investment	<ul style="list-style-type: none"> Restricted by pace of funding and the level of capital funding/investment available; Inability to deliver strategic business transformation or modernise critical digital systems and public facing services; CJ partners not moving at the same pace to enable best use of digital solutions; Inability to recruit or retain sufficiently high calibre staff due to pay restraints in comparison to private sector; Insufficient high calibre developer, infrastructure and other specialist digital resources; Inability to employ specialist contractors or suppliers to deliver business needs. 	<ul style="list-style-type: none"> Less business process and digital casework automation to assist in reducing workload, delivering efficiencies and improving services; Core staff protected but inability to retain specialist contractors to deliver improvements to free up time and improve service delivery; Inability to continue with transformation and replacing essential systems, e.g. case management system; Investment would have to be slowed down or stopped; COPFS IT systems vulnerable to cyber-attacks; Information is not protected resulting in non-compliance with mandatory Government information assurance schemes and Data Protection laws; Reputational damage 	<ul style="list-style-type: none"> Pay coherence work looking at grading and pay structures for Business Services and ISD in particular; [ongoing] Continued COPFS accreditation to the Cabinet Office PSN, Home Office PSNP and Scottish Government Cyber Essentials network security and information assurance schemes; Regular review of IT Security and information Assurance policies (via the above accreditation processes); Compliance with the Data Protection Act 2018 and the General Data Protection Regulation (GDPR); Compliance with the Freedom of Information (Scot) Act 2002; Recording of information incidents and reporting of breaches to the ICO; 	✓	✓	✓	✓	✓	5	3	15	<p>Short Term Actions</p> <ul style="list-style-type: none"> Delivery of ISD Portfolio and Digital Transformation Programme for 2021/22; Carry out Cyberattack Simulation Business Resiliency Exercise to assess and further develop corporate resiliency systems, capabilities and preparedness; Recruitment and integration of ISD people resources in line with COPFS' 2021-22 budget allocation; Recruitment of people resources and skills to support delivery timeframes for DESC; ISD continue seeking additional capital funding from Justice Digital Transformation and Scottish Government funds in 2021-22 to support COPFS' corporate, RRT, Digital Evidence Sharing Capability (DESC) and digital casework priorities; Development of new Digital Strategy – planned launch November 2021. <p><u>Actions required to achieve target score</u></p> <ul style="list-style-type: none"> Strategic and prioritised BPIC, ISD Portfolio and Digital Transformation Programme for 2021/22 onwards; 	3	2	6		Aug 2021	Chief Digital Officer	DCA Local Court

Corporate Risk Register (August 2021)

Risk Description	Potential causes	Potential Consequences	Key Controls	Status ✓ X !	Current Risk Impact	Current Risk Likelihood	Current Risk Score	Key Actions	Target Risk Impact	Target Risk Likelihood	Target Risk Score	Target Date	Review Date	Risk Manager	Risk Owner	
								<ul style="list-style-type: none"> • Deliver key digital transformation solutions over 2021/22; • Establish digital platforms and systems essential for supporting COPFS' strategic aims and digital business and service delivery needs; • CDO continue engaging with COPFS corporate finance processes and with SG – Finance, SG – Justice Directorate and SG – Director Digital to bid for additional capital resources to support digital investment and transformation priorities; • Implement enhanced cyber protection and IT security solutions to protect COPFS data and information systems; • Delivery of digital strategy systems rationalisation plans; • Publish Digital Business Cost Optimisation Strategy/Plan. 								
7	Inadequate contingency planning	<ul style="list-style-type: none"> • No clear business continuity plans or plans not being kept updated; • Insufficient training; • Failure to obtain advance information on potential consequences; • Failing to be sighted on intelligence from stakeholders and elsewhere in sufficient time; • Work on contingency planning is overtaken by other priorities; • Failure to learn lessons from any previous business continuity events; 	<ul style="list-style-type: none"> • Vulnerable to business continuity disruption and service delivery is more likely to fall over; • Reputational damage; • Impact on staff wellbeing of having to deal with consequences of business continuity disruption; • Impact on financial resources of having to deal with consequences of business continuity disruption; 	<ul style="list-style-type: none"> • CRG Meeting every 2 months, • Subgroups of CRG meeting regularly to manage covid crisis and learning and applying lessons as we go along; • Annual programme of review of BPCs; • Function BCPs and Disaster Recovery Plans in place for COPFS buildings; • IT systems have been significantly enhanced; • Maintaining resilience of our IT systems; • All staff equipped with mobile computer device to enable flexible and remote working; 	<ul style="list-style-type: none"> ✓ ✓ ✓ ✓ ✓ ✓ ✓ 	4	3	12	3	3	9	31 March 2021	Sept 2021	HoBM Operational Support	DCE	
								<p>Short Term Actions</p> <ul style="list-style-type: none"> • Preparation for COP26 conference in Glasgow in November 2021; • Exercises planned to test resilience in event of IT outage in expectation more staff working remotely in future – July 2021, completed successfully. <p>Actions required to achieve target score</p> <ul style="list-style-type: none"> • Comprehensive lessons learned exercise from covid – probably late summer 2021; • Applying lessons learned from resilience testing and ensuring resilience is in place to facilitate permanent move to remote 								

Corporate Risk Register (August 2021)

Risk Description	Potential causes	Potential Consequences	Key Controls	Status ✓ X !	Current Risk Impact	Current Risk Likelihood	Current Risk Score	Key Actions	Target Risk Impact	Target Risk Likelihood	Target Risk Score	Target Date	Review Date	Risk Manager	Risk Owner	
			<ul style="list-style-type: none"> ICU Brexit Continuity Plan in place; Preparatory work completed for contingency planning for multiple scenarios in early 2021; 	<ul style="list-style-type: none"> ✓ ✓ 				working– summer 2021 onwards;								
8	Ineffective stakeholder engagement	<ul style="list-style-type: none"> Absent or ineffective communication with criminal justice partners; Lack of stakeholder engagement and input to COPFS services both national and local e.g. Website, Witness Portal, response to local offending; Lack of stakeholder engagement and input to national and local prosecution policies; Absent or ineffective engagement with elected representatives at both national and local levels; Absent or ineffective engagement with UK and Scottish Governments; Absent or ineffective engagement with the media; Insufficient capacity 	<ul style="list-style-type: none"> Inequality of access to justice; Inequality of service provision; Reduced public confidence in COPFS and the criminal justice system; Increased demand upon COPFS; Decreased resource available to COPFS 	<ul style="list-style-type: none"> Crown Agent membership of the Justice Board COPFS membership of relevant sub-groups reporting to the Justice Board COPFS membership of the Youth Justice Board; COPFS membership of the Scottish Government SOC, Victims and Drugs Deaths Taskforces; Regular meetings between Law Officers and Justice Ministers; Meetings between Law Officers and party Justice spokespersons; Functional strategic and operational liaison with criminal justice partners; Executive Board reviews all external inspection reports to learn lessons on improving the communication with stakeholders; Operational Support engagement with stakeholders during system improvement development and implementation; Policy consultation with 3rd sector stakeholders during policy development and implementation; Operational engagement with 3rd sector stakeholders; 	<ul style="list-style-type: none"> ✓ 	3	3	9	<p>Short Term Actions</p> <ul style="list-style-type: none"> Internal Audit of Strategic Stakeholder Engagement commissioned; Senior leaders contributed to the Audit; Audit report received end March 2021. Audit report provides “reasonable” assurance and recommends some improvements Audit recommendations accepted <p>Actions required to achieve target score</p> <ul style="list-style-type: none"> Audit recommendations: <ol style="list-style-type: none"> To consider Media Relations capacity to deal with reputational challenges; To produce a Stakeholder Engagement Plan identifying, inter alia, key stakeholders and key messages; To develop a Media and Communications Strategy. 	3	2	6		Oct 2021	Head of Policy & Engagement	CA

Corporate Risk Register (August 2021)

Risk Description	Potential causes	Potential Consequences	Key Controls	Status ✓ X !	Current Risk Impact	Current Risk Likelihood	Current Risk Score	Key Actions	Target Risk Impact	Target Risk Likelihood	Target Risk Score	Target Date	Review Date	Risk Manager	Risk Owner
			<ul style="list-style-type: none"> • Action plans for implementation of relevant Inspectorate recommendations put in place and delivery monitored; • Delivery of an Estate's shared service with SCTS along with procurement of common services; • COPFS engagement with the UKG and SG during relevant legislative development; • Complaints Handling Process and Service Improvement Board; • Rape Crisis Feedback process implemented, and results monitored; • Sherifdom Equality Networks in place and progress monitored; • Media Relations Team engagement with media representatives and stakeholder counterparts; • Opportunities taken to promote understanding of the role of COPFS; 	✓ ✓ ✓ ✓ ✓ ✓ ✓											

Corporate Risk Register (August 2021)

Risk Description	Potential causes	Potential Consequences	Key Controls	Status ✓ X !	Current Risk Impact	Current Risk Likelihood	Current Risk Score	Key Actions	Target Risk Impact	Target Risk Likelihood	Target Risk Score	Target Date	Review Date	Risk Manager	Risk Owner
------------------	------------------	------------------------	--------------	--------------------	---------------------	-------------------------	--------------------	-------------	--------------------	------------------------	-------------------	-------------	-------------	--------------	------------

Impact	Multiplier					
Very High	5	5	10	15	20	25
High	4	4	8	12	16	20
Medium	3	3	6	9	12	15
Low	2	2	4	6	8	10
Negligible	1	1	2	3	4	5
	Multiplier	1	2	3	4	5
Likelihood		Rare	Low	Medium	High	Very High

[REDACTED]
[REDACTED]
6 August 2021

Executive Board

SERVICE IMPROVEMENT IN COPFS – NEXT STEPS

Purpose

1. To provide Executive Board with an update on service improvement work across COPFS and to set out our next steps towards a new service improvement strategy.

Priority

2. Routine.

Background

3. The Senior Executive Team first agreed to allocate corporate level responsibility for service improvement to a senior leader in early 2015. The role of “Service Improvement Champion” has been fulfilled in recent years by the DCA Local Court and is intended to focus on improving the service that the public receive when they come into contact with the various different functions of COPFS. At the same time, COPFS established a Service Improvement Board, chaired by the Service Improvement Champion, and with representation from each function.

4. Over the years, the Board has overseen good progress in a number of different areas. This is summarised at **Annex A**. It should be noted that the bulk of this activity occurred prior to 2020 and there has been a loss of momentum over the past 2 years.

5. COPFS elected to take on membership of the Institute of Customer Service a number of years ago and membership for a further three years was recently renewed. The ICS provide support, guidance and materials to the Board.

Delivering more

6. It is an appropriate point to review our corporate commitment to service improvement. Whilst some good progress has been made, it has perhaps not been visible enough as a key corporate priority and strategic progress has been too difficult to define and measure. The Board does not currently report directly to any other corporate group and lacks sufficient profile within the organisation to effect the necessary strategic and cultural change across functions.

7. In addition, the current and future landscape presents particular service delivery challenges and opportunities that require a renewed focus on service improvement more generally.

8. As a result of the significant case backlogs created by COVID 19, COPFS is currently engaging with our highest ever number of service users. This presents an unprecedented challenge for our organisation and providing the best possible service to the public in these circumstances will be a crucial element in maintaining public confidence in our organisation in the years ahead. From a risk perspective, losing the confidence of victims, witnesses and partner agencies potentially results in reputational damage and, increasingly, exposure to civil court action.

