

Executive Board meeting minutes

Meeting held on 23 August 2023 in Conference Room 1, Crown Office & Microsoft Teams

Present:

John Logue (Chair)	Crown Agent
Stephen McGowan	Deputy Crown Agent, Litigation
Anthony McGeehan	Deputy Crown Agent, Operational Support
Jennifer Harrower	Deputy Crown Agent, Local Court
Lindsey Miller	Deputy Crown Agent
Keith Dargie	Head of Business Services
Sarah Carter	Director of Human Resources
Marlene Anderson	Director of Finance and Procurement
Annie Gunner Logan	Non-executive director
David Watt	Non-executive director
Vanessa Davies	Non-executive director
Jim Brisbane	Internal Assurance, Strategy and Policy Adviser

In attendance:

Ann Marie Henderson	Secretariat
Mairi Boyle	Secretariat

Apologies:

None noted.

Agenda Item 1 – Welcome and Apologies

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

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2. In relation to conflict of interest, Vanessa Davies provided detail of an advisory role she had undertaken with English universities which pertains to particular casework; and David Watt reiterated that he knew nearest relatives in one particular case. The Crown Agent noted this and that there would be no discussion of operational matters or operational decisions at this meeting.

Agenda Item 2 - Minutes of previous meeting

3. The minutes of the meeting held on 28 June 2023 were approved and can be published. There is one outstanding action which will come back to the Board at the October meeting.

Agenda Item 3 - Finance Update

4. The Director of Finance and Procurement introduced paper EB23/24(18).

5. On FY 2022/2023, a clear audit report has been received and accounts are due to be signed next week.

6. On FY 2023/24, the Director gave an update on the current and projected budget position, explaining key risks and close monitoring of spend and areas for savings. There was some discussion of how this impacted recruitment where a balance has to be struck between affordability and being able to deliver a quality service; and about levels of confidence in projected non-staff savings.

7. On FY 2024/25, the Director explained the strategic planning work already ongoing for this FY and looking ahead as far as 2028/29; and on liaison with SG about the pressures we face, for example the sustained significant increase in deaths reported, so that they can anticipate our future needs. There was discussion around deaths cases and the work of CDIT. The Crown Agent said that we would dedicate time to this at the November meeting of the Board and asked for the Head of CDIT to attend and a paper to be brought to this meeting with an update on the work of CDIT with projections and timescales for outstanding work; on preparation to deal with future health issues; and on trends in death reporting more generally.

Action: DCA, Specialist Casework and Secretariat to arrange for Head of CDIT to attend the November meeting and provide a paper with projections and timescales for outstanding work.

Overtime Update

8. The Director of Finance and Procurement introduced paper EB23/24(19).

9. There was discussion on management action in relation to late overtime claims and the Crown Agent stressed the need for vigilance and for first line managers to play their roles; and he was assured that a robust approach was to be taken.

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10. The Board noted the improvement in NICP work in hand. DCA Local Court explained how this had been achieved. There are many reasons for Local Court accounting for the highest overtime claims, including on call duties and Local Court responsibility for custody courts and bank holiday courts.

Agenda Item 4 – Risk Register

11. Head of Business Services introduced paper EB23/24(20) and highlighted the key points of this. The Board noted that the current Risk Register was a work in progress version which is subject to review and will be refined further. There was some discussion of risk item 8, about which the Crown Agent and David Watt will meet separately. This item illustrates that the Risk Register needs more work. A revised Risk Register will be brought back to the December meeting of the Board.

Agenda Item 5 – Senior Structure Update

12. The Crown Agent updated the Board on the review of senior structure. The Crown Agent will take the views of Law Officers and SET on Ian Walford’s report and will provide the Board with a substantive update on this work in due course.

Agenda Item 6 – Function Update – Operational Support

13. DCA Operational Support introduced paper EB23/24(21) and highlighted the ongoing review of diversion ; and ICO audit in relation to recovery of material from complainers’ phones, following on from the audit by the UK ICO.

Agenda Item 7 – Function Update – Local Court

14. DCA Local Court introduced paper EB23/24(22) and provided further detail on the court recovery focus having moved to Sheriff and Jury work, which is seeing positive results, but with foreseeable impact on summary business. Albeit outstanding summary trial numbers have increased, the Summary Case Management pilot courts have bucked that trend. Evaluation of this judicial-led project is awaited but our analysis is that it has been very successful and we anticipate roll out to Glasgow in the new calendar year. The Internal Assurance, Strategy and Policy Adviser endorsed the DCA’s comments on the pilot and its huge potential and provided some preliminary data that shows the pilots have disproportionately improved the national summary picture on case backlog.

15. The DCA also highlighted to the Board the issues with GeoAmey, the impact on staff and that COPFS are engaging with criminal justice partners and SG to

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highlight concerns and risks. The DCA will report back to the Board meeting in November on this.

Action: DCA Local Court to provide update on GeoAmev at the November meeting.

16. The Board thanked the DCA for her helpful report and for the productivity improvements outlined in the report. The Crown Agent noted that there had been significant progress in a number of areas.

Agenda Item 8 – Function Update – Specialist Casework

17. DCA Specialist Casework introduced paper EB23/24(23) and addressed the Board on his focus on building on specialisms, which produce excellent results, whilst reducing journey times in all areas. Part of this will involve effecting a culture change in respect of KPIs in cases not yet before the court. The Crown Agent reminded the Board of the propensity for these sorts of cases to be of huge scale, complexity and length.

18. There was discussion about toxicology work and it was noted that the SPA are now working to an improvement plan which we and the SPA are monitoring.

Agenda Item 9 – Function Update – High Court

19. DCA High Court introduced paper EB23/24(24) and explained the ongoing High Court work, which includes a pilot of post-indictment teams to deal with management of indicted cases which can remain in the system for some time and impact on productivity of case teams.

Agenda Item 10 – Committee Updates – Resources

20. DCA Serious Casework introduced paper EB23/24(25) and this was noted by the Board.

Agenda Item 11 – Committee Updates – Business Improvement

21. Head of Business Services introduced paper EB23/24(26) and highlighted the work on the Witness Gateway. The Crown Agent said it was imperative that this is launched in October as planned. Head of Business Services will provide an update at the next Board meeting on the DESC project.

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Action: Head of Business Services to provide an update on DESC project at October meeting.

Agenda Item 12 – Committee Updates – Operational Performance

22. DCA Litigation introduced paper EB23/24(27) and this was noted by the Board.

Any other business

The Crown Agent congratulated Anthony McGeehan on his appointment as sheriff. He thanked Anthony for all his contributions at Executive Board and in his various roles within COPFS, and looked forward to the success he will make of his new role. The Crown Agent was delighted to confirm that Lindsey Miller would return to her substantive role as DCA, Operational Support from September.

EXECUTIVE BOARD
Meeting 23 August 2023
FINANCE UPDATE

Purpose

1. This paper provides the Resources Committee with an update on:
 - Annual Accounts update 2022-23
 - 2023-24 Budget Allocation
 - Path to Balance from Functions.

Annual Accounts Update 2022-23

2. Work has continued on the 2022-23 Annual report and Accounts. Audit Scotland have completed the final audit and are preparing the Annual Audit Report. See Appendix A.

2023-24 Budget Allocation

3. The budget has now been allocated between staffing and non-staffing with formal budget delegations discussed and completed. Both categories remain under pressure with plans implemented to minimise pressures as far as possible whilst delivering on our priorities. See Appendix B.

2024-25 Budget Panning

4. Scenario planning along with workforce planning has commenced for 2024-25 and beyond. This is to reflect the COPFS Strategic Plan and known funding drop off for specifically funded areas e.g. Court Recovery. See Appendix C.

National Fraud Initiative

5. The 2022-23 NFI Exercise released matches found in late January 2023. COPFS has completed all investigations which confirmed no instances of fraud. See Appendix D

Conclusion

6. **The Executive Board is invited to note the progress on the Annual Report and Accounts for 2022-23.**

- 7. The Executive Board is asked to note, and if it wishes, comment on the 2023-24 budget and planning.**
- 8. The Executive Board is asked to note, and if it wishes, comment on the 2024-25 and beyond budget planning.**
- 9. The Executive Board is asked to note, and if it wishes, comment on the National Fraud Initiative exercise.**

