# Executive Board meeting minutes

# Meeting held on 23 March 2022 by Microsoft Teams

# Present:

David Harvie (Chair)	Crown Agent
John Logue	Deputy Crown Agent, Local Court
Anthony McGeehan	Deputy Crown Agent, Operational Support
Stephen McGowan	Deputy Crown Agent, Specialist Casework
Keith Dargie	Head of Business Services
David Watt	Non-executive director
Vanessa Davies	Non-executive director
Annie Gunner Logan	Non-executive director
Fiona McLean	Non-executive director

# In attendance:

Marlene Anderson (Item 3)	Head of Finance
Graham Shields (Item 6)	Head of Strategic Communications and Engagement
Sarah Carter (Item 8)	Head of Human Resources
Ann Marie Henderson	Personal Assistant to Crown Agent (Secretariat)

# Apologies:

lan Walford	Deputy Chief Executive
Rob Tinlin	Non-executive director

# Agenda Item 1 – Welcome and Apologies

1. The Crown Agent opened the meeting and welcomed all colleagues.

# Agenda Item 2 - Minutes of previous meeting

2. The minutes of the meeting held on 16 February 2021 were approved and can be published, subject to one slight change. Vanessa declared a conflict of interest in respect of paragraph 9 of the HR paper, where the introduction of the Scottish Government's new procedure for civil servants to raise complaints against ministers and former ministers was referred to. Vanessa advised that she had been appointed as a Decision maker in respect of the new procedure. Annie advised she is a member of the SG Review Implementation & Assurance Group (RIAG) relating to the procedure.

#### Action tracker

- 3. Item 1 to be closed.
- 4. Item 2 sits with DCA Serious Casework and are dependent on action by external agencies. DCA SC will provide an update at the August Board meeting.
- 5. Item 3 sits with DCA Serious Casework. An update will be provided at the May meeting.
- 6. Items 4 and 5 to be closed.
- 7. Item 6 will come to the Board at the May meeting.

# Agenda Item 3 - Finance Update

# **Finance Update**

- 8. The Director of Finance and Procurement introduced paper EB21/22(61).
- 9. The Director of Finance and Procurement provided an overview of the Finance Update paper for the budget, considerations for 2021/22 which forecasts a slight underspend, the Strategic Approach to Budgeting and resource spending review, and the delegated budget for 2022-23. Capital was forecast to be on budget but is now over budget which is agreed.

10. Risks and uncertainties remain the same, with witness costs continue to remain low. The non-recoverable VAT is under control and will continue to be monitored. The pay settlement has now concluded.

# 11. Overtime Update

- 12. The Director of Finance and Procurement introduced paper EB21/22(62) and advised the Board that overtime is covered within the staffing budget and forecast due to recruitment lags.
- 13. A new corporate app is being rolled out in May for overtime claims. Director of Business Services to provide update to non execs about this.

# **Budget Allocation**

- 14. The Director of Finance and Procurement introduced paper EB21/22(62)(a).
- 15. The Board were content to approve the budget allocations. Functions have reviewed their non-staffing expenditure and allocated budgets are deemed reasonable.

# **Recruitment Update**

16. Head of Business Services provided an update on recruitment positions. At end-February, 2,211 FTE staff are in post (against a total number of 2,318.3 FTE budgeted posts) with recruitment campaigns ongoing to fill remaining roles. Recruitment management planning is underway for 2022-23.

# Agenda Item 4 – VIA Modernisation Programme Update

- 17.DCA Operational Support updated the Board on programme engagement with VIA staff.
- 18. An updated Programme Initiation Document will to be shared with SET and the Board towards the end of April including proposed programme board membership.

# Agenda Item 5 – Balanced Scorecard and Absence Figures

- 19. DCA Operational Support introduced papers EB21/22(63) and (64).
- 20. The Board noted the papers.
- 21.DCA Operational Support advised the Board that, as part of a See Me assessment, following on from the recent survey on mental health, staff focus groups would take place to inform an organisational self assessment. See Me will then provide an external assessment from which an action plan may be developed.

# Agenda Item 6 – Strategic Communications and Engagement update

22. Head of Strategic Communications and Engagement updated the Board on communications stakeholder engagement and the work of the media relations team.

# Agenda Item 7 – Risk Register

23. Head of Business Services introduced paper EB21/22(65) which was noted by the Board.

# Agenda Item 8 – Health & Wellbeing Update

- 24. Director of Human Resources introduced paper EB21/22(66). The Board noted the update provided on the progress of the development of a wellbeing dashboard and the wellbeing priorities.
- 25. Comments on this paper are welcomed by email.

# Agenda Item 9 – Committee Update - Resources

26. DCA Operational Support introduced paper EB21/22(67) which was noted by the Board.

# Agenda Item 11 – Committee Update – Business Improvement

27. DCA Local Court introduced paper EB21/22(68) which was noted by the Board.

Agenda Item 12 – Committee Update – Operational Performance

28. DCA Serious Casework introduced paper EB21/22(69) which was noted by the Board.

March 2022

# EXECUTIVE BOARD MARCH 2022 MEETING FINANCE UPDATE

# Purpose

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

# Finance update 2021-22

- 2. The forecast to the end of March 2022 is currently showing an underspend of £1.5m on the resource budget and priorities are being reviewed.
- 3. Capital was forecast to be on budget following the transfers agreed in October 2021, however following agreed movement in spend from Revenue to Capital in February this is now expected to be adverse to budget by £0.7m.
- 4. Careful monitoring of non-staff expenditure is continuing and where pressures are identified without corresponding savings in other budget lines, allocation of contingency funds will continue to be taken to Resources Committee for approval to offset these pressures.
- 5. We continue with the recruitment of staff to fill all of the agreed budgeted posts. Work with the Management Accounting and Planning team Finance Business Partners and functions are continuing to ensure posts are correctly forecast and allocated to a budgeted post.
- 6. The current underspend will be required to cover the movement in Annual Leave accrual and any potential provisions.

#### **Risks and Uncertainties**

- 7. Ongoing recruitment and the slow speed of filling budgeted posts have resulted in the continued underspend on staff costs as the year progressed. Additional staff costs for Court Recovery will be monitored separately to keep the distinction between business as usual and additional posts. Finance and HR are working together on this.
- 8. Current areas of Non-Staffing Expenditure risk remain as:
  - Information Systems licencing and maintenance costs as staffing levels increase, licensing costs increase as these are now resource spend (on a subscription basis);

- Post mortems/toxicology is currently reporting an overspend of £266k due to additional work and new mortuaries storage facility to alleviate storage pressure at Edinburgh City mortuary facilities;
- Witness costs As court sittings have been lower than pre-pandemic, witness costs continue to be lower than budget. Finance Business Partners and Business Management Teams will continue to consider the speed and trajectory of the court recovery programme to determine whether the forecasts are realistic;
- Non-recoverable VAT is continuing to be forecast over budget by £58k 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 be taken to the Resources Committee for approval if required;
- Pay settlement has now concluded, additional costs have been met from the underspend and are included in the figures above. It is to be noted that the agreement reached by SG in their pay negotiations was required to be matched by COPFS to ensure that pay coherence is maintained.

# **Overtime**

- 9. The table below shows the actual against budget for 2021-22. This budget needs to be carefully controlled by HoBMs with all pressures reported to Resources Committee. The Table below shows actual spend at the end of P11 with a total forecast overspend increasing by a further £0.1m to £1.3m.
- 10. LC are forecasting £812k over budget. This is down to the additional court sittings being held on public holidays, overtime for COP26 and recruitment gaps. There is increasing reported overspend in SCG and OS of £311k and £159k respectively which are being managed by HoBMs. The overspend in overtime is included in the overall underspend position and therefore currently being funded by savings in staffing from vacancy management.

Function	Annual	Forecast	Actuals YT	D 2021/011	2020/21 Accrual	Actuals YTD 2021/011	Proportion YTD Actual vs
Tunction	Budget	Torecast	On Call	Over-time	Total	Total	Annual Budget
Local Court	318	1,130	151	1,055	(215)	991	312%
Serious Casework Group	245	555	197	450	(87)	560	229%
Operational Support	65	224	9	223	(32)	200	308%
Major Cases	-	30.1	17	16	(2)	30	-
Total	627	1,939	374	1,744	(337)	1,781	284%

Overtime & On-Call (£000)

# **Court Recovery Programme**

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

# Budget 2022-23

12. COPFS secured a resource budget settlement of £169.8m. Including non-cash and capital, the allocation is £180.9m as detailed below.