9. The increasing caseloads will also result in resourcing pressures over time. To that end, an increased focus on service improvement at this stage will provide good value. It has been demonstrated in other private and public sector bodies, that service improvement measures can also provide overall efficiencies through a combination of increased employee engagement alongside deployment of technology that automates, speeds up and simplifies key processes and interactions.

10. There is also compelling evidence to suggest that the expectations of service users are changing as a result of the pandemic. In particular, recent research by the ICS has identified the increasing importance and value in organisational trust. The trust an individual has in an organisation is increasingly influenced by their customer service experience. Further, that the most important current factors in establishing this trust are transparency, addressing the needs of vulnerable customers and integrating digital and human customer experiences.

11. In addition, the current workforce expansion creates a tremendous opportunity to improve front-line service delivery through training and development programmes and also to raise the profile and importance of the service user experience in everything our staff do.

Next Steps

12. In order to increase our corporate commitment to service improvement going forward, there are two main areas we intend to address:

(a) *A refreshed and refocussed Service Improvement Board*

13. Membership of the Board has been fairly static in recent years and this would have been an appropriate juncture to review the membership in any event. Although the current membership has representation from all functions generally, there is an absence of any representation from some of the teams who now have a key role in taking service improvement forward for COPFS, including ISD, Enquiry Point and Policy Division.

14. The DCA Local Court will remain the Chair of the Board and will commit to providing Executive Board with progress updates every 6 months.

(b) *A Service Improvement Strategy and Delivery Framework*

15. One of the first tasks for the new Board will be to devise a corporate Service Improvement Strategy and a Framework for Delivery of priority actions for the year ahead.

16. It is essential that both the Strategy and Framework are properly informed by a clear understanding of our current standards of service and how engaged and equipped our staff are to deliver the standards we require. This baselining exercise will be supported by the Institute of Customer Service and will involve two key surveys: an internal staff survey (ServCheck) that allows COPFS employees to assess their view of how the organisation, culture, and processes help to deliver a first class service and a survey of service users (Business Benchmarking). An ICS Action Plan will be produced from the results of both surveys.

17. The ICS strongly advise against framing our strategic priorities until we have obtained service user insight and a better understanding of the engagement levels of our staff. Therefore, the ICS Action Plan, taken with the COPFS Strategic Plan, will form the basis of our new corporate strategy in due course.

18. An accompanying Delivery Framework will also be produced by the Board, in order to identify priorities and monitor progress. The Framework will capture activities directly under the control of the Board and other relevant corporate projects which impact on service delivery. An illustration of what we anticipate some of the planned activities will be is provided at **Annex B** for information.

19. We anticipate that the Framework will include a number of service improvement outcomes, against which corporate progress can be measured. Although progress will be monitored by the Board on an ongoing basis, and reported to Executive Board as set out above, the ICS also strongly recommend that COPFS commit to a more formal review of progress on an annual basis. This review, which would incorporate further internal and external survey work, would capture progress and inform priorities for the year ahead.

20. A detailed communications plan will be prepared by the Head of Corporate communications, who is a member of the Board. A key part of this plan will be to raise general awareness of the Strategy and the more immediate priorities identified in the Framework.

Recommendation

21. Executive Board are invited to note:
- The progress COPFS has made on Service Improvement so far, as detailed in **Annex A**;
 - The next steps we intend to take to increase our corporate commitment to service improvement going forward, as outlined in paragraphs 12-20; and
 - The illustration of likely planned activities in the year ahead, at **Annex B**.

██████████
██
6 August 2021

ANNEX A**SERVICE IMPROVEMENT – PROGRESS SO FAR****1. Service Improvement Board**

The Service Improvement Board (SIB) continues to meet regularly. Each Function or business unit within functions has its own Service Improvement Plan. Whilst some of them are relatively generic in terms, they demonstrate identified areas where progress is required. The functions designed them, after consideration of Service Level Complaints and the main focus of many is to improve communication to the public. In Local Court each Sherifffdom has a Service Improvement Plan and Service Improvement Champions at Band D level.

The Board considers systemic complaints and has on occasion identified learning across the organisation. However it is fair to say that many of the complaints around this topic are often written off as human error without any further consideration of underlying systemic issues.

2. Training

To assist with the culture change, it was identified at the start of the service improvement journey that a number of staff lacked confidence in dealing with members of the public or taking decisions around service level complaints. Through COPFS membership of the Institute of Customer Service, attempts have been made to address this issue and to provide staff with confidence, and awareness about how important service delivery is in instilling confidence in COPFS. We have now secured "First Impressions training" for approx. 100 staff across predominantly Local Court, but some across Operational Support and Serious Casework Group.

We previously identified 4 trainers who were funded through the "Train the Trainer Course", but we will need another 8-12 trainers accredited if COPFS want to roll out the First Impressions course to every member of staff.

As part of the First Impressions Course each candidate requires to come up with a service improvement idea. All courses have generated a number of good initiatives. Local Court have ensured that every individual and their idea has been put in touch with either a manager leading on that topic or invited into a work stream that is considering that topic (example induction training). Where it is a new idea – it is explored firstly by local managers and where possible added into the Sherifffdom Service Improvement Plan. As an example, one individual in an idea to improve service described the entire concept of the Digital Evidence Sharing Capability. When it was explained that this idea was already in motion, she was keen to find out more and will be invited to work on the project when considering the target operating model.

3. Key Performance Indicator – Quick Resolution/Failure to Communicate.

The remit of the Service improvement Board encompassed the recommendations of a previous Inspectorate Report. One of these recommendations was to consider setting key performance indicators for service delivery. There was great debate at

the Board around how to approach this. The Board concluded that given the high level of upheld failure to communicate complaints, (across all functions) this was an obvious place to start. SIB presented a paper to Operational Performance Committee in 2019 recommending that the following KPI's to be adopted:

- (i) That 50% of all service level complaints received should be dealt with by Quick Resolution (face to face or telephone resolution).
- (ii) Communication failures limited to no more than 20 per year. (This KPI will be measured with reference to upheld formal failure to communicate complaints)

The Operational Performance Committee has not, to date, approved the introduction of these KPIs. The Service Improvement Board intends to revisit these KPIs with a view to introducing a way to reliably and meaningfully measure service delivery in key areas of the business by the end of 21/22.

4. Research – User Experience

It is recognised that a learning organisation must ensure that we make no assumptions as to what people's views are in relation to their experience of COPFS. One part of the service improvement strategy has been to challenge our own assumptions about what is "good service" or not and to gain independent user experience that can inform our approach to service improvement. In late 2017, some free research from the insight branch of the Institute of Customer Service around attendance at court was negotiated. Whilst this is a "system issue" it was a good starting point for user research as it allowed access to individuals present at that time with recent and relevant experiences to share.

The research evidenced that the experience of coming to court was fraught with difficulties and whilst people felt strongly that it was their public duty, they felt that the system did not take into any account the individual's life and the communication at court and explanations provided for any change that day was inadequate.

Due to funding difficulties it was not possible to progress any more user research again until 2018. User experience was carried out again at Edinburgh Sheriff Court at that stage, although the focus was more on what improvements had been made since 2018 and particular feedback was sought on the concept of the witness portal. This research was more positive and the Service Improvement Board had a presentation from the researcher. One of the key findings delivered is that the witness portal presently at prototype has the capacity to make an enormous positive difference to an individual's experience at court.

5. NCS Customer Service Week

NCS Customer Service Week is in October each year. Pror to the pandemic, in Local Court, Sherifffdoms were able to host a small local event for key stakeholders and victim groups to gain insight and valuable feedback about the service we provide locally. The feedback gained will allow Sherifffdoms to focus their local SIP on any key issues raised. It also created an ideal opportunity for local Sherifffdoms to highlight the willingness to listen, reflect and learn from individual experiences.

COPFS focused on the theme of TRUST. This absolutely reflects the First Impression training that continues to be rolled out and the focus should be on – “we will do what we say we will do.”

ANNEX B**ILLUSTRATION OF PLANNED ACTIVITIES IN DELIVERY FRAMEWORK**

1. To successfully embed a service-focused culture across COPFS will need a long-term strategic focus underpinned by three main building blocks, each of which should be supported by component parts of the ICS Model for World Class Service:

- Engaged people – *capability and continuity*;
- Operational excellence – *consistency and creativity*; and
- Leadership commitment – *commitment and credibility*.

Engaged people

2. A focus on organisational **capability** puts responsibility on leaders to recruit the right people and on those people to ensure that the service is delivered in accordance with the vision and mission. It is essential that leaders identify development needs and ensure that training is implemented throughout the organisation in a timely and effective manner.

3. In a similar vein, **continuity** is about ensuring that staff are valued and supported within a 'no-blame', team-based culture and encouraged to be both responsible and responsive. Customer focus is a key element in reward and career progression.

4. To further support the corporate employee engagement strategy with a particular focus on service improvement the following activities could be taken forward:

- (a) A commitment to work with COPFS Learning to extend First Impressions training to all front line Band B staff within the financial year.
- (b) A longer term programme that commits to each individual (including Senior Leaders) gaining their First Impressions qualification.
- (c) Mandatory objectives generated to demonstrate awareness and commitment to providing a first class service across all functions and levels within the organisation.
- (d) Mandatory focus on service delivery at team meetings in operational functions, including discussion around improvement ideas and learning from complaints.
- (e) Consideration of Service Awards, celebration of success achievements across Functions.

Operational Excellence

5. A world-class organisation will value **consistency** and will map out processes to meet customer expectations rather than operational expediency. It will also encourage a 'right first time' attitude.

6. However, there also needs to be room for the **creativity** that allows for continuous improvement and innovation to be nurtured and encouraged at all

levels and across all areas of an organisation. It should ensure that changes are positive and should reflect customer requirements.

7. To support these aims the following activities could be taken forward:
 - (a) A commitment to seeking service user insight rather than making assumptions. Where customer expectations are unrealistic, COPFS need to ensure that appropriate communication channels are utilised to reset any these expectations.
 - (b) Supporting the Digital Strategy to improve our engagement with victims and witnesses, with emphasis on the key stages where victims and witnesses can become dissatisfied and disengaged.
 - (c) A relentless focus on upheld complaints in order to identify root causes and address systemic issues.
 - (d) Supplementing the existing complaints process with further service user feedback once the complaint has been resolved.
 - (e) Encouraging and supporting teams in functions to identify and take forward opportunities for service improvement as part of local action plans.

Leadership commitment

8. In any world-class organisation the leaders must demonstrate a top-down **commitment**. They must clearly communicate their vision, mission, values and ethics to staff at all levels. It may also be a good idea to communicate the vision and values to other stakeholders including suppliers.

9. It is also important that the organisation demonstrates **credibility** in their commitment to improving service standards, delivering on promises and putting a responsibility on all members of staff to uphold the integrity of the organisation.

Executive Board - August 2021

FUTURE WAYS OF WORKING (FWOW) PROGRAMME: AGILE POLICY AND PROCEDURE SUBMITTED FOR APPROVAL

Purpose

1. To recommend approval of the attached agile working policy and associated procedure, including the Agile Working Assessment Tool.

Background and Discussion

2. The FWOW project board, which I chair, has been overseeing the development of our approach for the last 3 years during which time regular updates have been provided to the Executive Board.

3. Right from the outset it was recognised that there were three priorities which had to be developed in conjunction, and in a joined-up way in order to support the attached FWOW vision and its three 'pillars':

Digital tools: laptops for all members of staff, together with systems which enable staff to work, alone and in collaboration, from either their home office, or another COPFS office, or from home.

Estates: a process whereby no member of staff has a dedicated workstation, and anyone can book any available workstation via an app. This approach to be accompanied by the provision of more meeting spaces of varying sizes in COPFS offices.