Finance Directorate

15 August 2023

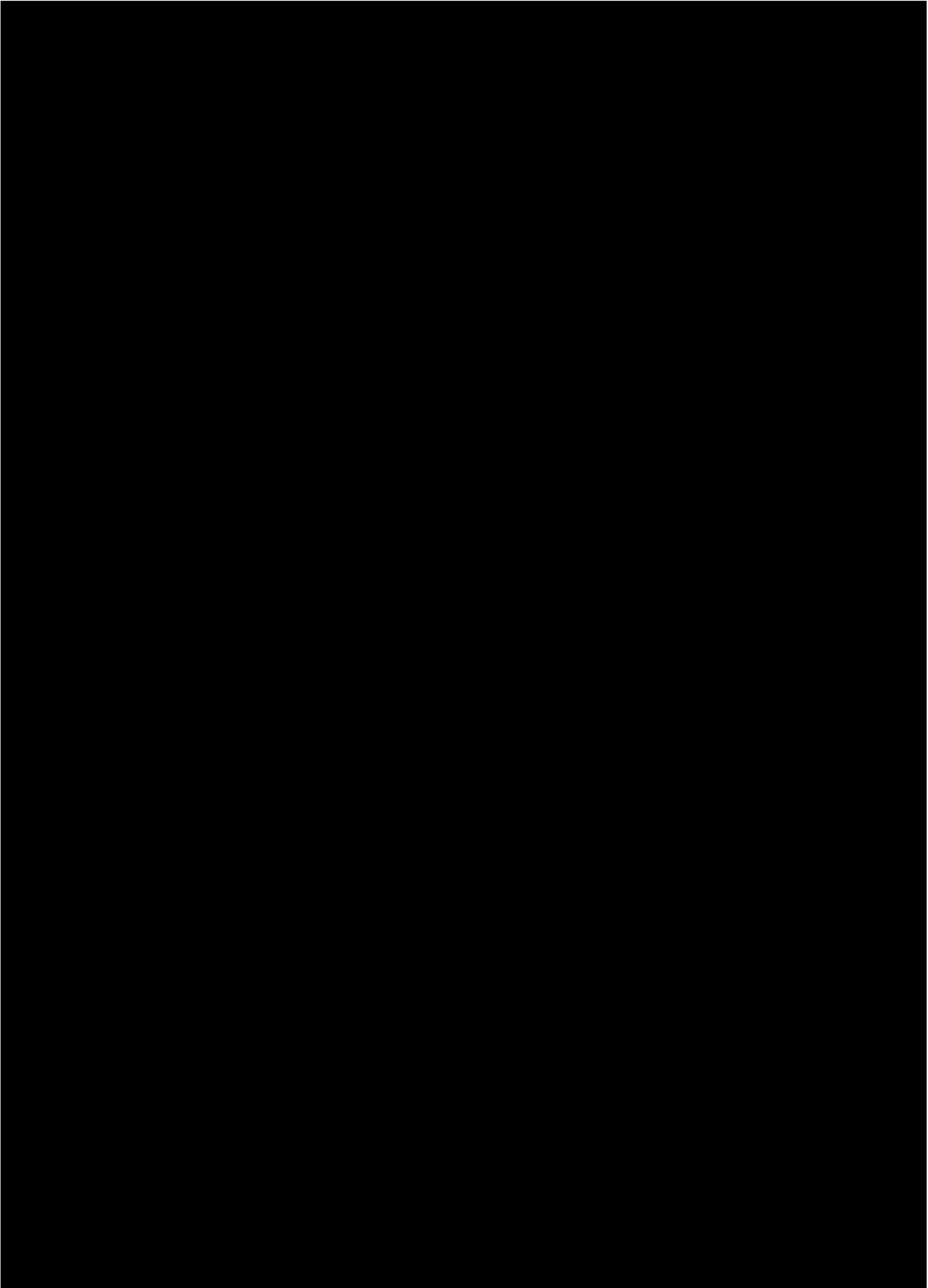
APPENDIX A

Annual Accounts Update 2022-23

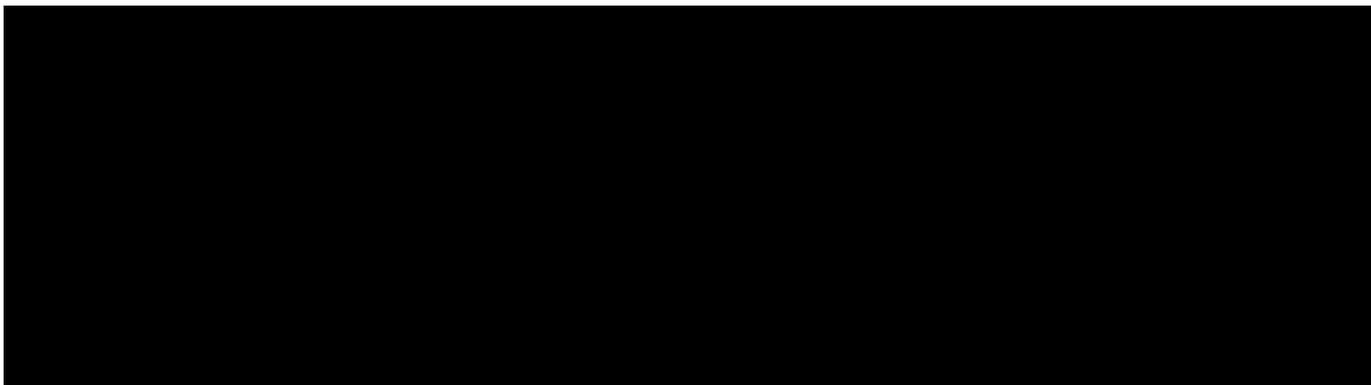
The outturn reflects a revised current residual resource and capital underspend of £2.6m with a total underspend of £1.6m after AME and IFRS 16 accounting adjustments.

2022-23	Original Approved Budget £m	Updated Budget £m	Outturn £m	Variance £m
Cash Resource Expenditure	169.8	191.9	189.2	2.7
Non-Cash Resource Expenditure	5.8	8.4	7.7	0.7
AME Impairment	-	2.0	2.2	(0.2)
Total Resource Expenditure	175.6	202.3	199.1	3.2
Capital Expenditure	5.3	6.5	7.1	(0.6)
Total Resource and Capital	180.9	208.8	206.2	2.6
AME provision 2022-23	-	-	-	-
AME Provisions 2021-22 Utilised	-	(16.8)	(15.5)	(1.3)
Total	180.9	192.0	190.7	1.3
FRS 16 working Capital	-	2.5	2.2	0.3
Total Including Working Capital	180.9	194.5	192.9	1.6

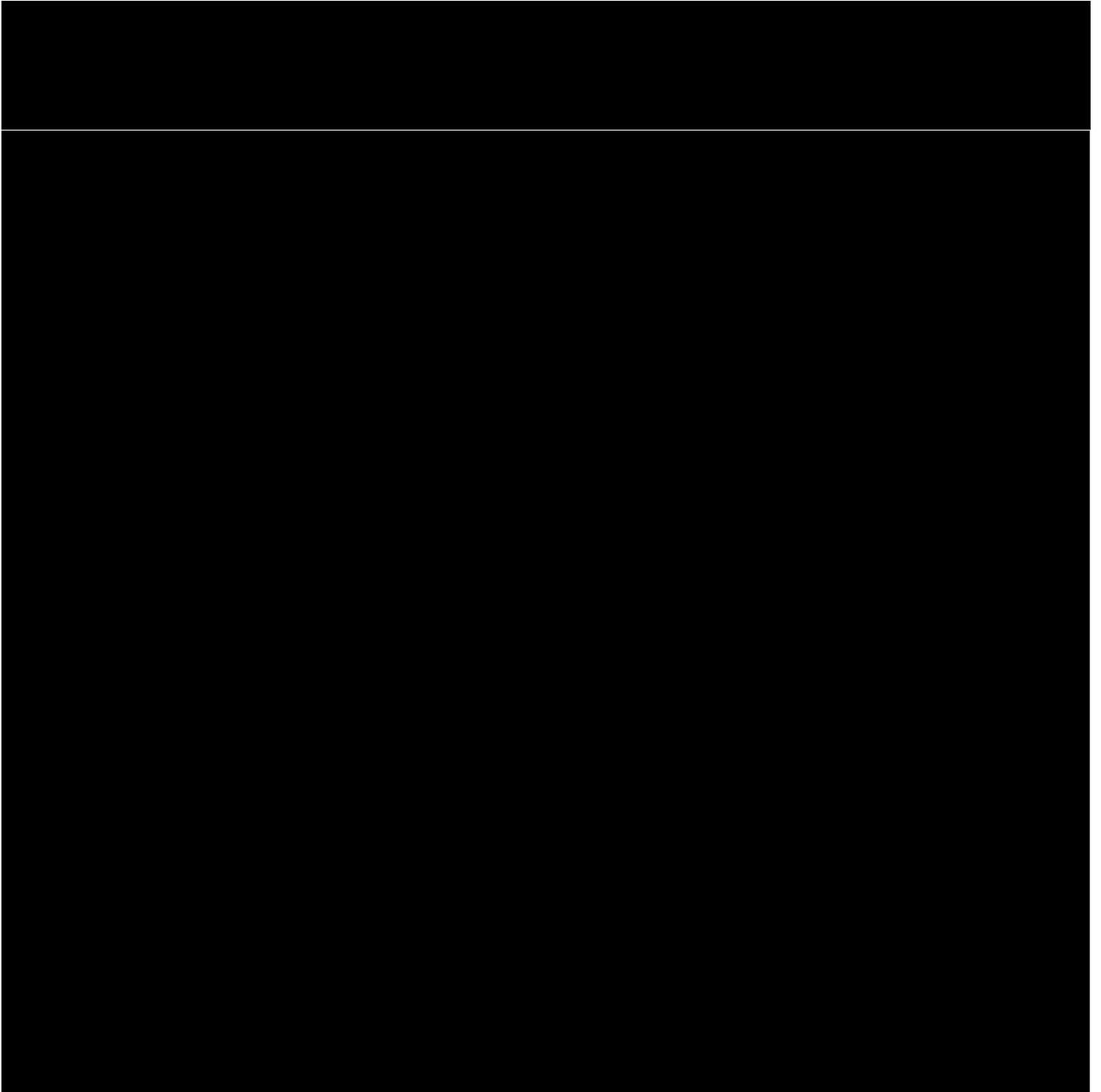
APPENDIX B







APPENDIX C



OFFICIAL SENSITIVE: NOT RELEASABLE UNDER FREEDOM OF INFORMATION (SC/OTLAND) ACT 2002

APPENDIX D



EXECUTIVE BOARD
CORPORATE RISK REGISTER
August 2023 Update

Purpose

1. To provide the Executive Board with an update on the Corporate Risk Register.

Priority

2. Routine.

Update**Corporate Risk Register**

3. The Risk Management Group (RMG) met on 19 July 2023 and reviewed the Corporate Risk Register (copied separately).
4. Corporate Risk 1 (Insufficient resource to enable COPFS to meet its statutory and policy obligations and meet public expectations) is a standing RMG agenda item to provide added corporate focus on resources and budget management risks. RMG were provided with an overview of the current financial year resource positions and budget allocations to functions. Engagement with Scottish Government on resources is ongoing, including resource planning for 2024-25 and subsequent years as part of the Scottish Budget process. RMG agreed updates to this risk factoring the current corporate resource position and will continue to review this risk at each meeting taking into account budget planning updates.
5. Head of Business Services set out details on proposed structural changes to Corporate Risk 6 (Inadequate digital resource and capital investment), proposing three component corporate level risks for digital as opposed to the current single risk definition. This approach will enable assessment and scoring to be defined for key digital and corporate information risk components, allowing the risks and the measures and mitigation actions in place to be reflected at a more detailed level. A revised risk register for digital and information risk assurance will be provided at the next meeting of RMG.
6. Head of Business Services also confirmed ongoing work to reflect resources and delivery of COPFS' corporate strategy and business plans in the Corporate Risk Register. The Scottish Government's Risk Management Guide, which was discussed by the Audit and Risk Committee (ARC) at its meeting earlier this month, will also be considered and assessment outcomes reported to RMG at its meeting in October 2023.
7. RMG also reviewed the Serious Casework Group Risk Register and noted changes in ownership of risks reflecting senior management changes in SCG

and further alignment with the corporate strategy, business plans and risk register.

8. The Senior Organisational Development Manager demonstrated the newly developed 'Let's talk about risk' e-learning module. Further feedback will be collated ahead of this being implemented to enhance risk management awareness and knowledge across the organisation.
9. RMG is next scheduled to meet on 21 September 2023 and will review Corporate Risk Register risk 1 and receive an update on cybersecurity threats. There will also be an update from the COPFS Risk Champion and deep dives on Risk 3 (Poor wellbeing and low morale of COPFS staff, Risk 5 (Decline of organisational performance and service delivery) and Risk 6 (Inadequate digital resource and capital investment, factoring the revised risk definition structure). RMG will also receive an overview from ISD on COPFS' digital/information security systems in relation to the business resiliency simulation exercise held in June (see below).