2022-23 Scottish Budget	Fiscal Resource	Non-Cash (Ringfenced)	Capital	Total
Duuget	£m	£m	£m	£m
Crown Office and Procurator Fiscal Service	169.80	5.80	5.30	180.90

- 13. As a reminder, the budget settlement includes the following:
  - The 12-month equivalent of the 9-month funding we received in 2021-22 for the additional posts we were granted;
  - Continuation of the Court Recovery Programme with a £13m allocation specifically to address backlogs;
  - Years 1 and 2 of pay parity has been
  - Inflation on non-staffing expenditure;
- 14. No portfolio was provided funding to meet the Public Sector Pay Policy and increased National Insurance burden on employer contributions (£6.1m for COPFS) which we will have to absorb within our allocation.
- 15. Pay negotiations for the final settlement in 2021-22 have now concluded and we have committed to keeping pace with SG. The additional settlement will be consolidated and this has been factored into 2022-23 staffing budgets (estimated at £800k).
- 16. The Scottish Government sets the public sector pay policy. For 2022-23, this will see pay rise by:
  - £775 cash uplift for those earning under £25k
  - £700 between £25k and £40k
  - £500 above £40k

- 17. We have agreed to begin pay negotiations on the pay settlement with trade unions in March and will keep you informed of our progress.
- 18. The total staffing budget for 2022-23 is approx. £132.8m. The staffing review is almost concluded and a verbal update will be provided at the meeting.



22. At its meeting on 24<sup>th</sup> February, Resources Committee considered the 2022-23 budget planning and recruitment management scenarios for the additional posts. Functions have been asked to further assess posts and identify business critical roles for consideration by the Workforce Planning Group (WPG) at its meeting on 24th March. WPG will submit its posts recommendations to the next meeting of Resources Committee on 30th March for resources decision making. The confirmed recruitment plan and budgets for 2022-23 will be ratified on conclusion of these processes. Communications will support the agreed recruitment strategy.

# Strategic Approach to Budgeting (SAB)



24. This discipline will require COPFS' operational areas to take a longer-term view on impacts of decisions taken in year, how that translates to future years and also include horizon scanning for possible future pressures and opportunities for savings that can be realised.

# Conclusion

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

Finance Directorate

March 2022

### **EXECUTIVE BOARD**

# MARCH 22 MEETING BUDGET ALLOCATION

# Purpose

1. This paper provides the Executive Board with draft budget allocation for approval.

### Budget 2022-23

2. COPFS secured a resource budget settlement of £169.8m. Including noncash and capital, the allocation is £180.9m as detailed below.

2022-23 Scottish Budget	Fiscal Resource	Non-Cash (Ringfenced)	Capital	Total
Budget	£m	£m	£m	£m
Crown Office and Procurator Fiscal Service	169.80	5.80	5.30	180.90

- 3. Presented at Appendix A is a draft budget position for discussion. The figures are based on current core and Court Recovery budgeted FTE. The staffing budget is £132.8m and NSE budget is a total of £37m plus additional income of £110k. Each function has reviewed NSE pressures and savings and have agreed the NSE budget is a realistic position and should be recommended for approval by the Executive Board.
- 4. Each HoBM has reviewed every post number with FBPs and Head of MAP to present a baseline for 2022-23.
- 5. The current flexibilities and options we have in the workforce plan to remain in budget are as follows:
  - Review staff turnover and attrition rate and discuss what level of risk the organisation is willing to accept, including the possibility of different staff turnover rates for each function;
  - Phase recruitment to allow for affordability in 2022-23 with anticipated full budget cover in 2023-24 whether through budget bilaterals, staffing restructure or savings generated from Transformational Change/digital enhancements where WPG would monitor change and effects of the changes to remain within budget.

- 6. In all of the above we need to weigh up the risks of not recruiting into the above posts against the financial risks in the 2022-23, and following years, of recruiting into them given the pressure SG are under in future years where additional funding may be difficult to secure.
- 7. Our budgeted FTE in 2021-22 was 2,397.33. The proposed baseline FTE is 2,434.05. Correspondence around the reasons for the increases have been circulated to this committee. While the FTE has increased, these changes in structure and FTE were affordable and within budget before the pressure to absorb the pay policy and increase in employers' NI.

	21/22 FTE Baseline	22/23 FTE Baseline	Variance
Core Staff and Secondees	2319.32	2,356.90	- 37.58
AD	72.41	72.50	- 0.09
Agency	5.60	4.65	0.95
Total	2397.33	2,434.05	- 36.72

# Conclusion

8. The Executive Board is asked to note the above and approve the budget allocations.

Finance Directorate

22 March 2022

<b>BALANCED SCORE</b>	CARD — Quai	ter 3 – 202	1/22				
PEOPLE	Current Quarter (Oct- Dec 2021)	Previous Quarter (Jul-Sep 2021)		e from uarter		Y to date 1/22)	Previous FY (2020/21)
Staff Numbers (FTE) Permanent employees Temporary employees Total Employees % Temporary employees	2061.01 63.07 2124.08 3.0%	1960.59 66.59 2027.18 3.3%	5.12%i	ncrease Jecrease	213 76 221 3.4	5.19 .07 1.26 4% /02/2022	1755.5 68.14 1823.64 3.74% As at 31/12/20
	As at 31/12/21	As at 30/09/21	e.		AS dL ZO	02/2022	
Staff Turnover Rate	1.26% (0.09% involuntary 1.17% voluntary) Oct-Dec 21	1.78% (0.09% involuntary 1.68% voluntary)	29.21%	Decrease	(0.18% Iı 4.79% V	7% nvoluntary oluntary)	1.12% (0.15% involuntary 0.97% voluntary)
		Jul-Sep 21			AS dL 28	/02/2022	Oct-Dec 2020
Absence Rate Average working days lost	Average WDL = 9.7 Short Term = 3.0 Long Term = 6.7	Average WDL = 8.6 Short Term = 2.2 Long Term = 6.4			10	WDL = .05 /02/2022	Average WDL = 7.2 Short Term = 1.9 Long Term = 5.3
Tesining	As at 31/12/2021	As at 30/09/21	T	1	75 41 20	02/2022	As at 31/12/2020
Training No of MDP training days completed	0	0					
No of training days, other	173	191					
Cost of training per person inc. seminars	£85.40	223.05					
E-Learning hours completed	399.45	30.5					
Overall training costs	£20, 496	£49,405	7				
	Current Quarter	Previous Quarter	Variano	e from	Current F	Y to date	Previous FY
QUALITY	(Oct-Dec 2021)	Quarter (Jul-Sep 2021)		uarter	(202	1/22)	(2020/21)
<b>Right to Review</b>	48 Received, 42 Issued.	43 Received, 30 Issued.	÷	5		at 10 <sup>th</sup> 1 2022	198
Complaints	83 Received 6 = Upheld 8 = Partially Upheld (=17%)	137 Received 11 = Upheld 6 = Partially Upheld (=12.4%)	-5	54	CONCERNMENTERS OF THE	at 10 <sup>th</sup> 1 2022	399
Payment Performance % paid in 10 working days							
Invoices	99.69%	99.53%		16		77%	96.08%
Witness Payments Travel & Subsistence claims	100%	100%	1 VECTOR	%	CHARDING	0%	100%
	100% Current Quarter	100% Previous Quarter	100 - 100 - 100 - 100 - 100 - 100 - 100 - 100 - 100 - 100 - 100 - 100 - 100 - 100 - 100 - 100 - 100 - 100 - 100	% e from	10.51.55	0% Y to Date	100% Previous FY
DELIVERY	(Oct-Dec 2021)	(Jul-Sep 2021)		uarter		1/22)	(2020/21)
Performance Targets							
% indictments served within statutory time limits	100%	100%	;		10	0%	100%
% Take and Implement Decision within 4 weeks (75%)	63%	71%	-	8	70	1%	76%
% CAAP cases closed within 12 weeks (90%)	79%	88%	-	9	85	<b>i%</b>	n/a
% Deaths investigated within 12 weeks (80%)	56%	52%	÷	4	51	.%	59%
Right to Review	60%	66%	-6	%	66	i%	77%
Complaints	57%	67%	-10	)%	65	<b>i%</b>	81%
			1.2	%	95	5%	96%
Freedom of Information	98%	95%	Te	10	1.00	, ,0	2
Freedom of Information FINANCE	98% Actual spend to date	95% Current end year fo			r budget	,,,,	Variance
				Full yea			Variance £2.04m

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

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

#### EB21/22(65)

#### March 2022 Meeting – Restricted Information

### Absence by days lost

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

Average annual working days lost per employee for period 01 January 2021 to 31 December 2021	% long term absence (more than 20 working days)	% short term absence (20 working days or less)	Average working days lost in year ending previous quarter published (01 October 2020 to 30 September 2021)	Days lost in previous year (01 January 2020 to 31 December 2020)
9.72	68.81%	31.19%	8.56	7.21

This equates to 4.32% of all working days



EB21/22(65)

Staff numbers remaining on longer term absence by duration as at 31/01/2022, 31/12/2021 & 31/01/2021. Figures for 31/01/2020 & 31/01/2019 have also been included to compare against pre-COVID figures.