HR Policy: a new policy and procedure enabling staff to work 'agilely' - i.e., for temporary periods of any duration, either at home or in a COPFS office other than their normal place of work, provided business need can be met and line manager approval is obtained.

4. Over the last 16 months the requirement for all staff to work from home unless they must be in an office/court has enabled us to test out and develop new ways of working and to obtain extensive feedback from staff at all levels about what works and what doesn't. This has put us in a good position to introduce FWOW once public health guidance allows (i.e. once staff are allowed to attend offices for all types of work, not just for work which cannot be carried out at home).

5. The digital tools are all in place: i.e. any member of staff can now work from anywhere. In addition, office meeting rooms are being adapted to enable staff working from any location (business or home) to meet together easily.

6. It will take longer for us to transform our estate – and the associated culture – to the point where no one has a dedicated workstation and one must be booked as necessary via an app (although a desk-booking app is likely to go live in the autumn). The planned refurbishments and rationalisation over the next few years of our offices

in Glasgow and Edinburgh, where over half of our staff are notionally based, will provide opportunities to embed FWOV to a significant degree.

7. We have used the last 16 months to consult on and test and refine the agile working policy and associated procedure. Account has been taken of feedback from pulse surveys and the network of 'FWOV champions', the unions, and senior staff across all Functions. We have also taken legal advice to ensure that our approach is compliant with relevant employment legislation.

8. In parallel the FWOV programme has also defined a range of other supporting products required to support launch of the agile policy and procedure, including other revised HR policies e.g. alternative working arrangements and flexible working hours policies, health and safety and security policies and procedures and comprehensive learning/support and communications packages including case studies and FAQs. In relation to recruitment going forward, our HR workstream is also revisiting the resourcing toolkit to reflect the requirement for vacancy holders to consider the potential for posts to be location neutral, when advertising and filling.

Proposed Agile Working Policy

9. The FWOV project board are satisfied that the attached agile working policy and procedure are suitable for use, and that they strike an appropriate balance between prioritising and enabling business needs to be met and providing staff with more choice about where they work. The key features of the documents are as follows:

- a. There will be no right to a temporary agile working arrangement, for however short or long a period: any member of staff can request an arrangement, but any request is subject to business need, productivity assessment and management approval.
- b. No one will be required to work from home under the policy. Agile working will not be driven by our estates transformation and there is no target for the number of staff working under agile arrangements although it is assumed that take up will be relatively high.
- c. Approval of a regular agile working arrangement will not amount to a change in terms and conditions. Every individual regular arrangement must be reviewed regularly – at least quarterly – and can be changed or withdrawn at any point. (Revisions are being made to the Alternative Working Patterns policy to enable staff to request permanent changes to their location of work in addition to permanent changes in working hours).
- d. Requests will be dealt with by line managers as far as possible with the minimum of bureaucracy. There will be no right of appeal because it is intended that requests will be dealt with informally. Staff whose requests are

refused by a line manager will, however, be able to talk to their countersigning officer.

- e. Given their very different purposes and working circumstances the three COPFS Functions will each develop, as necessary, additional local guidelines for managers to complement the national policy and procedure. It is accepted that as a result it will be easier for staff in some posts to work agilely than for those where routine attendance in an office or court is a prerequisite. The new career movement and development policy should enable opportunities to be balanced over time.
- f. Every member of staff will be responsible for ensuring health and safety and information security when working at home. Staff will not be allowed to work from home under the agile policy unless they have completed and submitted a home risk assessment.

Commencement of Policy

10. The agile working policy is designed for circumstances in which each member of staff can discuss with their line manager the location from which they work on a day to day basis. Ideally, therefore, we would prefer to introduce the policy once there is no public health requirement for any member of staff to work from home.

11. Given, however, that there appears likely to be an extended transitional period during which a presumption towards working from home may continue to apply for work that does not require to be done in offices/courts, but during which a growing number of COPFS staff may need (and/or want) to be in offices as the court recovery programme gathers momentum, we believe that the policy should be commenced on 1 October 2021, with the following provisos:

- a. Public health guidance and office capacity constraints would supersede the agile policy: i.e., conversations between managers and staff about location preferences would be subject to the foregoing.
- b. Although the policy will be live across COPFS from 1s October, it will be for each Function to determine precisely how it is implemented and applied locally, in line with the points made in paragraphs 9(e) above. An FWOW steering group has been set up in each Function for this purpose.
- c. The policy and procedure represent new and largely uncharted territory. It is anticipated that good and best practices will evolve over time and changes to policy and procedure will flow from our better understanding over time. Policy implementation, and the impact on office occupancy, will be monitored closely, including through regular staff surveys, and the documentation reviewed regularly and adapted as necessary during the first 12 months in particular.

12. We also intend to make the flexi arrangements which have applied since the beginning of the pandemic (i.e. 6am-10pm, with no core time) permanent in respect of weekdays from 1st October. These arrangements have been broadly welcomed by staff, and, combined with the agile policy, will enable staff to have a very significant degree of choice over when and where they work subject to line management approval and business need.

Recommendation

13. The Executive Board are asked to approve the Agile policy and procedure for implementation from 1st October.

IAN WALFORD

August 2021



CROWN OFFICE
& PROCURATOR
FISCAL SERVICE

SCOTLAND'S PROSECUTION SERVICE

AGILE WORKING POLICY

Date Created	Version	Author
September 2019	0.1	[REDACTED], HR
October 2019	0.2	[REDACTED], HR
November 2019	0.3	[REDACTED], HR
December 2019	0.4	[REDACTED], HR
January 2020	0.5	[REDACTED], HR
February 2020	0.6	[REDACTED], HR
March 2020	0.7	[REDACTED], HR
June 2020	0.8	[REDACTED], HR
March 2021	0.9	[REDACTED], HR
14 May 2021	0.10	[REDACTED], HR
19 May 2021	0.11	[REDACTED], HR
3 June 2021	0.12	[REDACTED], HR
16 June 2021	0.13	[REDACTED], HR
29 June 2021	0.14	[REDACTED], HR
July 2021	0.15	[REDACTED], HR
August 2021	1.0	Baselined Version

1. Introduction

Agile working enables COPFS employees to work in the most appropriate setting for the task in hand, provided that business needs are met, and they have obtained agreement from a manager. It is based on the concept that *"work is an activity we do, rather than a place we go"*.

Agile working benefits both employees and COPFS: employees have more flexibility about **where** and **when** they carry out their work, and the organisation can become more responsive, efficient, and effective. Agile working can also enhance the resilience of the organisation, enabling employees to continue working in circumstances where business continuity is critical.

COPFS has undertaken extensive consultation about agile working with employees, managers and TUs; some of the benefits identified from homeworking during the coronavirus pandemic include not having to commute, being able to spend more time with family, and supporting physical and mental wellbeing. However, some employees have missed being in the office, the social interaction, and face to face collaboration; those who prefer to work in a COPFS or SCTS location may choose not to work in an agile way. Employees have advised that flexibility in the working day is important, and so COPFS will shift to a greater focus on employees' contribution and productivity.

Agile working is about more choice without formal changes to employees' contracts or terms and conditions of employment; it includes agreeing a practical agile working plan with their manager and keeping it under review. It is not practical, for example, to work outside of office hours when employees cannot be reached. So, employees need to be reasonably available during the normal working day, unless agreed otherwise, and, for some roles, this may include being available to attend a court or office at short notice. Each Function will determine what is practical for their area in order to meet business needs and maintain service delivery and will discuss these with employees when considering requests for agile arrangements.

This policy covers informal and temporary agile working arrangements on both an *ad hoc* and *recurring* basis where the nature of the request does not require a formal application process. Examples of this include employees wishing to make a temporary adjustment to the start/finish time of their working day (without a change in FTE) or temporarily working from home. Where small and temporary adjustments can be accommodated, these constitute agile working requests and can be agreed informally. An informal arrangement (e.g. I want to work from home on a Friday for the next month) will not constitute a contractual change or a change in pay – where there is a requirement for a contractual change and/or a change in pay, the request must to be made formally using the **Alternative Working Arrangements Policy**.

It is expected that most requests will be for informal arrangements, as this creates maximum agility for both employees and COPFS. Agreed informal arrangements will be subject to regular review and may be subject to change, with appropriate and reasonable notice. The Agile Working Assessment tool should be used to help establish a shared understanding of what is reasonable.

2. Principles

- COPFS is committed to supporting agile working requests, but the needs and objectives of the organisation must continue to be met.
- All employees are eligible to request an agile working arrangement.

- All agile working arrangements must be agreed by a manager and are subject to the manager's assessments of business need and employee suitability.
- Managers and employees must work together to ensure organisational objectives and service levels continue to be met and that employee wellbeing is supported.
- Agile working concerns informal temporary changes to employees' working location or hours. Where employees wish to request a formal permanent change to their contractual working location or hours, they should do so using the **Alternative Working Arrangements Policy**.
- Approval of agile working is subject to having appropriate digital tools, where necessary, and access to an appropriate working environment.
- Once an agile working arrangement has been agreed, it applies to that employee in their current role and circumstances, and must be reviewed by the manager and employee at agreed regular intervals (as a minimum during quarterly conversations, or may be more often as determined by the employee's Function) or whenever the employee's circumstances or role changes;
- COPFS trusts its employees to maintain satisfactory levels of performance and productivity and managers will continue to undertake performance management checks and measures in line with the performance appraisal system. The focus will be on visibility of activities rather than physical visibility.
- Agile working arrangements may be reviewed if they no longer meet business needs, or if performance, conduct, or attendance issues arise; managers will discuss issues with employees as they arise and will deal with them under the appropriate policy. Employees should be given appropriate notice of any change to recurring agile working arrangements, which should be confirmed in writing.
- Employees with agreed agile working arrangements must continue to fulfil the full range of duties of their role, including participating fully in team meetings and activities, and attending at an office or court when required. On occasion, such attendance will be required at short notice. Employees should therefore ensure that the reason for requesting agile working will not impact on their ability to carry out their role, nor on their availability to attend an office or court at short notice.
- Employees must have completed a [Homeworking self-assessment](#) within the last 12 months for each non-COPFS location and have completed the mandatory health and safety e-learning, before commencing an agile working arrangement that involves working out-with a COPFS or SCTS location.
- It is expected that COPFS employees who have an agreed agile working arrangement will be based in the UK for tax and security reasons. Employees should refer to the guidance available separately, in relation to requests for any agile working arrangements out-with the UK.
- Managers must discuss with the employee and provide written reasons if they are unable to approve an agile working request.

- COPFS will give due consideration to all agile working requests made under this policy but there is no automatic right to an agile working arrangement.

3. Scope

The Agile Working Policy applies to all employees. However, there will be duties within certain roles at COPFS that require to be carried out in an office or court.

Agile working may be appropriate for employees who are new to COPFS or new to a role, but they may require extra support, induction and training that requires them to attend an office or court.

This policy supersedes all previous informal working arrangements.



CROWN OFFICE
& PROCURATOR
FISCAL SERVICE

SCOTLAND'S PROSECUTION SERVICE

AGILE WORKING PROCEDURE

Date Created	Version	Author
September 2019	0.1	[REDACTED], HR
October 2019	0.2	[REDACTED], HR
November 2019	0.3	[REDACTED], HR
December 2019	0.4	[REDACTED], HR
January 2020	0.5	[REDACTED], HR
February 2020	0.6	[REDACTED], HR
March 2020	0.7	[REDACTED], HR
June 2020	0.8	[REDACTED], HR
March 2021	0.9	[REDACTED], HR
14 May 2021	0.10	[REDACTED], HR
19 May 2021	0.11	[REDACTED], HR
3 June 2021	0.12	[REDACTED], HR
16 June 2021	0.13	[REDACTED], HR
29 June 2021	0.14	[REDACTED], HR
July 2021	0.15	[REDACTED], HR
August 2021	1.0	Baselined

4. Roles, Responsibilities & Requirements

Senior Managers/Business Managers will:

- Support the use of agile working.
- Monitor the overall use and impact of agile working principles (with minimum bureaucracy).