Business Resiliency Simulation Exercise

10. RMG were updated on the corporate Business Resiliency and Cyberattack simulation exercise held in June 2023. This exercise enabled further discussion and assessment of COPFS' business resiliency capabilities and preparedness. The Corporate Resilience Group (CRG) and business area contingency plans, procedures and communications were assessed. A framework documenting key themes and actions identified from the exercise is in place to focus development of corporate and function business continuity plans, systems and processes. A paper summarising the business resiliency exercise was provided to ARC at its meeting on 9 August. Another business resiliency workshop will be planned for 2024, which will include collaboration with justice sector partners.

Corporate Resilience Group Update

11. CRG will next meet on 21 August and will consider updates on COPFS' business resiliency plans and progress on the outcomes from the above corporate exercise. CRG will also consider other appropriate corporate risk matters and horizon-scanning.

Decisions/Actions required by Executive Board

12. The Executive Board are asked to note and comment as appropriate on the Corporate Risk Register and related risk activity updates provided in this paper.

Keith Dargie

Head of Business Services

18 August 2023

Function Update for Executive Board: Operational Support – August 2023

Structure and Staffing

Operational Support brings together a range of central services which enable COPFS to deliver its objectives. The function currently has 400.35 FTE budgeted posts (including all 60 trainee solicitors and 15.07 FTE in Corporate Office) divided into two teams: Policy and Engagement and Business Services.

Policy & Engagement Update

P&E have a staffing complement of 91.53FTE staff (of 95.01 budgeted FTE). This includes 35.07 FTE Enquiry Point staff (of 37.55 budgeted FTE). Within P&E there is a staff complement of 20.42FTE (of 20.42 budgeted FTE) legally qualified members of staff.

Business Plan Objectives

Within Policy & Engagement we have outlined the following objectives to help us deliver our strategic goals:

- Provide guidance, information and support to staff and the public across P&E specialist areas.
- Provide briefings to Law Officers on issues in which they have an interest or involvement. and drafting and issuing responses on their behalf; and
- Engage with stakeholders to inform improvements in service delivery.

In addition, we wish to raise the profile of Policy & Engagement to internal stakeholders and improve on how we track and manage the flow of work coming into Policy & Engagement.

Key Developments since June 2023 and ongoing work

- Diversion from Prosecution – Criminal Justice and Children & Equalities Teams

Policy officials are participating in a review of national guidelines on diversion from prosecution with external stakeholders. Internally, Policy officials are reviewing and revising internal guidance, processes and documentation used in relation to diversion from prosecution. Policy officials are working on the creation of a diversion toolkit to provide additional information to colleagues considering the use of diversion. The Joint Inspectorate's Review of Diversion report has been published and Policy Division are leading a SLWG looking to implement the Inspectorate's recommendations.

Following the Lord Advocate's instruction in July 2023 that there is to be a review of how prosecutors deal with diversion from prosecution in cases of serious sexual offences such as rape. Policy has commenced work on related draft policy guidance

for prosecutors, The policy will be developed in consultation with key stakeholders and those with lived experience.

Policy officials led on the response to a Parliamentary Question on this issue and contributed to the response to related Freedom of Information requests.

- Victims, Witnesses, and Justice Reform (Scotland) Bill – V & W Team

The Bill was introduced to Parliament on 25 April 2023. It is part of a system-wide programme of work that is being undertaken to realise the aims and priorities set out in the Vision for Justice in Scotland and contain provisions to improve the experience of victims and witnesses, with a particular focus on sexual offence cases. The main elements of the Bill are the abolition of not proven verdict and related reforms; establishment of a specialist sexual offences court; a pilot of single judge rape trials; life-long anonymity for complainers in sexual offence cases; the right to Independent Legal Representation for complainers when applications to lead sexual history and/or bad character evidence are made in sexual offence cases; embedding trauma-informed practice across the justice system; and establishing a Victims Commissioner for Scotland.

Policy Division is working closely with SG in relation to the significant changes introduced by the Bill. Policy are preparing submissions for the financial memorandum and forthcoming committee appearances.

- The United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2021 - Children & Equalities Team

The Scottish Parliament unanimously passed the United Nations Convention on the Rights of a Child (Incorporation) (Scotland) Bill ('the Bill') to incorporate the United Nations Convention on the Rights of a Child (UNCRC) into Scots Law on 16 March 2021. The UK Supreme Court subsequently held that parts of the Bill fell outside the legislative competence of the Scottish Parliament. On 24 May 2022, the SG confirmed that the Bill will be brought back to Parliament via the reconsideration stage, to address the issues raised by the Supreme Court. The final form of the Bill and the date when it will be brought back to Parliament are not yet confirmed.

The Bill as currently drafted places an obligation on public authorities not to act incompatibly with UNCRC.

It is envisaged that Court Rules like those in Chapter 40 of the Act of Adjournal (Criminal Procedure Rules) 1996, will be created to support the primary legislation. Policy continues to work with the Scottish Government and the Children and Young People's Commissioner Scotland in that regard.

A COPFS working group comprising representatives from Policy, SFIU and other specialised operational divisions is overseeing the review of 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. A sub-group to examine policies and process for

engaging and communicating with child victims and witnesses has now completed its work and the Law Officers have approved changes to the policy on communication with children, developed by the group. That policy will be brought into effect following the development of child –friendly letters commissioned from a specialist organisation. A second subgroup continues to examine business processes for prioritising the preparation of cases involving accused aged under 18.

Policy officials have completed a review of the main policies directly and indirectly associated with children (as accused and witnesses) comprising Chapter 1 of the Victims and Witnesses Manual and Chapter 4 of the CMIs relating to child accused. Guidance for prosecutors has also been drafted to support colleagues in identifying the best interests of the child when applying the proposed revised guidance. This is a significant piece of work which has spanned the last 12-18 months. The revised and proposed new guidance will be submitted to the Law Officers for consideration.

Work is ongoing in relation to preparing forms and guidance for staff on recording decisions taken in cases involving children and UNCRC considerations.

An e-learning module for all COPFS staff on the UNCRC principles with an introductory video by the Crown Agent was published on 21 September 2022 and Policy Division are monitoring staff completion of the module, through the Prosecution College. Further training on the making and recording of decisions involving children is being commissioned from the Prosecution College at the request of the Law Officers.

- Domestic Homicide Reviews

SG has established a taskforce to lead the development of a national multi-agency Domestic Homicide Review model, with members including COPFS policy and operational officials, Police, and representatives from justice agencies, Local Government, Health, academia, and victims' organisations. The taskforce arises from a commitment through the Equally Safe Strategy to develop multi agency domestic homicide reviews, with the aim of working with relevant agencies where a victim and/ or perpetrator have come into contact with services, to learn from the circumstances of domestic abuse related homicides. It is intended that reviews will aim to identify and respond to the risks associated with abuse and homicide and find areas for improvement to prevent further deaths. The taskforce met for the first time on 8 December 2022, with an initial focus of agreeing the terms of reference and how best to engage and involve the range of organisations with an interest in this work. Targeted engagement exercises are now underway with support agencies and those with lived experience and a model development subgroup has been established to progress the work. Senior COPFS officials are engaged with development of the review process.

- COVID-19 – Criminal Justice Team

Emergency Legislation and Prosecution Policy

Policy officials provided extensive comment to the Scottish Government in relation to the proposed extension of the Coronavirus emergency legislation.

- Bail and Release from Custody Bill – Criminal Justice Team

SG published a Bill relating to bail and release from custody in June 2022. Policy officials provided relevant advice to the Law Officers and to officials giving evidence to the Criminal Justice Committee on the Bill. Officials are engaged with SG regarding the passage of the Bill. The Bill is now at Stage 3.

If passed by Parliament, implementation of the Bill is likely to be in 2024.

Policy will require to review Bail guidance and consider the implications of the revised test for bail will have in relation to police decisions on detaining individuals in custody.

- Children (Care and Justice) (S) Bill –Children & Equalities Team

The Scottish Government published the Children’s Care and Justice Bill in December 2022. One of the key elements of the Bill is raising the maximum age of referral to SCRA, currently 16 years unless the child is subject to a compulsory supervision order, in which case children under 18 years may be referred. Policy officials are engaged with the Scottish Government and other justice partners to ensure that the consequences of raising the age to 18 years for all children are understood.

Policy officials are conducting a review of the Lord Advocate’s Guidelines in relation to offences committed by children and the Framework on Early and Effective Intervention.

The lead committee have taken evidence as part of stage one of the Bill, including from the PF for Policy on 22 March 2023. The lead committee published their stage one report on 13 June 2023 and the stage one debate in Parliament took place on 22 June 2023. The Scottish Government indicated they will place before Parliament a revised financial memorandum in due course. The Bill is now in Stage 2, allowing time for MSP’s to submit amendments to the Bill, which will be considered at a later date.

COPFS officials are represented on the implementation group for the Bill which has been set up by SG. This group met for the first time on **5 June 2023** and the next meeting is due to take place on **1 August 2023**.

Forthcoming significant areas of work

- Bairns Hoose (Barnahus) – Children & Equalities Team

Policy was involved in the development of the Bairns’ Hoose Standards, which were approved by the Lord Advocate and published on 31 May 2023. The standards

reflect Scottish Government's commitment to developing 'Bairns' Hooses' for all eligible children who are victims or witnesses to abuse or violence by 2028.

Implementation of the Bairns Hoose in Scotland will take place on a phased basis, involving (i) a Pathfinder Phase, to test the proof of concept and the application of the standards in practice, (ii) a Pilot Phase, and (iii) National Rollout.

The Scottish Government has invited local areas to apply to become Pathfinder sites and it is anticipated that 5 sites will be selected by October 2023 which will test the Standards over a two-year period. Policy are currently assessing the impact of these sites on COPFS in liaison with local operational offices. The intention is to identify prosecutors in each Function/Sheriffdom to act as local leads with Policy officials providing overarching support and guidance to ensure national consistency in the development of the Bairns Hooses. Policy officials liaised with the, PF Local Court and Chair of the Sexual Offences Board in this regard and prepared a paper, outlining the background of Bairns Hoose, SG's intended plan for its development and what COPFS' internal agenda is to prepare for the launch of the pathfinder phase, which was circulated at the Board's meeting on 9 August 2023. Members of the Board were informed that Policy officials will now contact local Sheriffdoms to identify a local lead for Bairns Hoose.

- Information Commissioner Focused Audit – IGU

ICO officials met with P & E officials last week who confirmed an intention to carry out a "mini" audit of COPFS. This is a focused piece of work in relation to data extraction from the mobile phone of victims and witnesses.