	Sh	Short Term Absences			Long Term Absences					
Month	Less than 10 days	10-19 days	20-27 days	More than 28 days and less than 3 months	3–6 months	6 – 9 months	9-12 months	12 months +		
31/01/2022	35	8	11	30	17	8	1	4		
31/12/2021	14	10	7	36	18	2	2	3		
31/01/2021	6	12	6	24	8	1	1	2		
31/01/2020	19	5	3	15	15	4	0	1		
31/01/2019	9	5	6	26	10	1	0	1		

The above data shows an increase in short term absences from December 2021 to January 2022 from a total of 31 short term absences up to 54 (an increase of 23). 54 short term absences are more than double the short term absences recorded in 2019, 2020, and 2021.

Long term absences have remained steady between December 2021 and January 2022, however these figures are approximately 60-70% higher than the information recorded on the 31<sup>st</sup> January 2019, 2020, and 2021.

12.28% of all open absences recorded on 31<sup>st</sup> January 2022 were directly related to COVID-19, and 38.6% of all absences were due to mental ill health.

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

Month	Admin	Legal	Total	Year to Date
Apr-21	£89,954.02	£81,296.57	£171,250.59	£171,250.59
May-21	£93,898.72	£92,096.94	£185,995.66	£357,246.25
Jun-21	£81,757.63	£115,240.06	£196,997.69	£554,243.94
Jul-21	£94,910.04	£40,512.79	£135,422.83	£689,666.77
Aug-21	£65,353.31	£52,617.44	£117,970.75	£807,637.52
Sep-21	£92,349.04	£100,650.13	£192,999.17	£1,000,636.69
Oct-21	£152,076.14	£156,189.27	£308,265.41	£1,308,902.10
Nov-21	£122,420.31	£150,932.59	£273,352.90	£1,582,255.00
Dec-21	£143,145.92	£181,331.20	£324,477.12	£1,906,732.12
Jan-21	£23,004.98	£116,931.10	£139,936.08	£2,046,668.20
Feb-21	£81,358.87	£153,438.45	£234,797.32	£2,281,465.52
Totals	£1,040,228.98	£1,241,236.54	£2,281,465.52	

\*Absence payroll costs from 21st day of sickness

#### **Absence Reasons**

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

Illness Type	Percentage of days lost
1. Pregnancy Complications	3.25%
2. Symptoms III-Defined*	17.69%
3. Mental III Health (Made up of:)	39.21%
- Stress Related Illness	45.55%
- Stress Work Related	35.06%
- Family/Situational**	19.39%
4. Muscular	6.28%
5. Cancer Related	3.18%
6. Digestive System	0.93%
7. Injury & Poisoning	3.31%
8. Respiratory	5.08%
9. Infection	1.49%
10. Other***	4.93%
11. Awaiting Certification	3.04%
12. Pandemic (COVID)	11.61%
Total	100%

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

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

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

Risk Description	Potential causes	Potential Consequences	Key Controls	Status ✓ X !	Current Risk Impact	Current Risk Likelihood	Risk	t Key Actions	Risk	et Target Risk ct Likeliho	Targ Risk ood Scor	Date	Review Date	Risk Manager	Risk Owner
Insufficient resource to enable COPFS to meet its statutory and policy obligations and meet public expectations	<ul> <li>Insufficient Financial and Human Resource;</li> <li>Failure to reach all the diverse groups within society and therefore lack of diverse skills and experience;</li> <li>Unexpected costs arising from litigation including from loss of LA absolute immunity;</li> <li>Managing changing public expectations;</li> <li>Political responses – legislation and system changes e.g., Trailing a Victims Bill which generates additional demand on COPFS.</li> </ul>	<ul> <li>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;</li> <li>Inability to retain skilled staff;</li> <li>COPFS do not remain within budget allocations;</li> <li>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;</li> <li>Reputational risk and loss of public confidence if litigation cases increase from loss of LA absolute immunity.</li> </ul>	<ul> <li>Workforce Planning Group manages and controls workforce planning - monthly meetings;</li> <li>Resources Committee meets monthly and reviews actual and forecast expenditure and exercises budget control as necessary;</li> <li>Close liaison with SG re annual spending reviews and on-going dialogue with SG Finance Business Partner;</li> <li>Business Services continually reviewing recruitment, development and succession planning issues to secure supply of specialist staff;</li> <li>Cases for additional funding are submitted to the Scottish Government when considered necessary;</li> <li>COPFS involved in Criminal Justice Board which is planning Covid recovery;</li> <li>Regular partnership meetings and Employee Relations Committee meetings with unions ensure ongoing dialogue with unions on industrial relations;</li> </ul>	> > > > > > > > >	4	3	12	<ul> <li>Short Term Actions</li> <li>Pay negotiations with unions in light of budget allocation – ongoing;</li> <li>Workforce plans to be agreed assessing and determining risk following 2022-23 budget settlement;</li> <li>Monitoring of Court Recovery budgets to ensure spend is within budget and activity is progressed;</li> <li>Actions required to achieve target score</li> <li>Finalise negotiations with Unions on 21-22 pay;</li> <li>Begin 2022-23 pay negotiations;</li> <li>Implementation of pay coherence Years 2 and 3;</li> <li>Continue collaborative working with Justice partners;</li> <li>Prepare for Resource Spending Review 2023-24 to 2026-27;</li> <li>Assess resourcing impact of changes in legislation.</li> </ul>	3	3	9	May 2022	February 2022	Director of Finance & Procurement	DCA Operational Support
2 Inadequate leadership and management of COPFS staff	<ul> <li>Managers not feeling sufficiently trained or equipped to lead and manage their staff;</li> <li>Challenges in leading people remotely;</li> </ul>	<ul> <li>Higher levels of sick absences;</li> <li>Increased number of grievances and disputes leading to successful and expensive litigation;</li> <li>Poor staff survey results;</li> </ul>	<ul> <li>Communications to staff on performance management and why they should engage;</li> <li>Senior leadership keeping a watching</li> </ul>	× ×	4	3	12	<ul> <li>Short Term Actions</li> <li>Development of senior leader training programme – ongoing;</li> <li>Long Term Actions</li> </ul>	3	2	6	Sept 2022	April 2022	HoBM Local Court/ Serious Casework	DCA Local Court

Risk Description	Potential causes	Potential Consequences	Key Controls	Status	Current Risk Impact	Current Risk Likelihood	Risk	t Key Actions	Targe Risk	t Target Risk t Likeliho	Targ Risk	Date	Review Date	Risk Manager	Risk Owner
			2000 - 100 -	1 !	impact	Likelihood	Score		Impa			C			
3 Poor wellbeing	<ul> <li>Low compliance with Performance Management System therefore performance and absences not being properly managed;</li> <li>Lack of clear direction from senior leaders through business planning and objective setting;</li> <li>Decision-making pushed to senior levels too quickly;</li> <li>Not acting on results of Civil Service Survey and Pulse survey;</li> <li>HR support sought too late or advice not acted upon;</li> <li>Lack of engagement</li> </ul>	<ul> <li>Increased pressure on HR due to dealing with unnecessary work associated with grievances etc.</li> <li>Operational performance standards decline;</li> <li>Staff lose confidence in management to make good decisions;</li> <li>Staff and management well-being negatively impacted;</li> <li>Mental health and</li> </ul>	<ul> <li>brief on MI and processes around performance management and training;</li> <li>Analysing, acting and communicating with staff on actions taken on results of Civil Service survey and pulse surveys;</li> <li>Continually reviewing policies and processes to make sure they are fit for purpose;</li> <li>New intranet in development to improve two-way comms;</li> <li>Strategic plan in place up to 2023;</li> <li>Learning and Development Strategy to support remote management;</li> <li>Skilled, professionally qualified HR managers working alongside functions to provide support and advice;</li> <li>People Strategy 2021-23 launched May 2021.</li> <li>Career Movement and Development Policy launched June 2021 to facilitate staff moves and support clear career paths.</li> <li>Revised approach to induction devised and implemented.</li> </ul>		3	3	С С	<ul> <li>CMD wider applications will depend on departmental tolerance;</li> <li>Actions required to achieve target score</li> <li>Role profiles and associated training in place across all grades below SCS;</li> <li>Management training in place to support and equip managers to lead and manage their staff;</li> <li>All Function Business Plans in place to communicate succinctly the ties to the Strategic Plan;</li> <li>Unnecessary tasks removed to provide managers time to manage staff appropriately;</li> <li>Development and use of Learning Management System and Virtual Learning Environment modules in new HR IT system.</li> </ul>	3	2	6	December	March	Director of	DCA
and low morale of COPFS staff		increased workload could lead to increased sick leave; Inability to keep a balance between	being implemented, including targeted communications signposting help available plus	~				<ul> <li>Messaging around agile working including further comms around home risk assessments and H&amp;S learning modules</li> </ul>				2022	2022	HR	Serious Casework