Managers will:

- Familiarise themselves with the relevant policies and guidance available on the intranet.
- Promote agile working to employees on the basis of mutual agreement.
- Apply the policy in line with the principles across their Function, using the Agile Working Assessment Tool (**Annex A**), if necessary, and exercising appropriate discretion.
- Monitor performance and productivity effectively in line with policy and ensure prompt action is taken where any issues or concerns arise.
- Ensure the wellbeing of employees with agile working arrangements, including ensuring that they do not work excessive hours and do not become isolated.
- Ensure that employees have completed the mandatory Homeworking self-assessment form and health and safety e-learning if they are working from a non-COPFS location.
- Ensure that where an employee is undertaking an agile working arrangement, they balance any impact on other colleagues/team members.
- Review recurring agile working arrangements and the impact on the business/ team at agreed regular intervals (as a minimum, during quarterly conversations).
- Where it has not been possible to agree to an agile working request, discuss the reasons for this with the employee. A written record of this discussion should be retained for future reference; as this is an informal process, an email will suffice.

Employees will:

- Familiarise themselves with the relevant policies and guidance available on the intranet.
- Consider the impact of their proposed agile working arrangements on their duties, team and overall effectiveness before making a request.
- Comply with COPFS policies regarding health, safety and security requirements where they work out-with a COPFS or SCTS location.
- Comply with the COPFS [Acceptable Computer Use Policy](#), and the COPFS guidance on the [Data Protection Act 2018 and the General Data Protection Regulations \(GDPR\) 2018](#).
- Maintain regular contact as agreed with their manager/team.
- Maintain satisfactory levels of performance and productivity as agreed with their manager.
- Take personal responsibility for their own wellbeing, including ensuring that they do not work excessive hours and do not become isolated from their team.

- When necessary, be flexible and prepared to reconsider their agreed arrangement at the request of their manager, in order to fulfil business needs.
- Engage with reviews relating to recurring agile working arrangements at agreed regular intervals (as a minimum, during quarterly conversations).
- Ensure that their reason for requesting agile working will not impact on their ability to carry out their role, nor on their availability to attend an office or court at short notice, where applicable.
- Ensure that they have completed a [Homeworking self-assessment](#) within the last 12 months for each non-COPFS location and have completed the mandatory health and safety e-learning, **before** starting an agile working arrangement that involves working out-with a COPFS or SCTS location.
- Ensure they have a suitable, secure network connection with a username and password if working from a non-COPFS location.
- Ensure they have used the appropriate desk booking system prior to working in any COPFS office.

5. Requesting an Agile Working Arrangement

Employees should discuss their agile working request with their manager in the first instance. All agile working arrangements must be agreed with a manager in advance and a written record of the arrangement should be kept by both parties. As agile working arrangements are temporary and informal, an email of the agreement will suffice.

6. Considering an Agile Working Request

Each Function will determine what level of management will be authorised to consider and approve agile working arrangements, with minimum bureaucracy, taking into account the nature and circumstances of the request. It will be for each Function in COPFS to determine whether the request meets business needs. Requests should be considered as soon as possible after they have been received, and normally within 7 calendar days.

In the case of *ad hoc* requests (e.g. to work at home for a day to accommodate a medical appointment), minimal discussion between the manager and employee will be required about the impact and logistics of the request.

In the case of *recurring* agile working requests, managers should refer to the Agile Working Assessment Tool to structure their discussion with the employee. The discussion should cover:

- The duties of the post: how these will be carried out, including expectations around performance and productivity and attendance at meetings.
- The proposal: location/hours/duration and any associated costs, impact on the rest of the team/business need/employee's availability, frequency of review.

- The working environment: equipment (including specialist equipment), security, access to digital tools, health & safety, Homeworking Self-assessment.
- The employee: supervision/contact, attendance at meetings, work-life balance, Career Movement & Development, any performance/conduct/ attendance considerations.

Managers should take a holistic approach when considering requests for agile working, balancing the needs of the employee, the team and the Function, where appropriate, and taking account of business needs, workload, team availability and pre-existing agile working arrangements/Alternative Working Arrangements. Employees may be asked to consider amending aspects of their request to assist with accommodating it.

Each request will be considered individually on its own merits in balance with the needs of the team/Function. It is important to recognise that, by agreeing to one employee's request, COPFS will not set a precedent or create a right for another employee to be granted the same or a similar change to their working arrangements.

7. Communicating the Outcome

Once a decision has been made, the manager should inform the employee as soon as possible. If the request is granted, it is good practice to confirm, in writing (e.g. by email), the detail of what has been informally agreed. Decisions about most *ad hoc* requests will require minimal discussion and can be made quickly and easily.

For recurring arrangements, however, the written confirmation should cover all the arrangements informally agreed as part of the Agile Working Assessment Tool discussion in [Section 3](#). It is important that the discussion takes place, to clarify expectations for both the employee and manager.

If the request cannot be granted, the manager should discuss with the employee the reasons why and any appropriate alternatives. They should give the staff member a note of the reasons in writing, to help them in formulating future applications; as this is an informal process, an email will suffice.

8. Review of Recurring Arrangements

Where a recurring agile working arrangement has been agreed it is essential that it is regularly reviewed at appropriate intervals, the frequency of which will be agreed locally at the outset; where an arrangement is expected to last longer than 3 months, it must be reviewed during quarterly conversations. Agile Working Arrangements must also be reviewed at their designated end date, or if circumstances change.

At each review, the manager will discuss with the employee whether the arrangement continues to meet the needs of both the employee and the business, or whether any adjustments would be beneficial. Both parties will also consider whether the arrangement can continue and, if so, for how long. At each review, the date of the next review must be agreed.

If there is a change of line management for an employee with a recurring arrangement, their new manager should carry out the agreed reviews as previously scheduled.

9. Working Hours and Availability

Employees are expected to be available for contact during times agreed with their manager and should specify any times during which they will not be contactable. Employees are expected to update their out of office messages, MS Teams status and flexi location codes to advise colleagues of their working location and availability. Employees should ensure that their calendar is always up to date, including when offsite. Calendars should be open to allow colleagues to view availability and to help COPFS meet its duties to ensure employee safety. The 'Private' facility can be used for confidential, sensitive, or personal appointments.

Employees are expected to comply with the requirements of the Working Time Regulations in relation to breaks, daily and weekly rests and average working hours each week. Normal overtime and flexi arrangements continue to apply. Refer to the Flexible Working and Overtime policies for more information.

10. Attending Meetings or Training

Employees undertaking recurring agile working arrangements are expected to attend meetings, training, and other events in person at other locations or online as required in the performance of their duties. When using their car for business travel (not commuting), the employee must have valid insurance (a copy of which must be sent to Finance) that covers them for business use in line with existing policies.

Employees should ensure that their agile working arrangements do not impact their ability to do their job or their availability to attend an office or court, sometimes at short notice. Employees will also be required to attend a COPFS location in person, as agreed with their manager, to maintain social interaction with colleagues and for wellbeing reasons.

11. Annual Leave

Requests for annual leave from employees undertaking recurring agile working arrangements should be made to the manager in the usual way.

12. Sickness and Accidents

Employees undertaking recurring agile working arrangements should follow the COPFS sickness absence reporting and certification procedure when they are unable to work due to illness. They should also contact their manager to tell them when they are well enough to return to work. A return to work interview will be conducted when the employee is well enough to work again.

Similarly, accidents must be reported via the [intranet](#) and the [Accident Incident Reporting Tool](#) must be completed.

13. Costs Associated with Homeworking

Employees are responsible for the costs associated with homeworking, and COPFS will not reimburse employees for any part of their utility bills or other overhead costs. However, employees can claim tax relief from HMRC for increased costs associated with working from home. This can be

done through an [online P87 form](#) through an employee's Government Gateway account or by filling out a [postal P87 form](#).

If [travel and subsistence \(T&S\) claims](#) need to be made, this should be done in the normal way. T&S claims should only be made when extra expense is incurred in carrying out official business. Employees are responsible for the cost of commuting between home and the COPFS location named as their permanent place of work.

14. Health and Safety

COPFS has a responsibility to ensure the safety and security of all staff, regardless of their work location. Employees who work from a non-COPFS location are responsible for ensuring that their working environment complies with the relevant COPFS health, safety and security policies. COPFS is responsible for the safety of the equipment provided and ensuring that it is in working order.

All employees working from home are required to complete a [Homeworking Self-Assessment form](#) for every 'home' location they work from; this must have been completed within the previous 12 months and prior to the employee undertaking any work from that location. The aim of the self-assessment form is to assist employees in assessing the health and safety of their working environment by listing the main areas of assessment and the issues within each to look out for.

COPFS' Business Support Services Team will retain a copy of all forms and ensure that they are maintained.

It is mandatory that employees working from a non-COPFS location undergo health & safety e-learning prior to undertaking any work from that location. This is to ensure they know how to minimise the risk of incidents and accidents there. E-learning should be undertaken on an annual basis and a record kept of training completed.

Failure to complete a Homeworking Self-Assessment form, or the health & safety e-learning, prior to undertaking any work from any non-COPFS location may result in disciplinary action being taken.

Employees must ensure that their manager is aware of their working location on any given day in case of emergency and to meet COPFS health and safety obligations.

15. Security

Employees are responsible for ensuring the [security of COPFS equipment and data](#) when working out-with a COPFS site and must take action to ensure that no unauthorised access to COPFS systems or information occurs. Failure to secure COPFS equipment, paperwork or data may result in disciplinary action.

Employees should refer to the [Departmental Security Guidance](#) on security of paperwork out-with a COPFS office if necessary.

Further information on maintaining security while working from a non-COPFS location can be found on the [intranet](#).

16. Continuation of Duties

There may be occasions where an employee is working from non-COPFS location, when circumstances beyond their control mean that work cannot continue to be carried out (for example, unforeseen restrictions with technology, a power cut or building work at home). Where it is not possible to carry on working from home productively, it is expected that the employee attends work at a COPFS office (if possible/available) or takes special leave (if not).

There may also be occasions when employees working within COPFS offices are unable to continue to work on-site (for example, unforeseen estates issues, adverse weather or where it is recommended that offices are closed). Under these circumstances it is expected that, subject to relevant business continuity plans, employees work from home (if permitted/appropriate) or be granted special leave (if not).

On some occasions, a situation may arise where an employee's normal workplace is unavailable and a suitable alternative is available, but the employee would prefer not to travel. In such situations, the employee may, subject to business needs, be allowed to take the remainder of the day off as annual leave.