The ICO produced a report on mobile phone data extraction ("MPE") by police in England & Wales in 2020. In 2021, they produced a similar report in relation to PSNI and Police Scotland.

The ICO has been conducting audits to check the progress of the police forces in terms of implementing the recommendations of the reports. ICO wishes to consider the relationship between COPFS and PSOS and the sharing of information extracted in criminal cases. We await the terms of reference from the ICO. On receipt it is anticipated that a short life working group will be formed to co-ordinate engagement with the review.

- Review of disclosure and redaction policies

Policy officials are reviewing the Disclosure Manual, with a particular focus on ensuring disclosure practices comply with data protection best practice.

- Codes under Criminal Justice (Scotland) Act 2016

Policy officials are progressing the revision of the Codes of Practice in relation to identification and interview practices. This is a priority piece of work.

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Function Update for Executive Board: Operational Support – August 2023

BUSINESS SERVICES UPDATE

The Business Services **Business Plan for 2023-24** details our purpose, aims and priorities for 2023-24. The plan is ambitious and strategically and customer focussed. Business Services continues delivering wide-ranging business critical services to our colleagues and customers. The plan also places Business Services at the core in driving, designing, enabling and delivering business and service improvements and transformation for COPFS, stakeholders and users of the Scottish justice system.

Progress Against Business Plans

The detailed Business Services priorities for 2023-24 are published in the Business Plan and delivery progress will be reported in line with corporate governance processes. The Head of Business Services will publish a mid-year delivery report in October 2023.

Key delivery to date

- Managing COPFS' corporate budgets and financial resources and compliance, including supporting Scottish Government resource and capital spending reviews and budget processes;
- 2023-24 budget allocations, management and monitoring, including Path to Balance plans;
- 2022-23 Annual Accounts going through final checks from Audit Scotland in readiness for acceptance and publication;
- Readiness of the Witness Gateway for evaluating the new digital service from next month, ahead of an official pilot commencing from October 2023 and national implementation in 2024;
- Decarbonisation of COPFS' Falkirk, Elgin and Crown Office locations works underway or in advanced planning, supporting the Scottish Government's national 2038 environmental targets;
- Working as part of the VIA Modernisation Programme and providing project management and support;
- Holding a series of Senior Leaders events to support strategic planning and business delivery and for further developing leadership capabilities; events scheduled for August and September with more to follow;
- Carrying out in June a corporate Business Resiliency Workshop, incorporating a Cyberattack simulation exercise to assess and enhance COPFS' business resiliency capabilities and preparedness;
- DESC pilot ongoing and completion of analysis, scoping and planning for delivery 2 phase later this year;
- Defence Agent Service (DAS) ready for evaluating the new digital service from October 2023;
- Full release of Corporate Claims App;
- Completing the Electronic Reporting to Crown Counsel digital casework pilot;

- Procurement management and issuing of 77 contracts over this financial year to date with contract value of £3.6m and cash savings of £194k;
- Upgrading COPFS' website and intranet analytics to the latest version of analytics software, using the new capabilities to create new and improved analytics reporting for our internal channels. New reporting will be in place by October;
- Finalising a contract to enable Corporate Comms and Media Relations teams to create informational videos for our external website and corporate communications needs. The videos will supplement website content on a range of topics and will improve accessibility of content. The first videos will focus on the death investigation process;
- Latest internal communications campaign on all aspects of security aimed at increasing awareness of policies and procedures. The campaign has resulted in increased uptake of eLearning on security and information governance topics;
- Consultation on COPFS' People Strategy, with senior stakeholder and trade unions providing contributions during August with a final draft for Executive Board comment in September;
- Launching the wellbeing hour pilot in July;
- Launching our 'location neutral working' pilot in June;
- Engaging with the trade unions on pay settlement for 2023/24;
- Further improvements and additional functionality to the My HR system, including improvements to the performance management system as a result of staff feedback.

Other initiatives planned over/from Q2 2023/24

- Review of COPFS' vicarious trauma support services;
- Preparing for accreditation at Carer Positive Level, working with the Carer's network to evidence how our Carer's Policy is supporting staff in COPFS;
- As part of the HR Systems Project, reviewing requirements and options for COPFS' flexi system and payroll provisions;
- Further planned enhancements to My HR system, including a learning management system; case management system for employee relations casework; and a management reporting dashboard solution.
- Soft launch of *Success Profiles*, the recruitment framework used across UK civil service departments, which moves away from a purely competency based approach to recruitment;
- Evaluations and pilots of the new Witness Gateway and Defence Agent Solution services;
- Carrying out the 2023 Civil Service People Survey (from mid-September to mid-October);
- Preparing for our annual equality month campaign in November aimed at promoting inclusion and diversity within COPFS as well as supporting the Equality Awards event;
- Defining, planning and developing our Next Generation Casework digital systems and business processes to modernise and improve the efficiency of casework and to transform services to citizens and users of the Scottish justice system; will

- include scheduling a series of 'summits' in the autumn to define scope and requirements and to demonstrate business improvement solutions and innovation;
- Developing a feasibility study to optimise the COPFS estates footprint in the West of Scotland and maximising our office and estates assets to support and enhance business delivery;
 - Publishing an Information Strategy and Data Analytics framework for maximising and transforming COPFS' use of information to make corporate and casework information accessible and seamlessly available, enabling data driven business decision making for improving service delivery and outcomes. This will work will also focus on the governance, management and assurance of COPFS' information assets;
 - Setting out a strategically aligned plan or how COPFS will maximise and use AI and data analytics technologies to improve the way it works and delivers.

Staffing/Resources

At the end of July 2023, the number of staff in post (SIP) in Business Services was 205.41FTE against 228.79 FTE staff complement.

Business Services KPI's

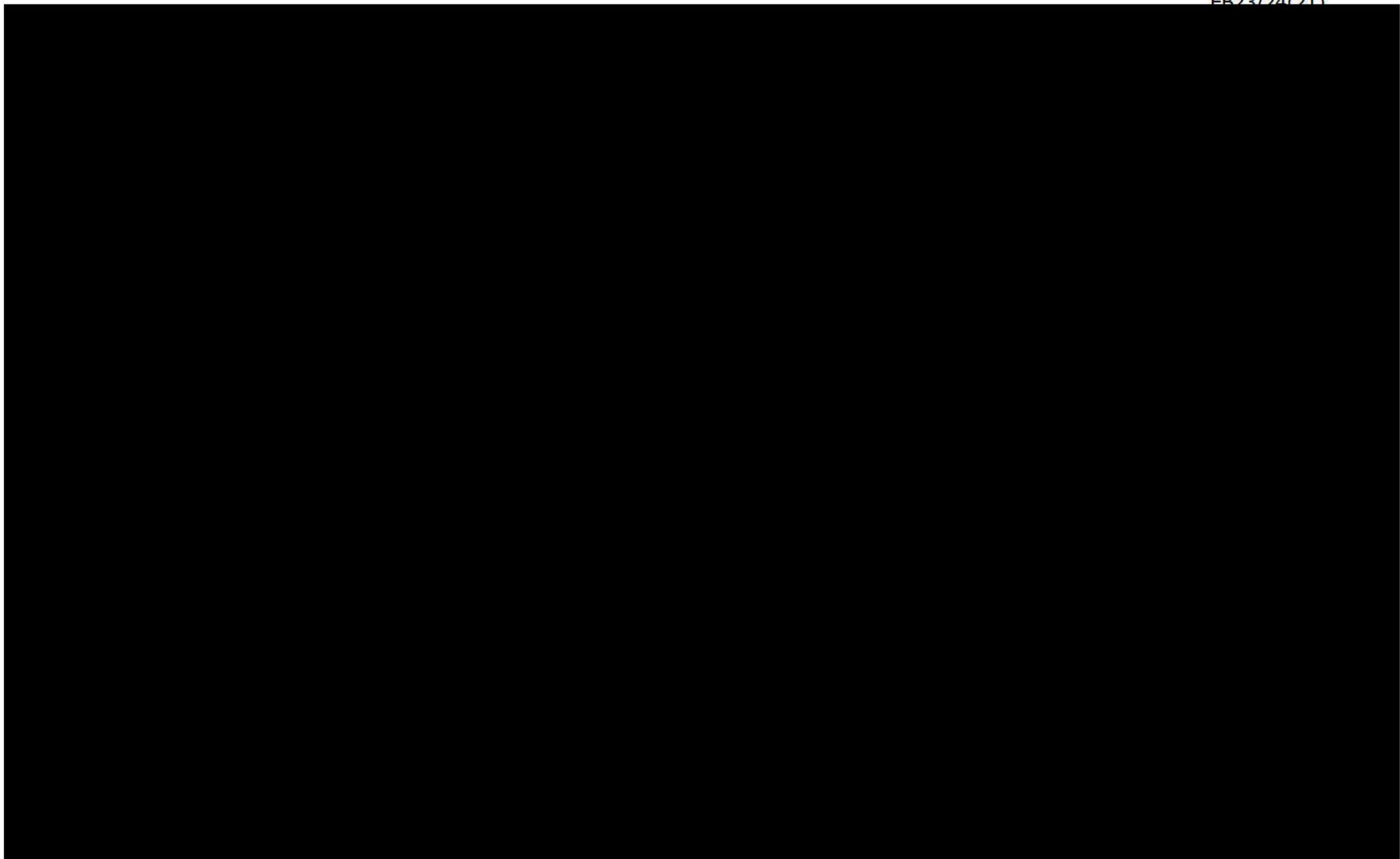
Business Services is committed to supporting colleagues across COPFS on a day-to-day basis and delivering business improvements and transformation projects and innovation. Progress in providing day to day support is monitored by the Business Services Heads at their monthly meeting using KPI trackers. While the tracker does not cover all Business Services activity it provides a picture of key service delivery.