R	sk Description	Potential causes	Potential Consequences	Key Controls	Status ✓ X !	Current Risk Impact	Current Risk Likelihood	Current Risk Score	Key Actions	Targe Risk Impac	et Target Risk ct Likelihoo	Target Risk od Score	Target Date	Review Date	Risk Manager	Risk Owner
1000 - 1000 1000		56 	-	····	199 - 1999-1991	97.					-67		97 97	1242.001	50A /24	23
		<ul> <li>Working remotely and dealing with harrowing cases in isolation;</li> <li>Continued homeworking and lack of contact with people due to Covid resulting in feelings of isolation and lack of inclusion;</li> <li>Lack of collective support in offices impacting on ability to feel part of the team leading to lack of engagement;</li> <li>Conversely, potential stress and uncertainty as a result of return to office or hybrid home/office working arrangements;</li> <li>Workload pressures due to inadequate resource;</li> <li>COPFS pay continued to lag comparator bodies;</li> <li>Impact of civil litigation and future inquiries (specifically on staff witnesses but also staff more generally);</li> <li>Buoyant job market means recruiting to fill vacancies may be more challenging</li> </ul>	<ul> <li>workload and health with operational performance suffering;</li> <li>Increased number of staff requiring access to Vicarious Trauma support leading to longer waiting times;</li> <li>Increased pressure on HR due to dealing with additional work associated with attendance management etc;</li> <li>Disputes re mishandling of disability related absence cases leading to successful and expensive litigation (employment tribunal and/or personal injury);</li> <li>Failure to recruit means more pressure on teams to deliver with current resources;</li> <li>Increased scrutiny (i.e., as a result of civil litigation) has significant personal impact on individuals;</li> <li>The pace of change and volume of work means individuals and teams feel a lack of control.</li> </ul>	<ul> <li>wellbeing portal on intranet;</li> <li>Senior leadership keeping a watching brief on MI and processes around performance management and training;</li> <li>Analysing and acting on results of Civil Service survey and pulse surveys;</li> <li>Continually reviewing policies and processes to make sure they are fit for purpose;</li> <li>Corporate and Sheriffdom Health and Wellbeing Committees meet regularly;</li> <li>New Attendance Management Policy with e-learning available at the same time;</li> <li>Future Ways of Working Project looking at how to enable better work life balance;</li> <li>Wellbeing communications plan to support rollout of actions;</li> <li>Flexi and annual leave monitored centrally and locally;</li> <li>Regular meetings with trade unions to retain partnership approach to wellbeing actions;</li> <li>Dedicated team in HR to lead on Wellbeing initiatives and to act as a central corporate resource.</li> </ul>					throughout September 2021. Enhanced communications about importance of wellbeing discussion during PM quarterly conversations continuing, Functions, HR and Corporate Comms progressing actions in advance of 2021 people survey (September 2021). Complete recruitment for court recovery vacancies and backfill in order to reduce workload – September and November 2021; Ongoing. Actions required to achieve target score 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; Continued communications and Function-led focus on quarterly conversations as a management tool for assessing and providing support for individual							

	Risk Description	Potential causes	Potential Consequences	Key Controls	Statu			Curren	Key Actions	Target		Targe		Review	Risk Manager	Risk Owner
					✓ ×	K Risk Impact	Risk Likelihood	Risk Score		Risk Impact	Risk Likelihood	Risk Score	Date e	Date		
4		Lack of identifiable	Quality of service	Senior commitment to	1	4	3	12	Continue to proactively assess the recruitment market, individualising recruitment strategies to the vacancy need to ensure we are agile in our response to filling vacancies.     Short Term Actions	3	2	6	March	Jan 2022	Head of	DCA
	skilled or experienced COPFS staff available to meet current public expectations, and to strengthen our capacity to change and improve services	<ul> <li>learning culture, curricula, learning pathways or prospectus resulting in lack of clarity and poor perception/uptake of available core job role and management and leadership learning.</li> <li>Sub-optimal operating model of Scottish Prosecution College   COPFS Learning, insufficient availability and deployment of relevant expertise and digital tools/skills.</li> <li>Sub-optimal links between learning and performance (and PAR) and career movement and development.</li> <li>Training time not considered pervasive/protected.</li> <li>Learning needs analysis and responses are not managed timeously/centrally/ by those with educational expertise. Highly likely to place focus on lower priority areas/ divert resources from priority areas.</li> </ul>	<ul> <li>being impacted, leading to inequality of access to justice for all and reputational damage;</li> <li>Inexperienced legal staff making the incorrect decisions at the case marking stage;</li> <li>Managers not feeling equipped to lead and manage their staff;</li> <li>Insufficiently skilled workforce to meet the demands of their roles due to the changing complexity and sophistication of casework and working environment;</li> <li>Potential increase in litigation resulting in financial loss;</li> <li>Lack of overall resilience due to insufficiently skilled resources to perform routine and specialist tasks.</li> </ul>	<ul> <li>reposition Scottish Prosecution College   COPFS Learning with vision published externally.</li> <li>Curriculum approach to training being developed in line with role profiles, encouraging development and attendance on courses teaching skills and knowledge beyond role profiles.</li> <li>Senior leadership keeping a watching brief on training and supporting targets to support additional courts including allocating people to training.</li> <li>Communications to staff around the importance and requirements for training;</li> <li>Scottish Prosecution College   COPFS Learning producing online training packages to support development during pandemic.</li> <li>Band G Head of Learning appointed to lead change programme in consultation with leaders and learners.</li> </ul>	· · · · · · · · · · · · · · · · · · ·				<ul> <li>Supporting the response to recovery and resolution of court backlog (ongoing).</li> <li>Management development scheme across (non-legal) Grades B-H launched and underway (ongoing).</li> <li>Supporting COPFS senior leadership/management (April 2021-March 2022).</li> <li>New governance arrangements for SPC  COPFS Learning (autumn 2021).</li> <li>Roadmap detailing short, medium and long term plans (autumn 2021).</li> <li>Leadership Framework to underpin learning to be proposed to be developed in consultation (see also risk 2 – into early 2022).</li> <li>Learning Pathways project scoped and initiated in association with Career Movement and Development Policy, establishing business partnering and partly decentralised model (autumn 2021).</li> <li>Commence consistent messaging/branding (ongoing).</li> <li>Continuously improve quality of online learning whilst we pivot to a greater digital offering (ongoing)</li> <li>Understand the parameters of the LMS project and establish the instructional design capabilities possible through Docebo contract or</li> </ul>				2022		Scottish Prosecution College	Operational Support