17. Linked Policies/Guidance

- Acceptable Computer Use
- Alternative Working Arrangements
- Career Movement and Development Policy
- Compassionate Transfer Policy
- Data Protection and GDPR Guidance
- Detached Duty
- Excess Fares
- Flexible Working Hours
- Mobility
- On-call arrangements
- Overtime
- Recruitment toolkit
- Special Leave
- Travelling Time
- [T&S Manual](#)
- [Workplace Adjustments Passports](#)
- [Provision of Equipment/Hardware in a non-COPFS location](#)

RESOURCES COMMITTEE
MINUTES OF THE MEETING HELD ON 29 JULY 2021
HELD VIA MS TEAMS

Present:

Members

Lindsey Miller	Deputy Crown Agent (Operational Support) (Chair)
Ian Walford	Deputy Chief Executive
██████████	Head of Business Management (Local Court)
Jonathan Shebioba	Director of Support Services
John Cooper	Non-Executive Director
Sarah Carter	HR Director
██████████	Head of Workforce Planning and Reward
Marlene Anderson	(Interim) Director of Finance and Procurement
██████████	Head of Management Accounting and Planning
██████████	Deputy Head of Business Management & Pathology Programme Manager

In Attendance

██████████	Head of Business Support Services (For provision of duplicate equipment & Ballater St. Update)
██████████	Secretariat

Apologies

██████████	Head of Business Management (Serious Casework)
██████████	Head of Business Management (Business Services)

Welcome

The Chair welcomed everyone to the meeting. The meeting was being conducted via MS Teams due to the current Coronavirus outbreak.

Minutes from meeting held on 30 June 2021

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

Action Log

The Committee agreed the following amendments to the Action Log and noted progress with the remaining actions.

Action 3 would be continued and action 4 was closed

Finance Update

The Director of Finance and Procurement (DoFP) provided an overview of the finance paper.

The DoFP provided a brief update on the annual accounts, confirming that the current results were as expected. The DoFP advised that they have been involved with budget discussions with Scottish Government and will keep the Committee advise with the outcomes.

The DoFP provided an overview of the Finance update for 2021-22 noting that the first forecast is now in line with a predicted overspend.

The DoFP noted that the Service was pressing ahead with recruitment of budgeted posts and that HR have now applied pay coherence and the new pay policy to June salaries. It was also noted that there was a separate section to discuss Locla Court resourcing later in this meeting.

Risks were noted regarding ISD licensing & maintenance costs, post-mortems, witness costs and non-recoverable VAT. COPFS would also monitor any additional costs incurred during COP26 to confirm if additional funding is required.

The DoFP provided an update on the current overtime spend, and highlighted that LC is forecasted to have an overspend. The Head of Business Management (Local Court) (HoBMLC) stated that additional costs were incurred due to a new judicial requirement, stating that custody cases are now required to take place on bank holiday Mondays. Cases should be dealt with within 48 hours, and the cases are not to be heard on weekends. It was also highlighted that the overtime costs to date were not for Court Recovery, which are expected to start in September.

The DOFP provided an update in the Court Recovery Programme and advised that the breakdown would be allocated to the functions by the end of July.

The DOFP advised that they met the new Counter-Fraud Officer along with the Deputy Chief Executive, who advised that they are planning to set up forums to share best practice and templates/tools.

DOFP concluded by providing an overview of the 2021 Spending review, which included information on the initial work on a high level 5 year funding plan, and set out the limitations and assumption.

[ACTION] HR Director (HRD) stated that they were collating a paper for the Workforce Planning Group relating to recruitment versus overtime and advised that they would share this information with the Resources Committee.

The Committee discussed the current issues with the current recruitment campaigns. All were in agreement that Business Areas needed to ensure that staff were assigned the correct level of work.

[ACTION] Non-Executive Director (NXD), asked HoBMLC to submit a paper to the Executive Board regarding the increase in overtime due to the public holiday custody courts.

Head of Management Accounting and Planning (HMAP) discussed the recovery programme budget update, which included an option for an alternative FTE for Local Court (A separate paper which was discussed later in the meeting) and requested if one vacancy factor should be used for all business areas or if separate vacancy factors should be used as each area has their own unique challenges.

It was agreed later in the meeting that the budget should be used which does not include additional FTE for LC (At this time), and separate vacancy factors should be used for each business area.

Local Court Resourcing

HoBMLC asked to present their paper before agreeing the court recovery budgets, which the Committee agreed to.

HOBMLC presented the Local Court FTE and Recovery Post paper and requested for additional recruitment to be permitted to increase their FTE by 78 to the original staffing levels.

The Committee noted the contents and highlighted that COPFS had not yet fully recruited the Court Recovery positions which may assist with the current issues. The Committee were supportive that all business areas should be adequately staffed, but asked the HoBMLC to resubmit their paper, breaking down 78FTE into essential and non-essential positions so the request could be taken further.

HoBMLC confirmed that they would revert to Local Court Senior Management to discuss the situation further and would revert to the Committee if there was still a requirement for these positions.

Recruitment Update (WPG)

Deputy Chief Executive (DCE) was due to provide a verbal update on recruitment, however the previous discussions covered the prepared update.

Provision of duplicate equipment

The Head of Business Support Services (HBSS) joined the call to discuss the above paper. HBSS provided an update on costs incurred to date to supply specialist equipment for staff to work in the office and additional costs which are likely to be incurred as staff return to the offices which includes agile/blended working patterns.

HBSS advised that their team are currently doing an audit of the offices to confirm what equipment will be required for staff to return to the offices (Specifically replacing standard chairs which were sent to staff working from home) and is working with the central procurement team to ensure we are getting the best value for money.

HMAP also recommended that a suitable solution (rucksacks) is found to transport laptops and equipment to the office, due to the new regulations that staff should refrain from leaving items in the workplace.

The committee agreed that COPFS should support staff and supply equipment where required. WAPs should be completed where specialist equipment is required (For home or office), and normal equipment can be requested through line managers where staff are working from home. This was on the agreement that all equipment is returned to COPFS when staff leave.

Estates – Ballater Street update

HoBMLC provided a summary of the paper and the options currently available for the office. HoBMLC highlighted that timings are important for the changes in Ballater Street and all staff are onboard and excited about the plan. With staff coming back to work and the introduction of agile working patterns, it was recommended to pause the changes for 6 months to get a better understanding of the office requirements.

The DCA agreed to the pause, provided the costs could be absorbed into future budgets.

All other Committee members were in agreement to the 6 month pause to ensure the office refurbishment is completed to meet the future need of the business.

The DoFP asked if the funds allocated to this project could be reallocated to Court Recovery. The Committee agreed to this proposal.

Function Procurement Report

HoBMLC ran through the Function procurement report and highlighted the hard work and savings made by the Procurement Team, who have generated a total saving of just over £1.1M to date

Corporate Risk Register

[ACTION] The DCE advised that there would be a meeting to discuss the Corporate Risk Register the week after this meeting. The DCE would make any adjustments and circulate the Risk Register before the next RC meeting.

Any other Business

The DCA reminded the Committee that answers were still required for answers posed earlier in this meeting. The Committee agreed to use the Court Recovery budget without the FTE adjustments for Local Court, that the funds set aside for the Ballater Street refurbishment should be returned to the central court recovery fund, and a different vacancy factor should be used for each business area.

HMAP advised that the QLTR accounts got final audit clearance the day before this meeting and will be presented to ARC to be signed by the end of the month.

Date of Next Meeting

31st August 2021

OPERATIONAL PERFORMANCE COMMITTEE

MINUTES OF MEETING HELD ON 23 JUNE 2021

BY MS TEAMS

Present:

Stephen McGowan	Deputy Crown Agent – Serious Casework (Chair) (DCA)
[REDACTED]	Procurator Fiscal, High Court (KD)
[REDACTED]	Procurator Fiscal, Policy and Engagement (AM)
[REDACTED]	Head of Business Management, Local Court (GK)
[REDACTED]	Deputy Procurator Fiscal, Specialist Casework (LM)
[REDACTED]	Non-Executive Director (FM)
[REDACTED]	Head of Management Information Unit (FR)
[REDACTED]	PA DCA – Serious Casework (Secretariat) (GE)

Apologies:

[REDACTED]	Procurator Fiscal, Local Court West (RM)
[REDACTED]	Procurator Fiscal, Specialist Casework (JH)

1. Welcome and Apologies

The DCA welcomed everyone to the meeting. LM attended as rep for JH. Apologies were noted.

2. Minutes of previous meeting

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

3. Outstanding actions

Action 49: Victim Information & Advice (VIA) remit regarding sexual offence victims. Remit is being refreshed. **Action: closed.**

4. Monthly stats

High Court (HC)

- In same situation as last month in terms of work needing to increase to match input. Recruitment is ongoing for every grade
- Working ongoing in regard to process plan to change way we have to do work, in particular post indictment work. Hope to have plan by next meeting.
- Issue with timebars in that there have been one or two near misses. This has always been a vulnerability particularly where a manual update is required and there is an increased risk – this is due to the Coronavirus legislation. Three key areas were identified; roll ups, reindicts and re-reports, but focus is on auditing every case. E-learning is being revised on the Coronavirus legislation which will be mandatory for all HC staff.
SMcG asked that GK & LM also advise their units of this issue. This will also have an impact on functional risk register which feeds into corporate risk register.

Local Court (LC)

- Not in a position to say recovering but staff are being brought in at all levels.
- Figures creeping up in NICEP but mitigation is being put in place until resources have started. This is the same across whole of LC.
- Starting to see number of pleas in certain areas.
- Hopefully, once September comes, process will be embedded and additional courts will make a difference.
- With regard to KPIs, too early in year to tell if achieving these.

Specialist Casework (SC)

- Echo HC and LC re recruitment. Starting to see start dates for new resources being fixed, boost as posts have been vacant for a long time.
- Across a number of units bracing for busy few weeks in relation to new LOs, and provision of briefings.

Policy & Engagement (P&E)

AMcG updated on Coronavirus (Scotland) Act. SG lodged legislation on 18 June in relation to an extension of the Act and this will be addressed by Parliament this week with a view to it being passed. By end of week there should be confirmation that the legislation will be extended from end Sept 2021 to end Mar 2022 with possible further extension of 6 months. SG plan to publish consultation paper this week in relation to further extension of the justice provisions contained within Act and asking members of public whether there should be further extension beyond the year extension.

5. CAAPD paper

LM explained issues and clarified proposals in paper 5. Current published target is to complete investigation and advise complainer within 12 weeks in 90% of cases, that has been met in 91% of cases. Some work has been done to identify performance against that target in removing practice of freezing target which would have been 59.5% of cases. Some of the CAAPD cases do take longer, for reasons outlined in paper. Stats provided last reporting year 68% of these cases were closed within 6 months and year before 76%. The proposal is to set a new target so that it is still a stretching target and propose to close 75% of cases by completing investigation and advising complainer within 6 months. Target of that nature is more akin to targets in other areas of business. Keen to implement the new target as quickly as possible.

After discussion, this target change will require formal sign off by Executive Board with recommendation from OPC that EB approve the new target to take effect from 1 July and old cases to be closed off

Action 2/21: SMcG to advise EB and provide paper.

6. UNCRC

It is anticipated that the UNCRC Incorporation Bill will be enacted within next 6 months. A Working Group has been formed to review relevant policies and processes. Functional representatives are required for 2 additional subgroups. The first will be chaired by Policy and will examine our routine interactions with child witness and victims, that engagement would normally be carried out by VIA and will be informed by individual maturity of child and properly involving them and obtaining views. HC & LC VIA and business reps are requested for the subgroup

The second subgroup relates to the prioritisation of cases with accused persons under 18. There are existing processes which prioritise cases for under 16s and 16 & 17 year olds under supervision (reflecting the statutory definition of a child in the 1995 Act) but we now have to consider expanded processes require for all under 18s. Senior business reps are required to chair and form the subgroup to examine relevant processes. The subgroup will require to engage with SCTS re the prioritisation of relevant cases before the Court.