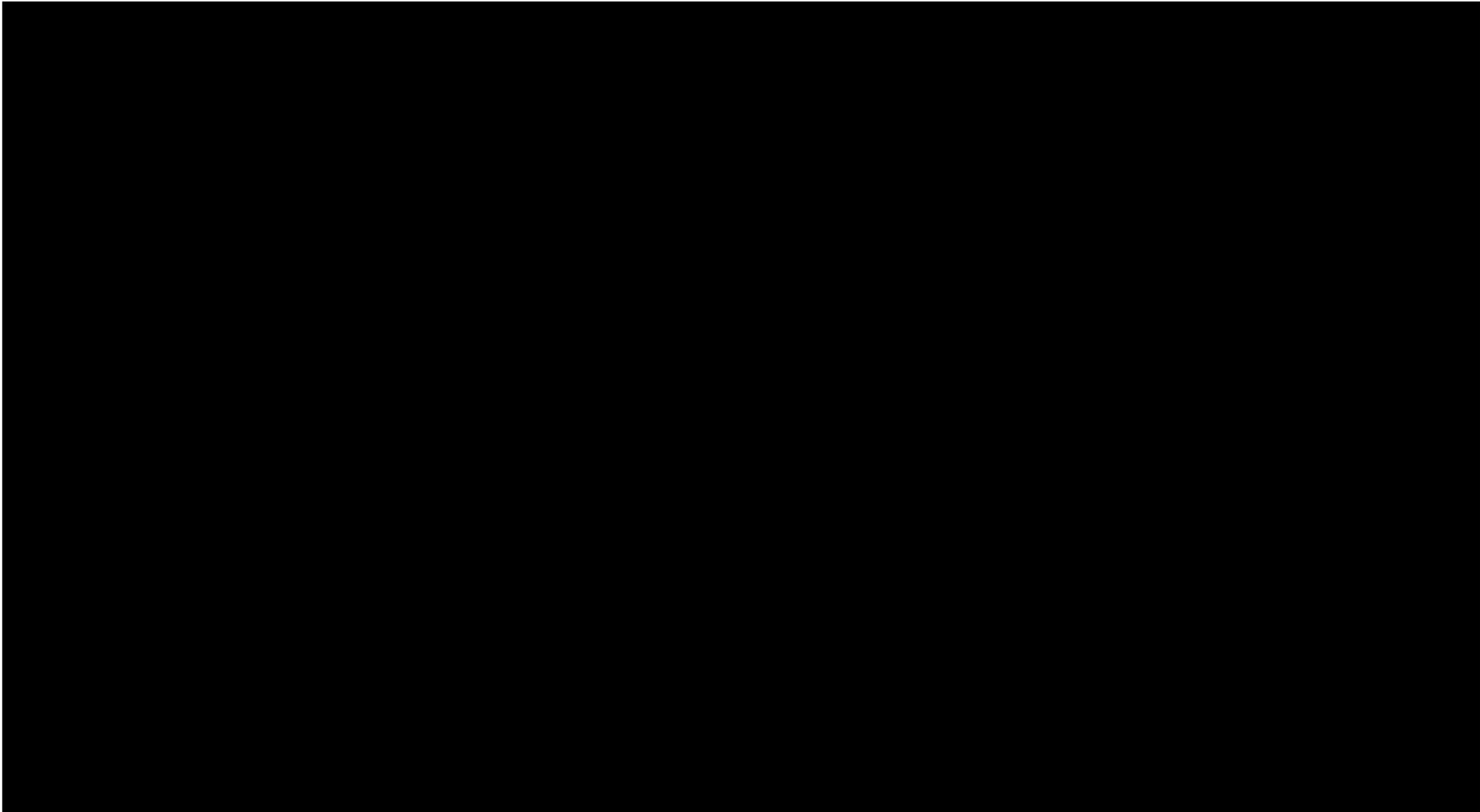


Keith Dargie

Head of Business Services

18 August 2023





EXECUTIVE BOARD

FUNCTION UPDATE: LOCAL COURT

Purpose

1. To provide the Executive Board with a short update on current performance and progress against our Business Plan 2023/24. Further details are provided in Annex A.

Priority

2. Routine.

Recommendation

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

**Jennifer Harrower
Deputy Crown Agent
Local Court**

August 2023

ANNEX A

Business Plan Progress

There has been excellent progress over the first 4 months in 2023/24 against the COPFS overriding strategic objectives and our own 2023/24 Business Plan.

We are **continuing to improve our service** to the public. A clear manifestation of this is the significant reduction in the number of cases awaiting marking within COPFS. By doing so Local Court is substantially reducing journey times and will create a position whereby routinely the majority of cases will receive a final marking within 28 days and the remainder which require further consideration will receive a marking within 12 weeks. This will undoubtedly improve the service to victims and witnesses in decreasing the time that they await a decision to be made. It will also decrease complaints in relation to delay in decision making and increased customer satisfaction and we believe that there will be clear benefits for those accused of crime, with a shorter time between offending conduct and marking decision and disposal. Scottish Government have recognised the work of COPFS in making transformational change in this regard. We have sought to communicate the success of all our staff in Local Court for this common endeavour and detect a rise in morale in making this excellent progress.

Improvements have also been made in **delivering high quality case work**. Local Court has required to adapt to the changed landscape of additional S&J recovery courts commencing in April 2023. This has involved reorganisation of staff and teams and the movement of staff from summary teams to solemn teams. We have seen a significant increase in volumes of work being progressed and concluded in relation to our most serious cases. Local Court has been producing significantly more indictments (around 630 per month compared to a pre-pandemic average of 454) and there are greatly increased numbers of S&J conclusions (681 in July compared with a pre-pandemic average of 487). Our NICP unit provides a specialist marking response in relation to the majority of case marking decisions and successive inspectorate reviews have highlighted the added quality this brings to case marking decisions. This has resulted in more imaginative and positive markings such as the increased use of diversion and we are planning to reinvigorate the use of community work orders. In our summary work, we are seeking to make best use of our Advance Notice and Advance Preparation systems to make the best use of finite time resource and to identify those cases requiring the greatest attention and preparation. Our approach to Summary Case Management means that an increasing number of cases are receiving enhanced marking with greater consideration of resolution and agreement at the outset and expert advice being provided to court deputies.

Integral to this is the **support we provide to our staff and managers to help them deliver excellent service**. Our induction training is now mature and constitutes a comprehensive introduction to Local Court. We provide our legal trainees with a varied and supported programme of work to teach them the essential components of all aspects of Local Court prosecution. We recognise the challenge of having a considerable proportion of the inexperienced staff within COPFS with Local Court often being the entry point to COPFS. Accordingly, we see this as one of our main themes in supporting and developing our staff for their important work within Local Court and in the wider service.

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The following is a high-level summary on progress against some of the measurable aims in our Business Plan. We are currently working on having data for the full set of measurable aims at the end of the 2nd quarter.

Continuously Improve Our Service.

Minimise disruption to police and the public caused by witness citations -

- **Returned Witness Citations dealt within 3 working days:** We have reduced the number of outstanding returned citations to be dealt with by approx. 50% since centralising the processing of these. We continue to receive about 2,000 returned citations per week and are now looking into the reasons behind that volume. Our next step in centralisation will be to reduce the delay in dealing with witness excusals.
- **Reduction in Trials adjourned due to Crown witness unavailability:** we have reduced the number by 37% from Mar – Jul of this year.
- **Increased use of Part Heard Trials:** We continue to increase our use of part heard trials resulting in less inconvenience for witnesses.

Deliver High Quality Casework.

Case Marking -

- **All Initial Decisions taken in 28 days Mar –** The number of cases over 28 days old in January was 14,936 we have reduced that in August to 7,037; work on reduction of cases awaiting marking has been one of the top priorities within Local Court. Our strategy has involved NICP creating a sustainable model to deal with new cases whilst a small separate LC marking team has been tackling cases over 4 weeks old.
- **All final decisions in Summary cases taken within 3 months.** – We have seen an increase from 82% to 84%. We will continue to focus on interim marking as we reduce the number of initial decisions made.

Sheriff and Jury Proceedings -

- **Monthly reduction in work in progress** – We have reduced our work in hand from March-6809 to July-6765. We continue to focus on productivity in this area following the pandemic and the introduction of the agile working policy.
- **Reduction in Outstanding Trials by 1/3 by 3rd Quarter**– It is estimated that the outstanding trials is reducing by around 60 per month with use being made of the additional Sheriff and Jury trial court creating more capacity for cases to be resolved.
- **Reduction in adjourned trials by 20% each quarter** – We have reduced our adjourned trials by 21% since March 2023.

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Summary Proceedings –

- **Summary Case Management KPI's** – We continue to meet the majority of our KPI's across the 3 pilot sites. We continue to work with Police Scotland and the pilot sites to ensure we meet the KPI regarding disclosure of evidence within 3 days.
- **Continued reduction in Summary trials:** Sheriff summary trials has risen from 20,064 in March to 21,413 in July. The pattern is that there was a steep reduction of 10,000 trials over 2022-23 which coincided with the additional recovery trial courts. Noting that the 3 SCM courts have bucked this trend by overall continuing to reduce the number of trials (Dundee and Paisley falling, and Hamilton slight rise of 19 trials) and noting that this may also coincide with the marking initiative which is resulting in slightly elevated complaint registrations over the last few months which will swell the overall volume in the Sheriff Court, albeit not massively. JP outstanding trials figures continues to fall, now at 3835 which is close to the pre-pandemic average (3510).

Support Our People to Deliver Excellence.

Identify Key Operational and technical Training needs.

- **Delivery of training to managers on staff management issues** - A programme of management learning will commence in September 2023 for all managers within Local Court. Our programmes will be delivered in person, across Scotland.
- **Accreditation process for all staff** – We are working on a bespoke Operational Learning and Development Strategy for the function. This approach will detail operational learning and development requirements for each role within the function and ensure inclusion of learning hosted by the Scottish Prosecution College (including e-learning). This will be broken down by role i.e., Sheriff & Jury Depute.

Promote Regular Engagement between staff and managers.

- **100% compliance with PAR process** – Local Court has taken pro-active steps to ensure successful completion of performance appraisal reports for our people, as at August we are at 94% completion for 2022/23 PAR's. Key messages have been issued to our colleagues and managers as well as detailed focus at our Local Court Executive Board. Regular reports have been received and disseminated to local leaders for their continued action with favourable results.
- **PARS completion of Quarterly Conversations** – We will receive reports from HR Management Information on a quarterly basis to monitor compliance with quarterly conversations thus taking pro-active steps throughout the year to ensure completion of this process. We will be re-launching our starters/leavers and transfers checklist to ensure successful completion of performance appraisal

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reports ahead of anyone leaving a team, or a change in line manager to ensure reports are done ahead of transfer on MyHR.

Staffing/Budget

- We continue to recruit across all grades and all locations to ensure that we maintain our reduced staffing position of FTE of 1,070 as per our path to balance. As at 7th August 2023 there were 1,070 FTE in post in Local Court. Local Court continues to take on the majority of new legal and admin staff to the Department which requires us to continue the transfer of existing legal resource to SCG so experience profile continues to be an issue at present.
- We are adopting a new structured approach to recruitment and permanent promotion again to ensure we have the best opportunity to meet the demands and challenges of our path to balance.