	Risk Description	Potential causes	Potential Consequences	Key Controls	Status ✓ X !	Current Risk Impact	Current Risk Likelihood	Current Risk Score	Key Actions	Risk	t Target Risk t Likeliho	Targ Risk od Scor	Date	Review Date	Risk Manager	Risk Owner
		<ul> <li>Learning that is delivered is not evaluated against pre-established desired outcomes nor included within MI.</li> <li>Unstructured approach to selection of external courses at a local level.</li> <li>Lack of focus on quality whilst delivering pandemic- driven online training</li> </ul>							to be pursued as compatible Docebo plug- ins (autumn 2021). Modifying traineeship if required (September 2021- March 2022). Establishing effective structure (autumn 2021). Organisation-wide Learning Needs Analysis for biannual curriculum planning and prospectus development (to Spring '22) <u>Actions required to</u> <u>achieve target score</u> ( <u>applying from FY 22/23)</u> Set out clear educational philosophy/pedagogical principles, including setting out our digital learning plans. Set out strategic change plan aligned with People and Digital Strategies for Apr 2022-Mar 2025 with clear success criteria and MI reporting. Set out effective operating model focussed on maintaining quality and evaluation of inputs and outputs and ensuring fit for purpose VLE/LMS hosting for instructional design							
5	Decline of organisational performance and service delivery	<ul> <li>Capacity issues due to summary and solemn business backlog and chum;</li> <li>Increased journey times;</li> <li>Our ability to influence timely outcomes/ prioritisation of cases;</li> <li>Increase in the nature, complexity and sophistication of crime and our ability to deal with them;</li> <li>Insufficiently trained staff;</li> </ul>	<ul> <li>Reputational damage;</li> <li>Potential increase in litigation resulting in financial loss;</li> <li>Increase in errors or failing to meet time bars resulting in cases falling;</li> <li>Duplication of effort due to chum requiring more resources;</li> <li>Higher number of victims, witness and next-of-kin waiting longer for cases to be concluded which in turn increases the volume of</li> </ul>	<ul> <li>Allocation of experienced staff to complex and high- profile cases;</li> <li>Relevant training provided to equip staff to carry out their role;</li> <li>Engagement with targeted CJ stakeholders and groups;</li> <li>Operational Performance Committee and Function management review MI regularly and decide whether</li> </ul>	I	4	4	16	<ul> <li>products.</li> <li>Short Term Actions</li> <li>Allocation of resources to top casework priorities;</li> <li>Review resourcing for 21-22;</li> <li>Continuing discussions about how to tackle trial backlog with SG and CJ partners in context of budget 21-22;</li> <li>Engage with professions and government re capacity of professions to reduce backlogs more quickly;</li> <li>Continue to monitor, discuss performance and measures for tackling</li> </ul>	3	3	9	March 2022	Jan 2022	OPC	DCA Serious Casework

	Risk Description	Potential causes	Potential Consequences	Key Controls	Status ✓ X !	Current Risk Impact	Risk	Risk	Key Actions	Risk	t Target Risk t Likeliho	Targ Risk od Scor	Date	Review Date	Risk Manager	Risk Owner
		Toxicology reports being unavailable to enable cases to be processed timely;	work to keep them updated; • Inequality of access to justice for all;	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;					<ul> <li>backlog of toxicology and PM reports with service providers;</li> <li>Publish new corporate service improvement strategy and action plan – Dec 2021.</li> <li><u>Actions required to</u> <u>achieve target score</u></li> <li>Budget settlement for 21/22 that enables us to recruit and retain sufficient staff including recovery funding;</li> <li>Completion of Recruitment and transfer exercise in line with 21/22 budget allocation;</li> <li>Agreement and resourcing of additional court programme;</li> <li>Availability of sufficient suitably qualified professionals to staff additional courts (including judicial, courts and defence practitioners);</li> <li>Review of toxicology provisions;</li> <li>Completion of High Court review on streamlining VIA process;</li> <li>Completion of Mental Health Session roll out for Managers;</li> <li>Continue to review KPIs aligned to journey times to ensure sufficient resource allocation;</li> <li>Implementation and regular review of service improvement action plan.</li> </ul>							
6	Inadequate digital resource and capital investment	<ul> <li>Restricted by pace of funding and the level of capital funding/investment available;</li> <li>Inability to deliver strategic business transformation or modernise critical digital systems and</li> </ul>	<ul> <li>Less business process and digital casework automation to assist in reducing workload, delivering efficiencies and improving services;</li> <li>Core staff protected but inability to retain specialist contractors to deliver improvements to</li> </ul>	<ul> <li>Pay coherence work looking at grading and pay structures for Business Services and ISD in particular; [ongoing]</li> <li>Continued COPFS accreditation to the Cabinet Office PSN, Home Office PSNP</li> </ul>	~	5	3	15	<ul> <li>Short Term Actions</li> <li>Delivery of ISD Portfolio and Digital Transformation Programme for 2021/22;</li> <li>Implement Cyberattack Simulation Business Resiliency Exercise Action Plan to further develop corporate resiliency</li> </ul>	3	2	6	End March 2022	Jan 2022	Chief Digital Officer	DCA Local Court

Risk Description	Potential causes	Potential Consequences	Key Controls	Status ✓ X !	Current Risk Impact	Current Risk Likelihood	Risk	Key Actions	Targe Risk Impac	t Target Risk t Likelihoo	Targe Risk d Score	Date	Review Date	Risk Manager	Risk Owner
	Potential causes 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.	Potential Consequences 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	Key Controls 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 incidents and reporting of breaches to the ICO;	Status V X V V	Risk	Risk	Risk Score	Key Actions         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.         Actions required to achieve target score         Strategic and prioritised BPIC, ISD Portfolio and Digital Transformation Programme for 2021/22 onwards;         Close monitoring of BPIC and digital transformation projects for 2021/22 to assess capacity for delivering corporate business improvement priorities;         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 (Managed via Digital Strategy Deliver Plan and ISD Programmes);         CDO continue engaging with COPFS corporate finance processes and with	Targe Risk Impac	t Target Risk Likelihoo	Risk	Date		Risk Manager	Risk Owner

	Risk Description	Potential causes	Potential Consequences	Key Controls	Status	Current Risk Impact	Current Risk Likelihood	Risk	Key Actions	Targe Risk Impa	t Target Risk t Likeliho	Targo Risk od Score	Date	Review Date	Risk Manager	Risk Owner
7	Inadequate contingency planning	<ul> <li>No clear business continuity plans or plans not being kept updated;</li> <li>Insufficient training;</li> <li>Failure to obtain advance information on potential consequences;</li> <li>Failing to be sighted on intelligence from stakeholders and elsewhere in sufficient time;</li> <li>Work on contingency planning is overtaken by other priorities;</li> <li>Failure to learn lessons from any previous business continuity events;</li> </ul>	<ul> <li>Vulnerable to business continuity disruption and service delivery is more likely to fall over;</li> <li>Reputational damage;</li> <li>Impact on staff wellbeing of having to deal with consequences of business continuity disruption;</li> <li>Impact on financial resources of having to deal with consequences of business continuity disruption;</li> </ul>	<ul> <li>CRG Meeting every 2 months,</li> <li>Subgroups of CRG meeting regularly to manage covid crisis and learning and applying lessons as we go along;</li> <li>Annual programme of review of BPCs;</li> <li>Function BCPs and Disaster Recovery Plans in place for COPFS buildings;</li> <li>IT systems have been significantly enhanced;</li> <li>Maintaining resilience of our IT systems;</li> <li>All staff equipped with mobile computer device to enable flexible and remote working;</li> <li>ICU Brexit Continuity Plan in place;</li> </ul>			<u>Likelihood</u>	Score	Justice Directorate and SG – Director Digital to bid for additional capital resources to support digital investment and transformation priorities; • Successful recruitment of people resources and skills to support ISD's delivery of COPFS' corporate priorities; • ISD Recruitment Strategy and proactive resource management to drive and monitor recruitment and resource capacity; • 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. Short Term Actions Actions required to achieve target score • Comprehensive lessons learned exercise from covid – autumn 2021 onwards; • Applying lessons learned from resilience testing to further develop corporate resilience and preparedness to facilitate permanent move to remote working– autumn 2021 onwards;	3	t Likeliho	9	a and a second s	Feb 2022	HoBM Operational Support	DCE