Action 3/21: HC and LC to nominate reps/chair for the respective subgroups

7. Terms of Reference

SMcG has spoken separately to all OPC members and had planned to bring to meeting note of thoughts going forward to use as basis for discussion. Note will be circulated in advance of next OPC and will devote majority of next meeting to this.

8. AoB

There was no AoB.

Date of Next Meeting: 11 August 2021.

DRAFT

EXECUTIVE BOARD
BUSINESS PROCESS IMPROVEMENT COMMITTEE
AUGUST 2021 UPDATE

Purpose

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

Update

3. BPIC last met on 7 June and is scheduled to meet on 7 September 2021. The DCA – Local Court and chair of BPIC provided a verbal update on the corporate digital business improvement priorities for 2021/22 to the Executive Board at its meeting on 16 August.
4. This update provides an overview of the Digital Transformation Programme for 2021/22 approved by BPIC and the delivery positions for projects and improvements being delivered over the next few months.

Digital Transformation Programme for 2021/22

5. Details of the Digital Transformation Programme for 2021/22 and news on selected service enhancements were included in the Chief Digital Officer's (CDO) [update](#) on PF Eye in July.

Delivery Updates

6. Progress updates for some of the key digital solutions and improvements being progressed or implemented over the next few months are summarised below:
 - **Digital Meetings Room Innovation:** Phased implementation of the latest digital meetings technologies, integrated fully with Microsoft Teams and Windows 10 laptops [from September 2021];
 - **Desk Booking App:** Implementation of a new desk booking app to support our phased return to offices and future working arrangements [September 2021, subject to solutions confirmation in early August];
 - **Defence Agents Services:** An enhanced **PIDM Booking Application**, reflecting feedback from the group and incorporating improved design and enterprise level functionality, was presented at a meeting of the Defence Agents Service (DAS) Consultative Group meeting in Glasgow on 7 July. The new version of the PIDM Booking App was positively received. Further demonstrations with key users of the service and communications are planned to support the launch of the new application at the end of September 2021, subject to confirmation of launch readiness and stakeholder planning;
 - An overview of the strategic vision for a new **Defence Agents Service**, building on the prototype solution developed by ISD, was also presented to the consultative group; DAS aims to deliver a modern and secure single digital gateway for accessing disclosure information, replacing the current Secure Disclosure System (SDS), incorporating the PIDM Booking App, and providing other appropriate COPFS - Defence Agents information and digital

collaboration services. The DAS consultative group is scheduled to next meet in early October;

- **Digital Evidence Sharing Capability (DESC):** Supplier confirmed and, subject to completion of formal contract arrangements, vendor engagement will commence from mid-August. ██████████ and ██████████ continue leading work on this for COPFS. Recruitment of additional ISD resources is ongoing to provide the capacity for implementing DESC in line with project timelines;
- **Offsite Datacentres and IT Systems Resiliency Enhancements:** The first of COPFS' new offsite datacentres is procured and ISD have completed the configuration of the network and telecommunications infrastructure. ISD is working to complete the transfer of the current Edinburgh datacentre IT systems and implement the first tranche of enhanced IT infrastructure resiliency solutions in the offsite datacentre by October 2021. This work is being organised to support COPFS' preparedness for COP26 in November. A delivery roadmap and progress report will be provided to BPIC and CRG later this month;
- **Cyberattack Simulation and Business Resiliency Exercise:** Corporate exercise held on 2 July. The CDO circulated a framework document providing an overview of the key development themes, actions and issues identified from the exercise. Meeting held with function and communications senior managers on 6 August to agree priorities, roles and responsibilities. Initial priority digital resiliency solutions progressed or implemented by ISD. Local business resiliency plans and COP26 preparedness activities are being aligned. A

progress update is being provided to CRG for its August meeting;

- **Witness Gateway:** The build of the first version of the Witness Gateway (focussing on the application interface and product design, security and authentication features, and specifically the witness availability management functionality) is complete. The CDO has written to key stakeholders ahead of a meeting later this month to discuss project and stakeholder management, and evaluation, communications and delivery planning. Details will follow outlining the scope and phased evaluation plans [from August 2021];
 - **New Intranet:** The new corporate Intranet - titled 'Connect' - is on track for launch in the Autumn. The new solution will deliver the Digital Strategy vision of a single corporate browser product, combining the current PF Eye Intranet and Corporate Apps facilities.
 - **Expansion of CMiC:** CMiC app for use in S&J cases developed and tested, with assurance acceptance being scheduled to enable the expanded solution to be implementation for S&J use from end September 2021; analysis and design for a bespoke CMiC app for use in High Court cases ongoing with implementation aimed for Q3 2021/22.
7. Updates on the Digital Transformation Programme and other digital casework and business improvement projects will be reported to BPIC monthly and discussed at each meeting. BPIC updates will continue being provided for Executive Board meetings.
 8. The programme of work involves significant scale, scope and complexity. The recruitment of permanent ISD staff (approved as part of COPFS' additional

resources bids at the last spending review) and resources to support the delivery of DESC over the next couple of years are essential for delivering the plan. BPIC recognised the importance for ISD to recruit the right staff with the right skills and experience at the right time to deliver the programme. A risk register will be maintained to support ISD's recruitment and delivery planning. The CDO confirmed appropriate planning will be applied to support delivery of the programme, subject to resources, scoping and detailed project planning. Final analysis and planning will confirm delivery timescales and approaches for some projects.

Decisions/Actions required by Executive Board

9. The Executive Board are invited to note progress and comment as appropriate on BPIC's portfolio priorities for 2021/22.

John Logue

Deputy Crown Agent – Local Court 9 August 2021

Function Update for Executive Board: Operational Support 18 August 2021

Operational Support brings together a range of central services which enable COPFS to deliver its objectives. The function currently has 364.51 FTE staff (including all 59 trainee solicitors) divided into two broad teams: Policy and Engagement; and Business Services. Its budget for 2021-22 is £37.6m which includes £19.5m of centrally managed expenditure (e.g. estates and ISD budgets) and £4.8m capital.

Policy and Engagement Update

Policy and Engagement (P&E) leads on prosecution policy and supporting the Law Officers in the development of same. P&E also provides both an internal and external service in relation to Complaints, Victims Right to Review (VRR), Freedom of Information (FOI), Data Protection, Management Information, Media Relations and National Enquiry Point (NEP).

P&E have a staffing complement of 97.06 FTE staff (this includes 45.54 FTE Enquiry Point staff). Within Policy there is a staff complement of 20.06 legally qualified members of staff. As a result of promotions several SPFDs and PFDs have transferred to Local Court and SCG. SPFD replacements are currently being recruited and PFD replacements will be sought in due course. NEP continue to carry a number of vacancies at Band B grade. However, a recruitment exercise is underway to fill these posts.

Policy resources are currently directed to responding to the impact of COVID-19 on the justice system alongside mainstream Policy work.

COVID-19

Emergency Legislation and Prosecution Policy

Policy have contributed to the urgent development, drafting and Parliamentary passage of emergency legislation. Policy developed consequential prosecution policy and guidance for prosecutors and Lord Advocate's Guidelines for the Police.

Movement in and out of lockdown has required significant contribution to legislative proposals and amendment and consequential amendment to prosecution policy and guidance and Lord Advocate's Guidelines for the Police. The relevant legislative framework is:

Coronavirus Act 2020:

- Creates offences by potentially infected persons and offences in relation to events, gatherings and premises

Health Protection (Coronavirus) (Requirements) (Scotland) Regulations 2021 (from 9 August 2021):

- Following the ending of the tiered system of restrictions, the Regulations continue requirements which apply in Scotland in relation to requiring record keeping by certain hospitality businesses, requiring businesses, service providers and places of worship to have regard to guidance issued by the Scottish Ministers and requiring compliance with certain rules regarding the wearing of face masks in relevant settings (including on public transport).

Coronavirus (Scotland) Act 2020:

- Electronic signatures and transmission of documents;
- Electronic search warrants & apprehension warrants;
- Attendance of parties by electronic means;
- Revalorisation of Fiscal Fines;
- Ability to call custody cases in any Sheriff Court;
- Extension of time limits;
- Extension of section 259 of the Criminal Procedure (Scotland) Act 1995 (this provision will now expire on 30 September 2021)

Coronavirus (Scotland) (No 2) Act 2020:

- Extension of time limits in criminal proceedings;
- Authority for prison custody officers to operate on police estate;
- Continuation of Undertaking conditions following a failure to appear at court – Schedule 2, Part 1, Paragraph 6 of the 2020 Act (No.2) makes provision which enables the court to prevent the expiry of an undertaking given under section 25(2) (a) of the Criminal Justice (Scotland) Act 2016 (“the 2016 Act”);
- Extension of Proceeds of Crime procedural time limits;
- Electronic transmissions of documents to the Registers of Scotland;
- Electronic Signature and Transmission of Documents to Registers of Scotland.

The abovementioned provisions of the Scottish Coronavirus Acts will remain in force until at least 31 March 2022, with the exception of the provision in relation to the extension of section 259 of the Criminal Procedure (Scotland) Act 1995, which expires on 30 September 2021. The Scottish Government are currently exploring legislative options in recognition of the continuing need for a number of the justice provisions and Policy officials are engaged with the Scottish Government in this regard

Health Protection (Coronavirus) (International Travel) Regulations:

The Regulations require the provision of information including notification of a negative test by both travel operators and travellers and the isolation of travellers on arrival.

Health Protection (Pre-Departure Testing and Operator Liability) (Scotland) Regulations

Places certain obligations on operators of international travel to provide information to passengers at various stages, as well as obligations to ensure that passengers provide required information.

Other Coronavirus Related Policy

Policy division have drafted revised guidance on access to witness statements, with provision made for access by Microsoft Teams and by email in appropriate scenarios. The guidance has been agreed by the Disclosure Reference Group and has been approved by SET. Work is ongoing to ensure that data and information security issues are fully addressed and a short-life working group has been established to draft process maps for operational colleagues.

Prosecution Policy has been published to enable the wider supply of naloxone – an opiate overdose remedy – in the context of the current public health restrictions.

Prosecution guidance has been provided to enable the forensic examination of sexual offences victims in the context of the current public health restrictions.

(from March 2020 – pre-COVID)

Legislation

Age of Criminal Responsibility (Scotland) Act 2019

This Act raises the age of criminal responsibility to 12 and received Royal Assent on 11 June 2019. An Advisory Group has been convened to report on implementation of the Act and possible raising of the age of criminal responsibility to above 12 years old. Policy officials are the COPFS representatives to the group and chair a subgroup on the operational implications of any further rises. Policy officials are also members of the Data and Research Subgroup, working with key partners to collate relevant information to consider a future age of criminal responsibility.

Separately, a criminal justice planning group has been formed under the auspices of the Youth Justice Improvement Board. The remit of the group is to plan for possible extension of the Children's Hearing system to all under 18s. Policy officials are contributing to the Group

The Vulnerable Witnesses (Criminal Evidence) (Scotland) Act 2019

The Act includes new measures to increase the number of cases in which the evidence of children and vulnerable witnesses is pre-recorded to avoid them having to give evidence during a subsequent trial.

The first implementation phase began on 20 January 2020. That phase mandates that the evidence of all child witnesses aged under 18 in High Court cases for certain specified offences be pre-recorded.

Policy and operational staff have formed an implementation group in connection with the second phase, relating to Sheriff and Jury cases, and have started preparations for a significant change in the way evidence is taken from child witnesses. However, postponement of the implementation of the next phase to an as yet unidentified date has been confirmed given the impact of the COVID-19 pandemic.