**Jennifer Harrower
Deputy Crown Agent
Local Court**

August 2023

REPORT FROM SPECIALIST CASEWORK FOR EXECUTIVE BOARD MEETING

CONSOLIDATED PERFORMANCE INFORMATION

1. Serious and Organised Crime Unit

107 live cases (↓4) (spanning 147 SPRS) incl. 17 L&C cases (38 SPRS)
38 cases pre-petition (↑2)
24 cases accused appeared on petition (↓6)
10 cases where there are petition warrants (↓1)
25 cases (spanning 31 SPRS) indicted High Court (↑4)
7 cases (spanning 14 SPRS) indicted Sheriff and Jury (↓3)
3 case trials fixed in a summary court (-)

The unit covers a diverse range of work including Serious and Organised Crime; Counter Terrorism; Major Economic Crime; Money Laundering; Solicitors cases; Election offences; Bribery and Corruption and Miscellaneous specialist casework. All significant SOCU cases are intimated to PCC and HCU to allow early allocation of ADs and to provide an oversight of cases within the unit. This has dovetailed with the Practice Note relating to Lengthy and Complex criminal trials in the High Court. Of the **107** (↓4) live SOCU cases (spanning 147 (↓7) SPRs), there are currently **17** operations (comprising **38** SPRs) on the lengthy and complex case list.

There have been **95** Serious Crime Prevention Orders (SCPOs) granted in Scotland to date, **1** of which is a 'stand-alone' SCPO which was granted in terms of s1(1A) of the Serious Crime Act 2007.

There are now **31** live SCPOs being monitored by Police Scotland (the subjects having been released following the conclusion of custodial sentences), 4 of which are orders that were granted in England and Wales.

To date **12** SPRs have been submitted to COPFS in relation to breach of SCPOs. Proceedings are ongoing in relation to these cases.

There have been **12** Trafficking and Exploitation Prevention Orders (TEPOs) granted in Scotland to date.

5 TEPOs are currently live (2 having transferred from PSNI).

i) Notable Convictions

*Details of notable convictions are contained in the **Annex** to this report.*

ii) Ongoing cases:

SOCU continues to work on a significant number of live cases:

- **10** (-) cases (spanning **12** SPRs) where a petition warrant is out for execution
- **38** (↑2) cases (spanning **54** SPRs) are being prepared as pre-petition
- **24** (↓6) cases (spanning **36** SPRs) where the accused have appeared on petition, **14** (↓1) of which are currently utilising the covid extensions.
- **25** (↑4) cases (spanning **31** SPRs) have been indicted for High Court proceedings
- **7** (↓3) cases (spanning **10** SPRs) have been indicted for Sheriff and Jury proceedings, all of which will be prosecuted by SOCU deputies
- **3** (-) summary complaints (spanning **4** SPRs) where a trial has been fixed which will be prosecuted by SOCU deputies

Additionally, the Unit has oversight of **38** (↓4) large/complex cases being worked on by reporting agencies and not yet formally reported to COPFS.

Details of the ongoing noteworthy cases are contained in the Annex to this report.

iii) High Court prosecutions

SOCU has **25** (↑4) cases now indicted to the High Court, **13** of which are at PH stage, **5** whereby an Evidential Hearing and CPH has been fixed, **4** are awaiting trial and **3** awaiting sentence. A further **20** (↓6) on petition where High Court proceedings are anticipated.

iv) Sheriff & Jury prosecutions

The Unit currently has **7** (↓3) cases indicted for Sheriff and Jury proceedings, **3** of which are at FD stage, **2** whereby an Evidential Hearing has been fixed, and **2** continued to trial. SOCU trial deputies have been assigned to all of them.

There are a further **43** (↓1) on petition where Sheriff & Jury proceedings are anticipated. Many are long and complex cases, and they are spread across the country.

v) Other Matters of Interest:

Expedited Referrals – The number of referrals considered and referred to CRU in the last 3 years are as follows:

- 2020 4 applications referred
- 2021 2 applications referred
- 2022 4 applications referred

Independent Reviewer of Terrorism Legislation – SOCU has now commenced engagement with the IRTL in relation to his 2021 annual report, which will have a focus on the 'online' aspects of terrorism and law enforcement. SOCU is also assisting with the revision of the 'Letter of Rights' document which is issued by police to persons detained under the terrorism legislation.

2. Proceeds of Crime Unit (POCU)

2021-2022

197 confiscation orders totalling £4,856,156.49

19 restraint orders obtained £8,258,876.21

2022- 2023

195 confiscation orders totalling £2,754,201.33

21 restraint orders obtained for £7,012,397.36

Confiscation and restraint

In the financial year 1.4.2021 to 31.3.2022, 197 confiscation orders were secured to a total value of £4,856,156.49. In the 22/23 financial year to 24.02.2023 195 orders totalling £2,754,201.33 were obtained.

In the financial year 1.4.21 to 31.3.22 a total of 19 restraints were secured totalling £8,258,876.21. In the year 22/23, 21 restraint orders were obtained restraining £7,012,397.36 of assets. Temporary restraint by moratorium extension was secured during 21/22 on 116 occasions suspending access to assets of £15,526,801.70 pending further investigation with a view to full restraint. In 22/23 52 extensions were obtained securing £3,915,656.15

In the year 23/24 to date, 89 confiscation orders have been obtained to a value of £1,210,703.31. 6 restraint orders have been made securing £2,008,415.78 of assets and 34 moratorium extensions have been granted to a value of £18,228,185.86

3. Appeals

Courts

All appeal courts are in person unless otherwise specified by Justiciary. Counsel can apply to the Court to be heard by link but the Crown always attends in person. Current arrangements appear to be going well. Problems in relation to connectivity in Parliament House have been resolved. The data points now installed in the appeal court rooms give COPFS users access to COPFS systems and the internet. This will reduce the number of sets of hard copy papers required for court.

Senior AD/Appeals liaison meetings

Commencing on 06.10.2022, monthly meetings have been scheduled to discuss any trends or issues arising in appeals and for discussion of any information passed to PCC from the bench. Available senior ADs attend with DPF, APF and an appeals PD on rotation. These are occurring each month and are considered beneficial to all.

Appeal Court update

At the request of CC arrangements were made to produce a monthly digest of cases including embargoed cases and notes of reasons. Although the original purpose of the update was to ensure that trial ADs could find the latest decisions in one place, this was rolled out to the service generally. The first update was circulated to ADs on 6.10.2022 and a hyperlinked version to all legal staff on 13.10.2022. The update is also published on Connect. This digest of recent appeal cases has been widely welcomed and continues to be produced each month.

4. International Cooperation Unit (ICU)

International Criminality Cooperation Board (ICCB)

ICCB provides a broader scope of strategic oversight of the UK's approach to international law enforcement and criminal justice cooperation. There is restricted operational representation on the Board; the Head of MLA and the Head of Extradition are members in addition to the Head of ICU, the last meeting took place 22nd June 2023. Much of the focus in the June meeting was again on the progression of the bilateral agreement with Belgium in relation to law enforcement MLA to support & enhance the existing terms of the Trade and Co-operation Agreement with the EUMS. The Belgians in their Treaty requirements are seeking far reaching powers for law enforcement in the respective countries of the UK & Belgium. The extent of powers sought in the UK is novel to us. It does however reflect the standard international cooperation powers of the Beneluxe Countries. Detailed and careful negotiations are ongoing. There was also discussion centred on planned liaison for the year 23/24 with countries across the EUMS to strengthen ties post Brexit. Updates on progress on PRUM and the Interpol GA in 24 in Glasgow were also discussed.

Over the summer period international liaison events are significantly reduced. The Head of Extradition attended a conference in late June in the Netherlands with Dutch prosecutors outlining the legal, evidential and process requirements of the Scottish Jurisdiction. The aim in addition to awareness raising, is to improve Dutch/ Scottish relations following some difficulties that have been encountered in operation Venetic.

5. Criminal Allegations Against the Police Division (CAAPD)

During 2021 the Executive Board authorised the introduction of a revised CAAPD published target to operate retrospectively from 01 July 2021; that decision was reached following the cessation of the CAAPD practice of “freezing” targets pending the arrival of essential evidential material from investigative agencies.

The new key CAAPD target is to:

- Complete investigation of complaints of criminal conduct by police officers and advise complainer of the outcome within 6 months of the report to the Procurator Fiscal in at least 75% of cases.

During the reporting year 2022/2023 the CAAPD performance against the new target was 84%.

The year-to-date performance against target for 2023/2024 is 95%.

Professional Standards Department (PSD) and Police Information & Review Commissioner (PIRC)

Both Police Scotland PSD and PIRC maintain an effective service to CAAPD.

CAAPD continues to receive a steady number of referrals and investigative reports each month.

It is understood that both organisations are continuing to work flexibly with personnel routinely working from home but also attending at places of business, from time to time, as the need arises.

Bespoke arrangements have been put in place with PSD/PIRC for the receipt and lodging by CAAPD of copy productions/case related material.

Effective communication has been maintained with the regular liaison meetings still taking place by Microsoft Teams.

Details of the casework highlights are contained in the Annex to this Report.

i) Other matters of interest

Dame Elish Angiolini QC published her report on the system for dealing with complaints against the police on the 11 November 2020.

Advice was provided to the Law Officer’s following publication.

In summary, while there are only four recommendations that directly relate to the work of COPFS/CAAPD – centring on issues of improved accessibility and suggestions for increased instructions to PIRC – there are many other recommendations that will significantly impact on the work of other criminal justice stakeholders.

The four recommendations directly related to the work of COPFS/CAAPD have all been successfully implemented.

CAAPD continues to be significantly involved in further consideration, and implementation, of many of the other recommendations to ensure that any changes to the system of investigation of criminal complaints made against on duty police officers continues to take account of the Crown's central role in the process and the constitutional position of the Lord Advocate.

The Cabinet Secretary for Justice (CSJV) and the Lord Advocate have published their formal response to the report and, since then, a Ministerial Group tasked with providing governance and assurance over the work of the Strategic Oversight Group and the Practitioners Working Group have met.

The Head of CAAPD continues to explore the implications arising from Dame Elish's recommendations and has been involved in discussions in respect of suitable arrangements for governance, reporting on progress, categorisation/prioritisation and next steps. He continues to represent COPFS at the quarterly Practitioners Working Group (PWG) meeting.

The Head of CAAPD also continues to engage with the Scottish Government so as to inform how the changes that Dame Elish recommended requiring legislative change - the Police (Ethics, Conduct and Scrutiny) (Scotland) Bill was introduced to the Scottish Parliament on 6 June 2023.

Separately, the fifth Thematic Progress Report on implementation of the recommendations was published by the SG in May 2023.

The next Ministerial Group meeting, to be attended by the LO's and the CA, is scheduled to take place in the third quarter of 2023.