	Risk Description	Potential causes	Potential Consequences	Key Controls	Status	Current Risk Impact	Current Risk Likelihood	Current Risk Score	Key Actions	Targe Risk Impac	t Target Risk t Likelihoo	Targo Risk d Score	Date	Review Date	Risk Manager	Risk Owner
				• Preparatory work completed for contingency planning for multiple scenarios in early 2021;	~											
8	Ineffective stakeholder engagement	<ul> <li>Absent or ineffective communication with criminal justice partners;</li> <li>Lack of stakeholder engagement and input to COPFS services both national and local e.g., Website, Witness Portal, response to local offending;</li> <li>Lack of stakeholder engagement and input to national and local prosecution policies;</li> <li>Increased stakeholder/partner demands on, or expectations of, COPFS that cannot reasonably be met;</li> <li>Absent or ineffective engagement with elected representatives at both national and local levels;</li> <li>Absent or ineffective engagement with uk and Scottish Governments;</li> <li>Absent or ineffective engagement with the media;</li> <li>Insufficient capacity</li> </ul>	<ul> <li>Inequality of access to justice;</li> <li>Inequality of service provision;</li> <li>Reduced public confidence in COPFS and the criminal justice system (reputational damage);</li> <li>Increased demand upon COPFS;</li> <li>Decreased resource available to COPFS</li> </ul>	<ul> <li>Crown Agent membership of the Justice Board</li> <li>COPFS membership of relevant sub-groups reporting to the Justice Board</li> <li>COPFS membership of the Youth Justice Board;</li> <li>COPFS membership of the Scottish Government SOC, Victims and Drugs Deaths Taskforces;</li> <li>Regular meetings between Law Officers and Justice Ministers,</li> <li>Meetings between Law Officers, Crown Agent and Head of Policy and Crown Agent and Opposition Party leaders, Justice Committee office holders and Justice spokespersons;</li> <li>Functional strategic and operational liaison with criminal justice partners;</li> <li>Corporate liaison with criminal justice partners, Scottish Government re national events e.g. COP26;</li> <li>Executive Board reviews all external inspection reports to learn lessons on improving the communication with stakeholders;</li> <li>Operational Support engagement with stakeholders during system improvement</li> </ul>	× × × × × × × × ×	3	2		<ul> <li>Short Term Actions</li> <li>Internal Audit of Strategic Stakeholder Engagement commissioned;</li> <li>Senior leaders contributed to the Audit;</li> <li>Audit report received end March 2021.</li> <li>Audit report provides "reasonable" assurance and recommends some improvements</li> <li>Audit recommendations accepted</li> </ul> Actions required to achieve target score <ul> <li>Audit recommendations:</li> <li>To consider Media Relations capacity to deal with reputational challenges;</li> <li>To produce a Stakeholder Engagement Plan identifying, inter alia, key stakeholders and key messages;</li> <li>To develop a Media and Communications Strategy.</li> </ul> Oct update: Director of Communications post agreed to, inter alia, increase capacity to deal with reputational issues. Director will lead a new Communications Directorate, responsible for both internal and external engagement. Media and Communications Strategy in place and implemented	3	2	6	March 2022	Feb 2022	Head of Policy & Engagement	CA

Risk Description	Potential causes	Potential Consequences	Key Controls	Stat	us Curre	nt Current	Curren	Key Actions	Targe	t Target Risk	Targ	et Target	Review	Risk Manager	Risk Owner
					X Risk Impac	Risk t Likelihoo	Risk d Score		Risk	Risk t Likelihood	Risk Scor	Date	Date		
			development and	8	1										0
			implementation;												
			<ul> <li>Policy consultation</li> </ul>												
			with 3 <sup>rd</sup> sector												
			stakeholders during	~											
			policy development												
			and implementation;												
			Operational												
			engagement with 3rd	~											
			sector stakeholders;	63											
			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;												
			<ul> <li>Sheriffdom Equality</li> </ul>	~											
			Networks in place and												
			progress monitored;												
			Media Relations												
			Team engagement	~											
			with media	~											
			representatives and stakeholder												
			counterparts;												
			<ul> <li>Opportunities taken to</li> </ul>												
			promote												
			understanding of the												
			role of COPFS;												

Risk Description	Potential causes	Potential Consequences					Target		Target		Review	Risk Manager	Risk Owner
			Y X		Risk Likelihood	Risk		Risk Likelihood		Date	Date	1	
			!	impact	Likelihood	Score	impaci	Likeimood	Score				

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

#### EXECUTIVE BOARD

#### Corporate Risk Register

#### March 2022 Update

#### Purpose

1. To provide the Executive Board with an update on the progress of the work of the Risk Management Group (RMG).

#### Priority

2. Routine.

#### Update

- 3. RMG last met on 27 January 2022. The Corporate Risk Register was reviewed and incorporated updates arising from the recent Risk Workshop noted. Risk 4 and 6 were the subject of a deep dive and the Serious Casework Group Risk Register discussed.
- 4. Ian Walford (Deputy Chief Executive) reported on the 2022/23 budget settlement. Risk 1 was discussed in relation to long-term funding and will be updated to reflect associated risks.
- 5. Jonathan Shebioba (Director of Support Services) and Collette Paterson (Head of Scottish Prosecution Service) attended to discuss the deep dive of Risk 4. An update was provided on progress in moving towards the target operating model for the Scottish Prosecution College. Collette gave a detailed overview of the proposed training strategy. It was agreed the risk manager responsibilities should be assigned to Collette, who advised risks will change as the transformation programme evolves. It was agreed to review this risk again in early 2023.
- 6. Keith Dargie (Chief Digital Officer) attended to speak to a deep dive of Risk 6. Key risk themes were discussed. RMG discussed the ambitious target score for this risk, which reflects documented and ongoing actions for attaining the target score. RMG agreed this risk would be broken down into appropriate components to further enhance risk management actions and monitoring. It was agreed to review this risk again in July 2022.
- 7. Stephen McGowan (Deputy Crown Agent Serious Casework) attended to discuss the Serious Casework Risk Register. The interim review report and further work in aligning with the Corporate Risk Register were noted. Discussion included the Court Recovery Programme, engagement with victims and witnesses and strategies for risk reduction. It was agreed to review this risk again in July 2022.
- 8. RMG welcomed Andy Shanks in his new role as COPFS Risk Champion. Andy discussed the Risk Awareness Strategy, which reflects outcomes from the recent Managing Risk workshop. Work is being undertaken to further develop the strategy and to devise appropriate workstreams.
- 9. RMG is next scheduled to meet on 28 April 2022. In addition to reviewing the Corporate Risk Register and relevant matters, Risk 1 will be the subject of a deep dive. The Local Court Risk Register will also be reviewed. The Chief Digital Officer will also report on COPFS resiliency and readiness in relation to cybersecurity threats.

10. RMG noted this was the last meeting attended by lan Walford, Deputy Chief Executive, prior to retirement and thanked him for his valuable support and contributions.

#### **Decisions/Actions required by Executive Board**

11. The Executive Board are asked to consider and comment on the updates provided in this paper and the Corporate Risk Register as appropriate.

Keith Dargie Head of Business Services

15 March 2022

#### **EXECUTIVE BOARD**

# Wellbeing Update March 2022

#### Purpose

- 1. To provide the Executive Board with an update on the progress of:
  - Development of a Wellbeing Dashboard
  - Upcoming wellbeing priorities

#### Priority

2. Routine.

#### Update

#### Wellbeing Dashboard

3. The usefulness of a potential Wellbeing Dashboard was discussed at the Executive Board meeting in November 2021. It was thereafter agreed that a quarterly dashboard would be prepared by the HR Diversity, Inclusion and Wellbeing team.

4. A first draft of the Wellbeing Dashboard was considered at the Corporate Health and Wellbeing Committee (CHWC) in February 2022. The paper was well received by the Committee.

5. However, it was recognised that there is a great deal of information which could be included, and it will be important to ensure that any data gathered is meaningful and useful in promoting employee wellbeing. To that end, the dashboard will evolve to take account of emerging trends and information. HR and the CHWC will also consider clearer visuals and graphics as the dashboard is further developed. Some of the information described below is incomplete but will be developed for future reports.

6. It is expected that the introduction of the new HR system will help to make a greater range of information more readily available and provide greater ability for helpful analysis which can be shared with Function leads.

7. Following discussion at CHWC, the dashboard will be amended to reflect key metrics from the People Survey and, where possible, the impact of initiatives, communications and new policies. Again, it is likely that this will be an evolving element of the dashboard with some metrics easier to quantify or report on than others.

8. The current dashboard is for illustrative purposes only at this stage but will form the basis for future and increasing analysis. The absence rate and turnover are the main wellbeing indices. RAG status will be included for these and other indices by comparison with other Civil Service organisations and industries in time. The illustrative dashboard is set out below.