Forensic Medical Services (Victims of Sexual Offences) (Scotland) Act 2021

This Act, which seeks to place on a secure statutory footing the provision of forensic medical services by NHS Boards to victims of sexual crime, received Royal Assent on 20 January 2021. It covers both the provision of services where a crime has been reported to the police but also through self-referral services where there will be no requirement for the victim to report the matter to the police in order to obtain medical services following the crime.

Policy, through their position on the CMO Taskforce – National Self-referral subgroup, are involved in the drafting of the national protocol that is to be, following approval by the Lord Advocate, issued to the NHS Boards. Policy are also working with partner stakeholders on the subgroups in the design and delivery of training for the NHS Boards in relation to the legislation.

Hate Crime Act

This Act was passed by the Scottish Parliament on 11 March 2021. The Act modernises, consolidates and extends Hate Crime legislation.

The Act adds age and variations in sex characteristics to the list of protected characteristics, with provision to add gender at a later stage. The Act creates statutory aggravations for the 7 protected characteristics and creates a number of offences, in particular the stirring up of hatred. The Act also creates freedom of expression provisions covering all of the protected characteristics with the exception of race.

An implementation date has yet to be confirmed. Guidance on the Act is being developed for prosecutors.

The United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2021

On 16 March 2021 the Scottish Parliament passed a Bill which incorporates the UN Convention on the Rights of the Child into Scots Law. This places an obligation on public authorities not to act incompatibly with UNCRC.

The implementation date of the Act is specified as 6 months after the date of Royal Assent however the UK Government has referred the Bill to the UK Supreme Court to assess whether certain sections of the Bill are beyond the competence of the Scottish Parliament. It is anticipated that the planned implementation timetable may be affected as a consequence, but it is highlighted that the Act contains a provision which allows a shorter period between Royal Assent and implementation.

The legislation will require COPFS to review prosecution policies and processes relating to prosecution and the investigation of deaths which are both directly and indirectly associated with children (as accused and witnesses) to ensure that they are compatible with the UNCRC. COPFS Policy Division has begun that process. A working group has been set up involving members from Policy, SFIU and other specialised operational divisions review relevant policies and procedures.

Domestic Abuse (Protective Orders) Act 2021

The Act was passed by Parliament on 17 March 2021 and is awaiting Royal Assent. The Act creates protective orders for people at risk of domestic abuse to enable the removal of a suspected perpetrator of abuse from the home of the person at risk. Policy Officials are members of a SLWG created by Police Scotland and Bill Officials in relation to the Bill and provide regular input to this working group. Policy will continue to work with the relevant stakeholders in relation to the implementation of the Act following Royal Assent and will prepare and issue appropriate guidance to staff.

FGM (Protection and Guidance) (Scotland) Act

The purpose of the Act is to strengthen statutory protections for women and girls at risk of female genital mutilation (FGM). The Bill creates a new FGM Protection Order, a form of civil order which can impose conditions or requirements upon a person for the purpose of protecting a person or persons from FGM, safeguarding them from harm if FGM has already occurred, or for the general purpose of reducing the likelihood the FGM offences will occur. Breach of this order will be a criminal offence. The substantive provisions of the Act are not yet in force. There is no timetable for progress at present as a result of Covid-19. In due course, Policy will work with SG on draft guidance.

Redress (Survivors of Historical Child Abuse in Care) (Scotland) Act 2021

The purpose of the legislation, passed on 11 March 2021, is to establish a financial redress scheme for survivors of abuse in care. SG are provisionally hoping to open the scheme for applications before the end of 2021. Secondary legislation will require to be put in place following summer recess and application forms, guidance materials etc for applicants will require to be developed.

Covert Human Intelligence Sources (Criminal Conduct) Act

Since June 2017 the lawfulness of the Security Service (MI5) to authorise criminal conduct by CHIS has been subject to an ongoing court challenge. A Court of Appeal's judgment, published 9 March 2021, found in favour of the UK Government and the Security Service. The claimants are in the process of seeking permission to appeal to the Supreme Court.

To address possible legislative gaps highlighted in considering the appeal, the Covert Human Intelligence Sources (Criminal Conduct) Act 2021 was passed and amends RIPA to expressly provide for various public authorities granting a "criminal conduct authorisation". The UK Act received Royal Assent on 1 March 2021 and is scheduled to be commenced in stages over August and September 2021. The UK Act does not amend RIP(S)A, as a result of the Scottish Parliament withholding a Legislative Consent Motion.

[REDACTED]

[REDACTED]

Protection of Workers (Retail and Age Restricted Goods) Act

A member's Bill introducing a specific offence of assaulting, threatening and abusing a retail worker alongside aggravations relating to offences committed against a retail worker and offences committed against a retail worker carrying out an age restriction check.

The Bill received Royal Assent on 28 February 2021. The provisions which create the criminal offence and aggravation to the offences come into force on 24 August 2021.

Relevant guidance and charge codes are being developed.

Dogs (Protection of Livestock) (Amendment) (Scotland) Act

The Act extends enforcement powers and increases penalties for the Protection of Livestock offence. The Bill passed on 24 March 2021 and received Royal Assent on 5 May 2021. The key provisions are due to come into force on 5 November 2021. Policy officials will update relevant guidance.

Police, Crime, Sentencing and Courts Bill

UKG Bill which contains various provisions relating to the criminal justice system. The Bill contains provisions which aim to afford greater protection to the police when carrying out duties including provisions which would amend the definition of dangerous and careless driving for police officers driving in the course of work. There are various road traffic provisions including extending the ability to offer fixed penalty notices under s54 of the RTOA 1988 to Scotland, removal of the requirement to

surrender driving licences to the court, the creation of an offence of causing serious injury by careless driving, higher penalties for various offences including causing death by dangerous driving and enabling police cost recovery for speed awareness courses. The Bill further includes provisions in relation to the extraction of data from electronic devices (see "Draft Digital Device Guidance" below).

Policy officials are engaging with officials from the UKG, SG, and criminal justice partners on the provisions which extend to Scotland. The Bill has received a first reading in the House of Lords and is due to be further considered in September 2021.

Overseas Operations (Service Personnel and Veterans) Act 2021

The Overseas Operations (Service Personnel and Veterans) Act 2021 received Royal assent on 29 April 2021 but is not yet in force. The Act creates a presumption against the prosecution of military veterans in relation to historic offences. Policy officials will develop relevant guidance for prosecutors.

Other Significant Policy Work

Pilot on Visually Recording the Statements of Complainers in Rape Cases

The Lord Advocate approved the implementation of a pilot project to test the effectiveness of visually recording the statements of complainers in rape cases. The pilot is taking place in three Police Scotland Divisions – Edinburgh City, Dumfries and Highland and Islands and commenced on 1 November 2019. The pilot will run until 1 November 2021

Guidance has been issued to COPFS staff. Policy is monitoring the progress of the pilot and will request feedback and progress updates from staff dealing with relevant cases as they progress. Progress of pilot cases through court has been slower than might otherwise have been anticipated as a result of the pandemic.

Draft Digital Device Guidance

Policy are leading work under the Disclosure Reference Group to draft guidance on the approach to be taken to the seizure, examination and return of digital devices belonging to witnesses and accused persons. This will reflect upon a recent ICO report on practice in E&W, a specific English Appeal Court decision, a number of issues identified in ongoing High Court cases and a further ICO report on practice in Scotland.

Policy have drafted guidance on the key issues relating to digital devices. In particular, the guidance is aimed at preventing devices being seized and retained unnecessarily, that any analysis done is focused on the issues in the case, that any defence requests for analysis are dealt with robustly and fairly and that devices are returned at as early a stage as possible. The draft guidance was provided to the ICO who have offered feedback on the proposed content. This guidance is awaiting further consideration by the Disclosure Reference Group.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Guidance on sexual history evidence
Policy is doing extensive work to update policy and guidance for prosecutors in light of several recent Appeal Court judgements regarding the appropriate approach to applications to lead evidence of a complainer's past sexual history. New guidance in relation to the impact of s275 on docket evidence was published in March 2021 and an initial draft of a revised chapter 9 of the Sexual Offences Handbook (which addresses sexual history evidence) has been circulated amongst key stakeholders within COPFS for consultation. Policy will consult internally within COPFS before consulting key third sector stakeholders on specific aspects of the guidance.

Joint Investigative Interviews (JIIs)
Policy is working with Police Scotland and Social Work Scotland to improve the quality of JIIs capturing the evidence of child witnesses. There are three pilot projects ongoing in North Strathclyde, Lanarkshire and Glasgow to test a new interviewing model. Policy has created an evaluation process to measure changes in quality of JIIs. Policy is working with the High Court Unit to implement an evaluation model for JII's falling outside of the pilot projects.

Barnahus
Policy are involved in work around the potential for a Barnahus (Children's House) in Scotland. The Scottish Government have committed to developing Barnahus Standards. Work on this project had been paused due to COVID however work was reactivated in December 2020. Policy will work with Health Improvement Scotland and the Care Inspectorate to ensure the development of these

standards are cognisant of the adversarial system in Scotland and the role of the Lord Advocate as head of investigation and prosecution of crime.

Nurse Sexual Offence Examiners

The Lord Advocate has approved a pilot project to test the viability of Nurse Sexual Offence Examiners (NSOEs) in the Scottish criminal justice system. Two NSOEs have been identified and began performing supervised forensic medical examinations of complainers in cases involving rape/attempted rape/sexual assault at Archway Glasgow in February 2021. COPFS Policy Division and People and Learning Division provided training about the Scottish criminal justice system to the two successful candidates. Policy will monitor relevant cases to assess the viability of the role. A cadre of nurses are now undertaking a degree course in Forensic Medicine at Queen Margaret University with a view to nationwide implementation of the new role should the pilot project be deemed successful. COPFS Policy Division and People and Learning Division are providing input to that course.

Drugs Death Taskforce

The Scottish Government has convened a Drugs Death Taskforce to lead a response to the high level of drug related deaths in Scotland. COPFS are members of the Taskforce. There has been extensive engagement with the Scottish Government in relation to the remit and focus of the Taskforce. The need for this engagement continues. The criminal justice subgroup of the Taskforce is at the early stages of a proposed parallel referral of accused persons with dependency issues to support services. This referral would be in tandem with a criminal justice response.

The Taskforce have finished the initial stage of their public consultation on drug law reform and are drafting a report on the outcomes, which COPFS will review.

Criminal Justice Act Codes of Practice

The Codes of Practice under section 57 of the Criminal Justice (Scotland) Act require a public consultation prior to publication. The consultation version of the codes were approved by the former Law Officers. The consultation lasted for 6 weeks and concluded on 9 July 2021. The consultation responses will be compiled and if appropriate amendments will be made to the Codes. The Law Officers will be further briefed in due course.

COP26

Policy officials are working with the Police Service of Scotland to develop guidance in relation to the policing and criminal justice response towards the COP26 conference taking place in Glasgow in November 2021. Lord Advocate's Guidelines in relation to the event have been drafted and will be discussed and submitted to the Law Officers for consideration. Relevant guidance for prosecutors will also be developed.

[REDACTED]

National Enquiry Point (NEP)

NEP has successfully continued its service delivery by telephone and email during the pandemic. Due to public health restrictions, fewer staff are able to work from the office in Dumbarton. However, a rota system ensures that those staff who are working from home can respond effectively to email enquiries.

Response and Information Unit Update

COPFS Complaints Handling Procedure (CHP)

A fully updated and revised CHP was due to be published in April 2021. On 12 May 2021, RIU delivered a presentation regarding this revised procedure and UAP (below) to the Senior Executive Board. The Executive Board were informed that whilst all the key elements of the model procedure would be retained, two significant proposals were not included in the draft, namely:

- Mediation; and
- Complaints in respect of contracted services.