CAAPD continues to offer advice and guidance to Police Scotland on the most appropriate categorisation of complaints. This often involves providing advice on "excessive force" complaints, categorised by the police as 'non-criminal', to provide reassurance that all cases involving an inference of criminality are being reported to CAAPD. A good number of inquiries from the police relate to whether the case should be referred to PIRC for further investigation at an early stage or whether the investigation, depending on the circumstances, should be treated as an on duty or off duty investigation. Going forward it is anticipated that PIRC will assume an enhanced audit function with regards the work of PSD in accordance with their statutory responsibilities. In addition, from October 2021 there has been a standing instruction that all assault allegations, appearing to engage Art 3 rights, are now automatically referred to PIRC for investigation (as recommended within the Dame Elish report).

Following the recent criminal prosecutions of PCs Wayne Couzens and PC David Carrick (both officers of the Metropolitan Police) there has been a recent marked increase in the number of advice and guidance requests from Police Scotland with regards sexual allegations against police officers.

Finally, HM Inspectorate of Prosecution in Scotland (HMIPS) has completed her review of how COPFS manages criminal complaints against the police. CAAPD fully engaged with the review as it progressed. The final version of the report was published on 9 September 2021. CAAPD/COPFS has now set out a detailed plan for managing implementation of the recommendations and confirming the arrangements for the governance and assurance of that process. All recommendations have been allocated to a nominated lead official for progression. The latest meeting of the COPFS "HMIPS strategic oversight group" took place in May 2023 when a number of recommendations and suggestions for improvement were signed off as fully implemented. The next meeting of the COPFS "HMIPS working group" will be scheduled for September 2023. Updates on progress are being routinely provided to the COPFS Audit and Risk Committee (ARC) and a meeting with HMIPS, to provide the Inspector with an update on progress, took place on 20 December 2022.

6. Scottish Fatalities Investigation Unit (SFIU)

July 2023

Death cases received

Full Reporting Year 2019/2020 – **10,896**
 Full Reporting Year 2020/2021 – **15,712**
 Full Reporting Year 2021/2022 – **15,313**
 Full Reporting Year 2022/2023 – **14,149**
 Reporting Year to date (as at 21 July 2023) - **3851**

Death Investigations

Active death investigations – 10,096 **8722**
 Cases over 2 years old and subject to CMP – **209**

Post Mortem Reports

As at 20 July 2023, the number of outstanding PM reports was **490** this is an increase of **135** from **355** in April 2023.

New Deaths

Details of the total numbers of deaths received as at 21 July 2023 (all deaths reported to COPFS) can be found in the table below:

SFIU WEEKLY SNAPSHOT OF WORKLOAD / PERFORMANCE

Death Cases Received as at 21 July 2023	Full Reporting Year 2019/2020 – 10,896
	Full Reporting Year 2020/2021 – 15,712
	Full Reporting Year 2021/2022 – 15,313
	Full Reporting Year 2022/2023 – 14,149
	April 2023 – 1035
	May 2023 – 1130
	June 2023 – 1050
July 2023 to date – 636	
Reporting Year to Date from 01 April 2023 – 3851	

As can be seen, the number of reported deaths remain steady, although perhaps slightly lower this month compared to previous months. This is often attributable to the warmer weather resulting in fewer seasonal ailments. Based on the current figures, COPFS are on track to record around 12,000/13,000 deaths this financial year, which, if this is the end result would be a reduction from last year, and COVID years as would be expected, but would still amount to an increased number of reported deaths compared with pre-COVID years.

Work continues in collaborating with partner agencies to encourage appropriate management and reporting of deaths in the community. The multi-agency Deaths in Community Group continues to meet regularly, and work is ongoing to initiate a short-life working group to address concerns on the reporting of deaths in the community which will feature representation from COPFS, Police Scotland and the NHS.

As at 24 July 2023 there are:

- **22 SFIU FAIs** (11 mandatory and 11 discretionary) in SFIU with scheduled court dates. This number is the same as the last OPC update from June 2023 although the number of mandatory FAI's has reduced from 13 to 11 and the number of discretionary FAI's has increased from 9 to 11.
- There are a further **5** deaths (discretionary FAI's) where an FAI has been instructed but there are currently no court dates set. This includes 3 conjoined FAI's.

Details of the discretionary FAI cases are referred to in Annex A.

Case Management Panels

As at 20 July 2023, there were **209** cases in SFIU over 2 years old and therefore subject to the CMP process. This is a **reduction** of 44 from 253 from last month.

Pathology

All non-suspicious and non-toxicology post mortems, which have been being carried out at Edinburgh City Mortuary, have now been moved back to Fife.

Ayrshire and Arran no longer have a dedicated pathologist and is being covered on a locum basis. COPFS continues to monitor the situation.

Toxicology

As advised in previous OPC updates the transfer of the majority of COPFS toxicology services from Glasgow University to SPA, based at the new laboratory at Junction 24 Business Park, Govan, Glasgow was completed on 1 December 2022.

It took a number of weeks for the lab to be fully functional and re-start testing. During that time, cases that could be outsourced to external, private, labs were so processed. There was however still an impact on the number of toxicology reports that were able to be produced and sent to pathologists for consideration and inclusion in Final Post-Mortem reports.

The new toxicology lab had hoped to be fully operation in February 2023, however the SPA encountered a number of difficulties, in particular in terms of the ability to carry out full drug screening. These issues largely relate to the calibration of the equipment used and thereafter accreditation of QA standards however, the lab also experienced a water contamination issue in March 2023 which had an additional impact. SPA appear to have most recently been contending with staff absences, largely due to the peak leave period.

All of this means that there is a significant backlog in the processing of toxicology samples which in turn causes a delay in the submission of final post mortem reports (FPMR's) from pathology providers. The most recent update from SPA is to the effect that there will be a 7 month turnaround for toxicology reports for cases reported in January, February and March 2023, reducing to a turnaround time of 4 to 5 months for cases reported this month. SPA hope to return to the standard turnaround target of 5 weeks by October 2023.

COPFS is sympathetic however are monitoring the situation closely and engaging robustly with SPA.

SFIU is seeing a significant upward trend of complaints being received from bereaved families in respect of delays to post mortem reports being received, caused by the delay in toxicology examinations.

NRS drug death statistics

COPFS met the amended deadline for submission of death statistics for 2022 deaths. The NRS are now in a position to publish their annual report without any further delay.

Improvements to the System for the Investigation of Deaths

The next meeting of the Specialist Casework Death Investigation Improvement Board is scheduled for 25 August 2023. A bereaved relative who has first-hand experience of the COPFS Death Investigation process, including the FAI process will be in attendance to share their experience of the process and seek to inform the Board in relation to the programme work going forward.

7. COVID Deaths Investigation Team (CDIT)**Case Load Update on CDIT** *(stats below up to date as at 08.05.23)*

Stats as of Monday 14th August 2023	Care Home Deaths	Worker Deaths	Deaths In Custody	Hospital/hospice Deaths	Total
	Overall total number of deaths reported to CDIT.	4777	42	15	1172

CDIT is working closely with Police Scotland to receive sudden death reports and care home briefing papers in respect of all deaths pre and post 21 May 2020.

In addition to the reports already received, we have been requesting death reports in respect of all the retrospective care home resident and worker deaths.

Work continues to finalise some aspects of the allocation process and associated material but in the meantime all cases within CDIT have now been assigned to individual teams who are in the process of allocating and investigating those deaths in line with ordinary principles.

8. Health and Safety Investigation Unit (HSIU)

Staffing

Outstanding vacancies, some of which have been longstanding, are being filled. Two PFDs transferred to HSIU in July 2023, and a third PFD is due to transfer in August 2023 in terms of the Expression of Interest Exercise.

A notable proportion of the work of HSIU is linked to the Aberdeen area. It is planned to create a further PFD vacancy in Aberdeen to progress and conduct the court work at Aberdeen Sheriff Court (and surrounding areas). **4** of the **11 cases** with assigned dates are at Aberdeen Sheriff Court and **2 further** cases are being prosecuted at Peterhead Sheriff Court. Operation Refer- the Stonehaven derailment is scheduled for a plea at Aberdeen Sheriff Court on 8 and 9 September 2023 and this will be followed by a lengthy FAI (dates to be fixed) process.

CASEWORK (Figures as at 28 July 2023).

There are 249 live cases in HSIU (excluding potential ambulance failing cases as detailed below).

This comprises:

- **170** cases which have been reported to HSIU of which **94 cases** relate to deaths.
- **68** death cases where an initial deaths report has been submitted to SFIU, the case referred to HSIU and HSIU awaits a report on potential proceedings for prosecution (and or FAI). This includes 6 significant operations that occurred in early 2023 that feature as stand -alone CMPs where the Crown is providing significant ongoing direction, guidance and support prior to the submission of a SPR/ reports by investigating agencies.
- **7** cases that are subject to a parallel investigation with another unit
- **3** cases under consideration by HSIU

- **1** “presumed dead” case.

There are **37 (down 4)** cases that have still to be allocated and are at various stages of allocation.

There are currently **89 (an increase of 2)** in the CMP process.

Criminal Cases

HSIU Criminal Cases with Scheduled Court Dates (as at 28 July 2023):

There are **11** cases with scheduled court dates. This incorporates:

- **7** solemn cases with scheduled court dates (a first diet, and **6 x S76 diets**).
- **4** summary cases (**2** pleading diets, a CWP and a case with fixed ID and TD dates).

One of the S76s relates to OPERATION REFER – the Stonehaven derailment resulting in the loss of life and injury of passengers. The expectation is that the case will proceed quickly to FAI.

Criminal Convictions

HSIU Fatal Accident Inquiries (As at 24 July 2023).

Pending (no First Notice lodged) – **34 cases** (an increase by 2 cases since 29 May 2023).

Scheduled Dates – **7** (an increase of 3 cases since 29 May 2023 - (3 mandatory FAIs and 4 discretionary FAIs) and a date is awaited for another death for which a first notice that was lodged on 12 July 2023.

The FAIs with scheduled dates include a discretionary FAI- **M9** that is anticipated to last 9 weeks, a discretionary FAI that is anticipated to last 1 week and a discretionary FAI that is anticipated to last 4 weeks.

Briefings

There continues to be a substantial interest on the part of the Law Officers on the work of HSIU. Briefings continue to be requested on a regular and ongoing basis. Briefings were provided on a number of cases during June and July.

A lengthy and detailed Minute was submitted to Law Officers in June 2023. The Minute addressed the caseload, work and resources of HSIU and the progress that has been achieved in relation to the HSIU Modernisation Process. A further Minute has been requested from Law Officers for end January 2024 to update on the further progress and resources of HSIU and Modernisation.