COPFS WELLBEING DASHBOARD – MARCH 2022		
WELLBEING MEASURE	CURRENT	COMPARATOR
Overall Absence Rates (Average Working Days Lost)	Jan 2021 – Dec 2021 9.72	Jan 2020 – Dec 2020 7.21
Working Days Lost	Jan 2021 – Dec 2021 18,940.77	Jan 2020 – Dec 2020 13,110.71
Of Overall Absence, % – Mental III Health	Jan 2021 – Dec 2021 39.21%	Jan 2020 – Dec 2020 42.1%
Of Mental III Health, % - Stress Related	Jan 2021 – Dec 2021 45.55%	Jan 2020 – Dec 2020 59.2%
Of Mental III Heatth, % - Work Related Stress	Jan 2021 – Dec 2021 35.06%	Jan 2020 – Dec 2020 22.9%
Of Mental III Health, % - Family / Situational	Jan 2021 – Dec 2021 19.39%	Jan 2020 – Dec 2020 17.9%
Turnover	Jan 2021 – Dec 2021 117 leavers 5.56%	Jan 2020 – Dec 2020 84 leavers 4.27%
Average Annual Leave Taken per Quarter	To be developed The leave balance for COPFS at 11-3-22 was 2339 days	
Vicarious Trauma Support Referrals	To be developed From October to December 2021 – 56	
Employee Assistance Programme	October – December 2021 New 17 Re-Referrals 5	2020 New 38 Re-Referrals 11
Workplace Adjustment Passports Completed	2021 – 11	2020 – 13
PAR Completion (% All COPFS Employees)	Q1- 45% Q2 – 40% Q3 (End Of December 2021) – 36%	
Grievance Cases	To be developed From 1-10-19 to 1-10-20 There were 2 closed grievances	
Agile Working Requests per Quarter	To be developed	

Une eming Mellheing Driegities			

#### Upcoming Wellbeing Priorities

9. There continues to be a significant wellbeing focus within COPFS and the CHWC continues to analyse the number of unique views of communications with a wellbeing focus. Priorities over the coming months include:

- Focus on encouraging staff to complete the See Me in Work survey. With sufficient completion rates (35%) See Me will help us create an action plan from the results, or with 50% completion we will have access to the action plan without the need for further focus groups. The audit will allow COPFS to strategically position itself concerning pressures affecting people with regard to organisation change and in wider society (for example, working with the Civil Service Charity to improve awareness of financial wellbeing if inflation is persistent); or developing its Mental Health First Aiders and Mental Health Ambassadors to best provide assistance.
- Engagement with Equality Ambassadors for Gender and Menopause have ensured positive and focussed consultation in developing a Menopause Policy which will be launched in the next quarter.
- Another emerging focus is reviewing our Fair Treatment policy to ensure that it takes account of the recent publication of the Scottish Government process for complaints against current and former Ministers.

10. All the main wellbeing objectives are described in the updated COPFS Wellbeing Strategy Action Plan 2021 – 24 and all are in progress.

#### Decisions/Actions required by Executive Board

11. The Executive Board is invited to comment on the proposals for the Wellbeing Dashboard and to note the information on current priorities.

#### HR Diversity, Inclusion and Wellbeing Team

**Business Services** 

15 March 2022



# **Resources Committee minutes**

#### 24th February 2022 meeting, held via Microsoft Teams

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

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# Present

#### Members

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

#### In attendance

• Ali Caddis, Secretariat

#### Apologies

• Sharon Davies, Head of Management Accounting and Planning

# Welcome

The Chair welcomed everyone to the meeting and in particular Anthony McGeehan, the incoming Deputy Crown Agent for Operational Support (DCA(OS)) and Keith Dargie, the incoming Head of Business Services (HoBS), in their new roles. The Chair advised this was her last RC meeting and she was handing over the Chair to

the new DCA(OS). The Chair further advised that this was also the last meeting for the DCE, who will be replaced on the Committee by HoBS.

# Minutes from meeting held on 27 January 2022

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

# **Action Log**

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

Actions 1 and 6 would be continued to the next meeting. Actions 2, 3, 4, 5, 7 and 8 could be closed.

# **Finance Update**

The Director of Finance and Procurement (DoFP) provided an overview of the Finance Update paper for the budget, considerations for 2021/22 as well as the Strategic Approach to Budgeting and resource spending review, which forecasts an underspend. Capital is continuing to forecast on budget and recruitment is ongoing.

### **Risks and Uncertainties**

DoFP advised risks have not changed since last month. Witness costs remain low. The non-recoverable VAT has reduced and will continue to be monitored. Pay negotiations have now concluded and are committed to keeping pace with SG.

# **Overtime**

DoFP advised overtime has increased slightly due to recruitment lags and there are no concerns.

### **Court Recovery Programme**

DoFP noted there is no change to the forecast.

### **Utilisation of Underspend**

DoFP requested approval from the Committee on various initiatives throughout the Estate. Following discussion the Committee agreed on the proposal.

# Strategic Approach to Budgeting (SAB)

DoFP discussed SAB and advised the SAB returns have been submitted to SG and will continue throughout next 5 years.

The DoFP provided an overview of the Workforce Planning Bid and it was agreed that no final decision would be reached during this meeting, but the intention is that staffing bids would be agreed as soon as possible.

# Recruitment

Chair raised the additional staffing requests and a detailed discussion took place on additional posts.

The Committee agreed to consider recruiting to the budgetary equivalent of 50% of additional staff, with HoBMs providing a note of the business critical posts required.

**[Action]** To discuss recruitment with Crown Agent and update Executive Board on decision.

[Action] HR/Finance to discuss with HoBMs and return to the Committee.

# **HR Update**

The Head of Workforce Planning and Reward (HoWPR) summarised the HR paper, highlighting key points and noted a number of recruitment campaigns are due to conclude by the end of March 2022.

HoWPR noted that absence levels are moving to pre-pandemic levels and will continue to be monitored by HR and Health and Wellbeing Committee.

# **Estates/Strategy Delivery Update**

The Director of Support Services (DoSS) provided an update on the estate across COPFS and noted the projects being delivered across the estate.

# **Corporate Risk Register**

The Deputy Chief Executive (DCE) presented the Corporate Risk Register and confirmed that risks will require to be adjusted as we move forward.

# Any Other Business (AOB)

The Chair thanked Ian Walford (DCE) for his work with Resources Committee and COPFS and in particular the support he has provided to her as DCA for OS.

Anthony McGeehan thanked the Chair for chairing Resources Committee and wished her good luck in her new role with the Home Office.

Date of the next meeting: 31 March 2022

EB21/22(68)

# EXECUTIVE BOARD BUSINESS PROCESS IMPROVEMENT COMMITTEE MARCH 2022 UPDATE

#### Purpose

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

#### Priority

2. Routine.

#### Update

- 3. BPIC last met on 3 February and is next scheduled to meet on 27 April 2022.
- 4. The update provided to the Executive Board meeting on 16 February 2022 provided an overview of the BPIC improvement projects and ISD's delivery of the portfolio and Digital Transformation Programme for 2021/22. A delivery statement for BPIC corporate improvement priorities for the remainder of 2021/22 was reported and this update provides latest project delivery positions.
- 5. BPIC will review the delivery of the 2021/22 business process improvements and digital transformation programme at its meeting on 27 April and will provide a summary report to the Executive Board at the meeting in May 2022. BPIC will also discuss the business improvement priorities for 2022/23 and make recommendations to the Executive Board on the programme of work for the next corporate year.

#### **Delivery Updates**

- 6. Delivery updates for projects/improvements scheduled for delivery or progression by 31 March 2022:
  - COPFS Website [Development complete; IT Health Check complete; delivery planning for April 2022 release];
  - [New] Defence Agents Service: General Booking App [Q2 2022/23 launch];
  - HR Solution [Core HR solution on track for end March; rollout of Absence and Performance Management solutions planned from late April 2022 to align with HR system deployment planning and resources];
  - Deploy CMIC: S&J [App complete; deployment realigned to Q1 2022/23 to reflect recruitment of ISD iOS developer staff to replace leavers];
  - Corporate Applications: Desk Booking App [In progress; pilot phase Q1 2022/23];
  - Corporate Applications: Claims App (Overtime and On call claims) [Phased launch from May 2022];
  - SCG: Al/Cognitive Services Transcription Service [Q4 2021/22 ongoing development and evaluation];
  - Edinburgh Datacentre Migrated to offsite Datacentre [Formal decommissioning of Edinburgh datacentre May 2022];
  - Second offsite Datacentre procured [On track];

- Digital Workplace: Exchange Online [Ongoing; phased from Q4 for change management reasons];
- Digital Workplace: Always on VPN [Ongoing; phased from Q4 for change management reasons];
- Home Office PSNP IT Security and Information Assurance Accreditation [In progress; remediation activities and submission planned April 2022];
- UK/Scottish Government Cyber Essentials Plus IT Security and Information Assurance Accreditation [On track].
- 7. Summary of projects formally initiated or with ongoing analysis, scoping or project planning preparations over Q4 to confirm delivery plans:
  - EPR Solutions [progressing];
  - Defence Agents Service: New Secure Disclosure Service project and development commenced [On track for evaluation and launch over Q2 -3 2022/23];
  - Witness Gateway: Formal Project Initiation and Evaluation/Development [Witness Availability focus for phased evaluation and delivery over 2022/23];
  - AI, Cognitive Services and Automation [Vision Principles and Framework Document to support AI proof of concept and evaluation over 2022/23];
  - Case Management Systems: Next Generation Case Management System [Vision, Principles and Framework Document (April/May 2022) to support stakeholder workshops and project initiation from Q1 2022/23];
  - Vulnerable Witness Measures [In progress];
  - CMIC PDF Library Solution [Awaiting recruitment of replacement ISD iOS Developer staff];
  - ISD Cybersecurity Security Operations Centre (SOC) and Security Information and Event Management (SIEM) systems and services [SOC is live with Critical Network Servers online, all other IT Infrastructure now being onboarded April 2022];
  - DESC: Pilot [Q2 2022/23];
  - CMIC: High Court [being considered with CMiC S&J and Electronic Reporting to Crown Counsel delivery].