As a result, RIU submitted the draft revised procedure to the Improvement, Standards & Engagement Team of the SPSO. On 6 August 2021, the SPSO certified compliance subject to minor amendments. Notably, they accept COPFS reasoning regarding the approach to not offering mediation at this time and to not accepting contracted services complaints. On 18 August 2021 Senior Executive Board will be invited to approve, and clear for publication, the revised and amended CHP.

COPFS Unacceptable Actions Policy (UAP)

A fully updated and revised UAP will be published alongside the revised CHP once cleared.

BUSINESS SERVICES UPDATE

The attached business plan for 2021-22 sets out the main priorities for each of the units which comprise Business Services. A comprehensive mid-year review of progress will be carried out in October.

As indicated in the plan, the vast majority of the time of staff across BS is committed to supporting colleagues across COPFS on a day-to-day basis. Progress in providing day to day support is monitored by the BS Heads at their monthly meeting using the KPI tracker. While the tracker does not cover all BS activity it gives a very good picture of service delivery. The latest 2021-22 KPI tracker is attached.

Among many other achievements across BS in 2021-22 to date are:

- Negotiation and implementation of the historic pay parity settlement – all staff paid by end-June;
- On track with annual audit and completion of 2020-21 accounts;
- Implementation of 21-22 budget and court recovery funding completed on time;
- Completion of withdrawal from Ayr office and upgrading of Kilmarnock office;
- Commencement of Fair Futures policies on 1st July;
- Excellent progress with new corporate intranet and COPFS website; and
- Development of new agile policy and Digital workplace facilities to facilitate future ways of working.

IAN WALFORD

August 2021

BUSINESS SERVICES: PLANNING AND PEOPLE PRIORITIES: 2021-22

ENABLING COPFS AND SUPPORTING OUR PEOPLE

Our Purpose

COPFS' purpose and priorities are set out in the Strategic Plan for 2020-23.

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 current BS organogram is at Annex A.

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 FWOW 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.

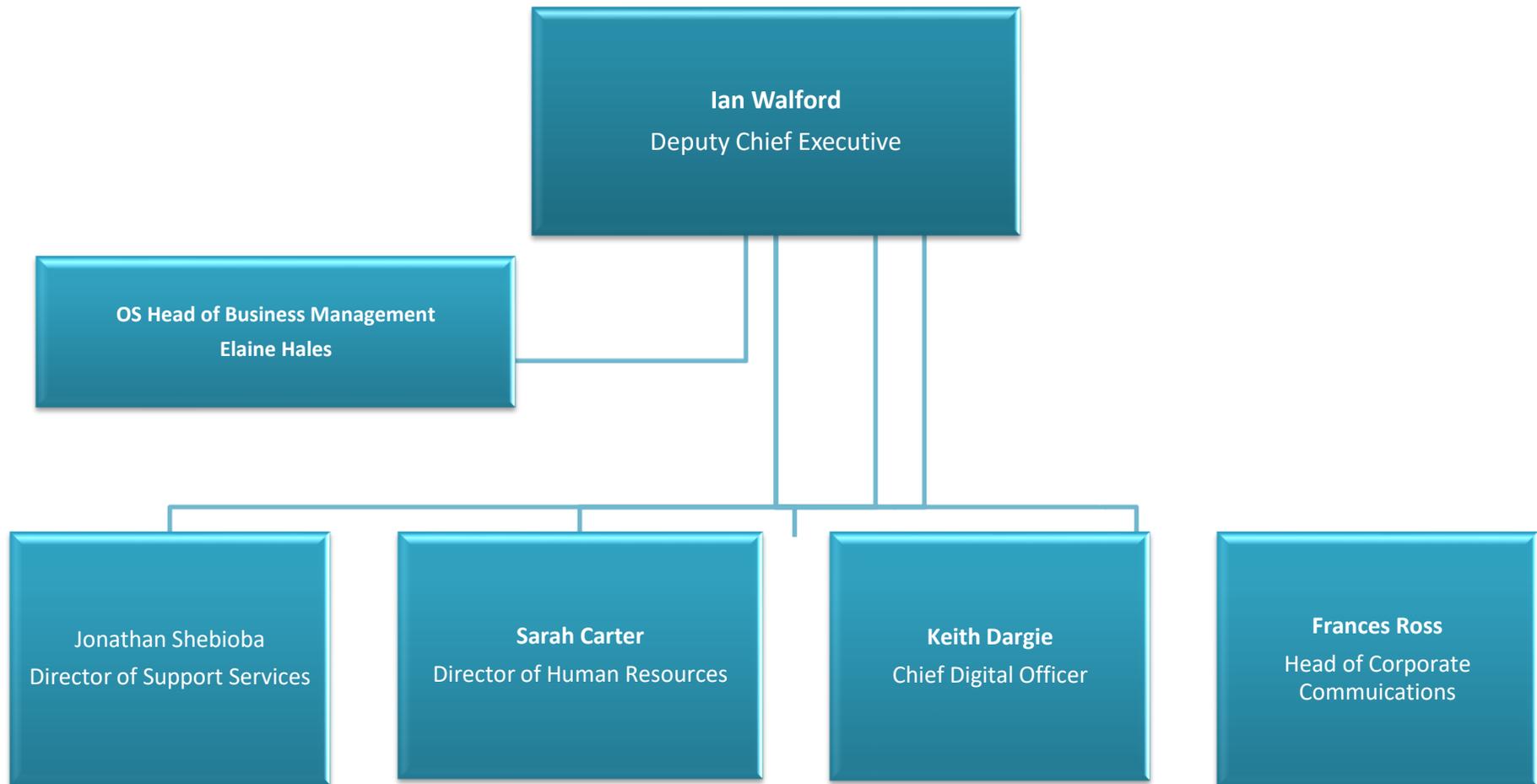
Each unit within Business Services will be responsible for monitoring and mitigating risks within their particular unit and escalating risks as necessary for discussion with the Deputy Chief Executive and at Business Services Heads meetings and ultimately to the Risk Management Group. The Deputy Chief 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.

Business Services Structure



ID	Key Performance Indicator	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar
LD2	Induction – KPI of 90% of new staff undertaking Corporate Induction within 4 weeks of start date	100%	100%	90%	90%								
LD3	Trainees – KPI of 95% of Legal Trainees meeting the required standard of being a “fit and proper person to be a solicitor” on completion of their Traineeship	N/A	N/A	N/A	N/A								
LD4	MAs - KPI of 90% MAs “on track” to complete MA programme	100%	100%	100%	100%								
LD5	Course Withdrawals – KPI of 90% of applicants attending their booked training course	100%	100%	100%	100%								
CC1	Achieve 9000 page views of Update blog per month (this represents a target 25% increase from 2019/20 average monthly views of 7,266)	9488	9658	12601	8997								
CC2	Publish at least 10 stories per month on Update (linked to employee engagement objectives)	10	14	15	8								

* This is an annual figure and therefore will only feature in the March column when the target is known.

¹ Service Desk Hours of Operation: 08:00 - 17:00hrs

² FOS/SOS-R/PROMIS

³ COPFS case management apps and internal information systems

EXECUTIVE BOARD

FUNCTION UPDATE: LOCAL COURT

Purpose

1. To provide the Executive Board with a short update on current performance and progress as we recover from the Covid-19 pandemic and look ahead to planned improvements and reform. Further details are provided in Annex A.

Priority

2. Routine.

Recommendation

3. The Executive Board is invited to note this report.

**John Logue
Deputy Crown Agent
Local Court**

August 2021

ANNEX A

1. Current Priorities

- Starting 10 additional Summary courts and 2 additional Jury courts in September 2021 as part of the pandemic recovery funding.
- Adopting Future Ways of Working (FWOW) as staff return to work in offices with the lifting of pandemic restrictions.
- Preparing for the COP26 Conference in November 2021.
- Preparing for the restart of the EPR summary reform pilots in Dundee, Hamilton and Paisley in November 2021 after the conclusion of COP26.

2. Staffing

- Since January 2021 we have recruited the following staff to Local Court:
 - 60 PF Deputes – with another 16 to have start dates confirmed – we also have 2 interview panels running at present for Deputes, an external one with 36 applicants and an internal one for the 21 Trainees who complete their traineeship at the end of August 2021; and
 - 62 Band B's – with another 23 to have start dates confirmed.
- As of 31 March 2021, there were 343 FTE Lawyers (incl. Trainees) in Local Court (53% of the Lawyers in COPFS) and 661 FTE Administrators, VIA staff and Business Managers (51% of the COPFS complement).
- This compares to 304 FTE lawyers (incl. Trainees) (59% of the Lawyers in COPFS) and 622.3 FTE Administrators, VIA staff and Business Managers (58% of the COPFS complement) when Local Court was established in June 2016.
- There are also ongoing national promotion campaigns.
- We have completed the transfer of resource from Local Court to SCG as a result of recent expansion in SCG and are now managing moves across functions through the new Career Movement and Development Policy.

3. NICP

- Performance against the main KPI for 2020/21 (marking 75% of cases within 28 days of receipt) was 76%.
- The number of unmarked cases as at 1 August was 17,084. This is beyond our KPI threshold of 5 weeks of reported cases.
- We expect to see the volume of unmarked cases reduce to within the KPI parameters as a result of allocating additional Principal Depute resource to add management capacity and targeted action to improve the age profile of unmarked cases and to reduce legacy marking held by Sheriffdoms.

4. Solemn Casework

- Performance against the main solemn KPI (indicting 75% of cases within 8 months of first appearance) was 73% as at 19 July.
- The solemn workload has continued to increase as a result of a 14% increase in new petitions in 2020/21 compared with 2019/20 and the pandemic related closure of Jury courts and delays in obtaining forensic evidence. The number of cases being prepared for indictment has increased by 48% since

ANNEX A

July 2020. The number of cases indicted to court but still to go to trial has increased by 153% since the beginning of the pandemic.

- Performance against the age profile KPI for cases being investigated (no more than 5% of the cases over 8 months old) is now at 16% due to the consequences of the pandemic.
- Sexual offences teams are working well in the preparation of cases for trial – performance exceeds the KPIs for initial decision making and we are seeing steady improvement in our reporting for indictment.

5. Sheriff Summary Work

- Outstanding Summary trials currently sitting just short of 40,543 which is a 132% increase on the March 2020 position.
- Domestic abuse journey time is well above the 10-week target in certain parts of the country due entirely to lockdown.
- Sheriff Summary courts started to re-open in April 2021 and JP courts re-opened in June 2021.

6. Information and Advice

- The backlog of cases has increased the number of cases in which we provide our information and advice service for victims and witnesses.
- Work is being undertaken to estimate the resource impact of introducing a right for children to have their evidence taken by commissioner in Sheriff and Jury trials.
- Work is also being undertaken to assess the resource impact of rolling out the High Court Victim Strategy to solemn sexual offences in Local Court following a pilot in Glasgow.
- Allocating additional victim information and advice resource to each Sheriffdom is an immediate priority following a recent recruitment exercise.

7. Estates

- The Ayr PFO Office closed in May in line with the Estates Strategy. Court business is conducted from the new office accommodation in the County Buildings Ayr. All public facing business and enquiries have been relocated to the Procurator Fiscal's Office in Kilmarnock.

8. Conclusion

Local Court staff continue to attend offices and courts for essential duties on a rota basis. Local Court management remains in dialogue with SCTS about COVID safety measure in court. In respect of recovery, consideration is being given to additional steps which can be taken to address the backlog of outstanding trials.

August 2021