#### **Decisions/Actions required by Executive Board**

8. The Executive Board are invited to note progress and comment as appropriate on BPIC's portfolio priorities for 2021/22 and its planning for 2022/23.

John Logue Deputy Crown Agent - Local Court 15 March 2022

# **Operational Performance Committee**

### Minutes of meeting held on 2 March 2022 by Microsoft Teams

#### Present:

Stephen McGowan	Deputy Crown Agent – Serious Casework (Chair) (DCA)
Kenny Donnelly	Procurator Fiscal, Policy and Engagement (KD)
Ruth McQuaid	Procurator Fiscal, High Court (RM)
Laura Buchan	Procurator Fiscal, Specialist Casework (LB)
Jennifer Harrower	Procurator Fiscal, Local Court (JH)
Chloe Millar	Legal Assistant, DCA Serious Casework (Secretariat) (CM)
Robert Tinlin	Non-Executive Director (RT)
Fiona Roberts	Head of Management Information Unit (FR)

#### Apologies:

Graham Kerr

Head of Business Management, Local Court

#### 1. Welcome and Apologies

The DCA welcomed everyone to the meeting, apologies were noted. The DCA acknowledged that there had been recent changes to department roles and welcomed everyone in their new capacity. Rob Tinlin was welcomed as the new Non Executive Director on committee.

#### 2. Minutes of previous meeting

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

#### 3. Outstanding actions

Action 1/22: Take forward recovery mapping with Heads of Business Management and MIU. DCA advised that he attended a meeting on 14 February in relation to this action and has prepared and circulated a draft report for SCG for consideration. Will require input from Local Court and comments from Committee (see agenda item below) Action to remain open

#### 4. Monthly Stats/Key Performance Indicators

The DCA explained that reporting here is done by exception given the volume of statistics. The consideration of KPIs has changed. At the outset, they were designed to show COPFS improvement journey, but since the pandemic and the COVID backlog, the KPIs now require to demonstrate COPFS recovery journey.

#### High Court (HC)

- HC to look at how to include reporting about service to victims/VIA in statistics
- 889 outstanding HC trials which is more than double the level pre-pandemic. There are issues across the justice system as a whole in relation to estates and personnel to deal with the outstanding trials
- HC to consider how we measure performance in different ways
- The target to make an initial decision in a case in 4 weeks of receipt is being exceeded (Target 75%, Actual 82%)
- Recognition that there is reduction in productivity/number of cases being reported to Crown Office. One reason is that staff are working from home and this is being addressed but introducing more staff into the office on a trial/part time basis, bringing teams in to work together again and rolling out the agile working policy.
- In relation to service of indictments, cases are being reported early but indicters have a significant number of cases so often have to focus on those which are being indicted to timebar and accordingly those being reported early then have to sit and wait
- Homicide statistics for indicting are good but noted that they have fewer cases than SOT/MCT and are more likely to be subject to custody timebars
- Staff have been added to teams and are undergoing training
- HC to look at including s76 indictments in statistics and if we can identify how many cases that we are resolving at PH
- Rise in reporting of serious sexual offences which are resource intensive cases
- Sexual Offence KPIs is a complex area to measure performance and HC to look at how to articulate reducing journey times. To discuss with Local Court to identify a consistent measure across functions.
- Recognition that journey time of cases is not wholly within control of COPFS. Number of High Courts has now increased from 16 to 20 but process is longer with new procedures for balloting and remote courts and it is unknown how long certain measures will be in place for. HC wishes to focus on what COPFS is accountable for and how we can work with partners to improve case reporting and the service from other criminal justice partners
- Recognition that the KPIs now do not tell us what resource is required in each stage of the process and consideration should be given to how these can be refined/amended.

#### Local Court

National Initial Case Processing (NICP)

OPC 02/03/2022

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- NICP is not likely to meet published target to mark 75% cases this year likely to be around 72%/73%
- NICP concentrating on marking aged cases
- At present, there are 15,000 unmarked cases and the Police are reporting their backlog which is turn increasing COPFS backlog

#### Sheriff and Jury

- S&J are not likely to make KPIs. There are 731 cases over 10 months old and not yet reported or indicted.
- Resource is going to aged cases and S&J is focussing on these
- At the moment the target is 75% and overall, S&J is around 68%. There are some Sheriffdoms meeting the target but most are not.
- Recognition that HC has had a 25% increase in capacity but S&J has not so it will take this area of the business longer to recover from the pandemic

#### Sexual Offence cases

- KPI for an initial marking in 4 weeks in 75% of cases. At the moment Local Court are doing this in 88% and 94% of cases in 8 weeks.
- The other KPIs are not being met. RM and JH to discuss.

#### General

 Recovery Mapping proposal circulated by the DCA was recognised as a useful exercise. To complete this for Local Court will be a significant job and a draft is not yet ready.

#### Specialist Casework

- SC paper circulated prior to meeting
- In terms of Serious and Organised Crime cases, there are 19 cases indicted to the High Court with 15 awaiting trials. These are complex cases and often with multiple accused. These will impact on High Court business and resources as they take priority and court time. The DCA noted that these were important cases due to the impact on communities given the types of offending involved. It was observed that SOC cases can impact courts for weeks and this can affect dealing with other priority business.
- In terms of SFIU, a significant improvement was noted. Case Management Panels helped to provide reassurance that deaths over 2 years old were being tracked and monitored. At present SFIU have 147 cases over 2 years old and HSIU have 81 death cases.
- The Wildlife Crime report is due to be published next week and COPFS expect to be invited to give evidence in respect of this

#### Policy & Engagement

- Report was circulated to the committee in advance of the meeting
- It was noted that the Coronavirus legislation expires at the end of March. Secondary legislation which is expected to extend the Act to end of September has been tabled but as at the time of this meeting there was no updated.
- The Coronavirus recovery bill has been published and there is a consultation. COPFS have been invited to give evidence to the Justice Committee next week
- A Bail bill has been proposed and is at consultation. COPFS has provided feedback and concerns to the Government.

#### 5. Recovery Mapping

- The DCA met with SCG and LC business managers to discuss recovery mapping.
- An initial draft proposed report was circulated to the committee and the DCA has invited members to comment
- Committee discussed recovery mapping reflecting both resourcing and experience of staff in areas of the business. It was suggested that consideration should also be given to how long staff are in certain roles and the expansion of the type of work being carried out by administrative staff. The role of managers will also need considered in terms of challenges in balancing productivity, training and management of staff.
- The DCA to speak to business managers about where Local Court is with their recovery mapping process and get an update.
- Noted that there is to be a meeting with SCTS net week to discuss future planning

Action 1/22: DCA to continue to take forward recovery mapping with Heads of Business Management and MIU.

Action 2/22: All committee members to provide feedback by correspondence in respect of the draft recovery mapping report circulated by DCA by 16 March 2022

#### 6. AoB

- FH advised that MIU recognised that members were all in new posts and were happy to meet with everyone to discuss what assistance and information MIU can provide them with.
- The committee recognised that amendments require to be made to KPIs however at present, MIU should continue working with the current

arrangements until new KPI framework has been agreed. Recovery mapping should help to inform refining and developing new KPIs.

Date of Next Meeting: April 2022 (TBC)

Action 3/22: Meeting on 7 April cancelled. DCA Office Secretariat to identify a new suitable date sometime around 21 April and circulate new date to members.