HSIU Business Planning Conference- Scottish Prosecution College

A Business Planning Conference of for HSIU (incorporating the Death in Custody Unit). Staff from across the country will attend in person. It is scheduled to take place on 22 August 2023. This is an in -person event for the entire team.

9. Wildlife and Environmental Crime Unit (WECU)

Engagement

The following recent engagement has been undertaken:

6.6.23 SPARC meeting and equine training, Stirling

13.6.23 SHCG meeting, Edinburgh

19.6. 2023 – meeting with SEPA and APF to discuss existing and forthcoming work.

Casework (Figures as at 18 July 2023).

WECU currently has a total of **71** cases. These comprise:

- **26** cases relate to wildlife offences,
- **13** cases were reported principally by the Scottish Environment Protection Agency (SEPA),
- **1** other environmental case was reported by Police Scotland/ Local Authorities, and
- **31** animal welfare cases.

Between the period of 21 June 2023 and 18 July 2023 WECU dealt with **1** search warrant and gave advice on **6** cases.

There are a number of old solemn-level cases that require to be urgently progressed and work is underway to progress same to manage risk.

Cases of Note: Please see the separate Annex.

10. CUSTODY DEATHS UNIT

92 Total Cases (up 8 since last month) of which:

- **20** unallocated cases (up 5 since last month -oldest case reported 03.11.2022)
- **5** Cases where First Notices lodged and dates set
- **6** Cases reported to CC where an instruction is awaited
- **1** Case parallel Investigation with SFIU where package of information has been sent to HSE by CDU to consider Crown Censure

CDU currently has **15** cases which have been categorised as **high-risk** cases. These include cases falling into Lord Advocate key priorities, deaths investigations over 3 years old or those over 2 years old where there have been significant delays in their history. CDU currently has a further **10** cases assessed as being of **moderate risk**, being those cases, which are already over 2 years old or those where there have been NOK complaints.

Reports to Crown Counsel

In June 2023, **4** cases were reported for Crown Counsel's Instructions with recommendations to proceed to the Mandatory FAI.

In July 2023, **2** cases were reported for Crown Counsel's Instructions with recommendations to proceed to the Mandatory FAI.

Scottish Government Working Group

Scottish Government has set up a working group: Prison Custody – Key Recommendation – working group. The Deputy PF Specialist Casework /Head of SFIU, APF HSIU and CDU PPFD continue to represent COPFS in this group. SG wish to progress to pilot of the key recommendation in respect of the HMICPS Independent Report that was published in late 2021. Briefing was previously provided in respect of the pilot. The briefing addressed, inter alia, the necessary steps that are relevant for COPFS.

Although the key recommendation of the report was not addressed to COPFS, input from COPFS is required to enable the pilot to be undertaken. Input includes concluding information sharing arrangements and the identification of "closed cases" to test the pilot concept and processes for a desk top exercise in phase 1 of the pilot. The subsequent phase 2 of the pilot will examine a live case.

COPFS input is also required to ensure that the role of the LA is understood and not adversely impacted by the pilot

The Scottish Government has set 19 September 2023 as the date for the pilot to commence. Three days have been assigned to conduct the phase 1 desktop exercise.

In June 2023 the Deputy Head of Specialist Casework attended the Deaths in Prison Custody Action Group. On 26 June 2023 responded to a letter from the Cabinet Secretary for Justice and Home Affairs and noted that COPFS remains committed to the Prison Custody Action Group and progressing the recommendations in partnership with key agencies and representatives of bereaved family members and referenced the work undertaken in the Death in Prison Custody Working Group.

Data Sharing Agreement – Scottish Prison Service

Communications are ongoing in relation to entering into a data sharing agreement with Scottish Prison Service. In late April 2023 CDU received a draft document from SPS. This has been shared with colleagues in CDIT and SFIU for comment and with Senior Leaders for comment. Work will be required to communicate further with SPS and thereafter to seek approval at the appropriate level in COPFS.

Briefings

The Law Officers continue to have a particular interest in this area of work. Briefings continue to be requested on a regular and ongoing basis for the Law Officers. In June and July briefings were provided in relation to a number of cases to update the Law Officers on case progress.

Noteworthy Cases

See attached annex for details.

11. Civil Recovery Unit (CRU)

i) Sheriff Court Team (SCT)

The Unit has 18 account forfeiture cases (shared between the SCT and asset recovery team) and 30 listed asset cases.

ii) Asset Recovery Team (ART)

The ART has 10 cases with active Prohibitory Property Orders (freezing orders), one case where a recovery order has been granted and one case where a recovery order petition has been lodged.

Details of noteworthy cases are contained in the Annex to this report.

iii) Remittances to Scottish Consolidation Fund

The sums remitted to the SCF up to week ending 06.08.23 amounted to £1,108,204.

HIGH COURT FUNCTION REPORT TO THE EXECUTIVE BOARD

The High Court Function covers our units in Homicide, RTFIU, Major Crime, Sexual Crime and our High Court Indiciting and AD support team. The High Court function is supported by the Central Operations team.

Budget and workforce planning

As part of the business planning process, High Court were successful in securing additional resource for 22-23 but we have carried a number of vacancies which has impacted our ability to meet ongoing casework demands. Our budget also supports the resourcing requirements of the Sexual Offences Review being conducted by Susanne Tanner KC.

In terms of Recruitment, we continue to work closely with HR and other functions to ensure that we fill our current vacancies as timeously as possible to ensure we have the right levels of resource (including Advocate Deputes) to manage our ongoing business.

Our initial priority during 23-24 was to recruit/transfer from other areas of COPFS through expression of interest adverts as well as working with HR colleagues to recruit externally where we could to fill all our current vacancies. Our aim was to bring High Court and Specialist Casework to resource complement during Q1 of 23-24 to ensure that we operated as efficiently as possible whilst meeting the demands of the business in year and in future years. Due to budgetary requirements and in order to ensure our budget balanced in terms of the "Path to Budget" for year 23/24 a temporary pause on recruitment for grades B through to D was put in place. The plan is that we will be able to lift this pause with these vacancies being filled from October 23 and year to end spend remains within budget.

High Court Budgeted allocation of staff for 2023-24 is displayed below (including vacancies)

HIGH COURT	TOTAL BUDGET POSTS
AD	81.50
B	154.60
C	66.81
D	170.09
E	7.00
F	71.54
G	48.70
H	6.72
SCS	5.00
TOTAL	611.7

We provide robust budgetary forecasts to Finance colleagues on a monthly basis with key risks and expenditure issues being flagged at early stages in order to mitigate any risks attached at a function or corporate level.

We also participate in Budget Forecast meetings chaired by Finance Colleagues and attended by all functions to discuss the budget positions and resourcing issues alongside workforce planning with HR.

Work is being finalised to introduce a 2year High Court recovery plan covering the 3 different disciplines with particular focus on ensuring that all casework subject to the current temporary time-bar legislation is progressed and indicted by 30 September 2025.

Learning and Development

We are an active member of the SPC Steering Committee and work closely with SPC in the development of specific learning and development packages for all staff. We are committed to enhancing our links between the Scottish Prosecution College, other functions and ourselves in order to have an integrated training programme across our functions to improve performance, enhance staff development and the quality and service delivery. We have provided additional resource to our central teams to meet this priority

The Central Operations Team have a focus to identify learning requirements for all grades across SCG. They have a task to introduce a systematic process to enhance and support staff skills, knowledge and competency to ensure improved business and individual performance and productivity; to monitor compliance with mandatory e-learnings and attendance at SCG specific training sessions; To support staff development and career progression. Initial training has involved Managers, VIA staff with a current focus now on Solemn Legal Managers and Case Preparers and includes inputs from colleagues in HR regarding maximising attendance. The recent launch of the SCG Health and Wellbeing Equality App contains material and links to assist and support staff in their roles and service delivery.

Communications and engagement

As part of the business planning process for 23-24, the Central Operations team have worked closely with Senior Management teams in providing a summary of the key areas of the People Survey from 22/23 that have impacted specific teams. The SCS for each respective area have been tasked with an action plan for tackling a wide range of issues of which People Survey results is one area. Those plans are monitored throughout the year so that impact can be similarly assessed following the 23-24 Civil Service People Survey.

As a function we have a range of communication methods to ensure that key messages are shared with all staff. Part of the Central Operations role is ensuring day to day communications are shared with staff – for instance, if corporate messages are placed within Connect, we ensure staff are signposted to that to maximise impact. There is a quarterly update briefing provided to all staff from the Head of Business Management, this briefing covers a range of topics namely activity on resource management, digital change and corporate projects such as Agile Working or Band B Plus.

Wellbeing

High Court and Specialist Casework will continue to build upon their already well-established wellbeing work in 23-24 which included the recent launch of the aforementioned bespoke app. A new dedicated resource now works across our 3 functions ensuring that the new maximising attendance policy and procedure is embedded and fully understood across staff and managers to reduce the numbers of days lost through ill health. This resource works closely with HR and function senior management teams to further embed wellbeing policies and other HR related policies.

The functions will implement a Wellbeing Framework which will assist all staff in taking forward the wellbeing agenda. The framework will focus on the following areas:

- Maximising Attendance Review
- New Yammer Community
- Wellbeing Committee
- Promotion of Equality Networks/Ambassadors
- Process Reviews
- Engagement with stakeholders
- Benchmarking

PERFORMANCE

1. INITIAL DECISION MAKING

- Our target is to take 75% of initial decisions within 4 weeks (**93%**)
- Our target is to take 90% of initial decisions within 8 weeks (**96%**)
- Our target is to take 95% of initial decisions within 12 weeks (**97%**)

The previous high marking performance has been maintained. This is important as it reduces the risks associated with unread and unactioned SPRs.

2. REPORTING PRODUCTIVITY

We reported **888** cases to Crown Office for FY 21/22

We reported **977** cases to Crown Office for FY 22/23

So far 227 cases have been reported in FY 23/24. That is down **6%** from the 242 cases reported in the same period of the last FY however our Sexual Offences and RTFIU teams have increased their individual productivity levels this FY.

3. SERVICE OF INDICTMENTS

Our pre-pandemic target was to serve 80% of indictments within 9 months of CFE and we continue to measure this performance for OPC. It is however acknowledged by OPC to be at odds with our stated priority to reduce the age profile of our unindicted cases and the obvious implications of operating with a covid extension to time-bar.

In FY20/21 SCG achieved **44%** collectively

In FY21/22 SCG achieved **40%** collectively

In FY 22/23 SCG achieved **39%** collectively

In FY 23/24 SCG achieved **37%** collectively.

For FY 22/23 and 23/24 a key objective has been to reduce the proportion of our petitions aged 10 months (from CFE) and 12 months (from receipt) which made this target counterproductive.

4. INDICTING PRODUCTIVITY

We issued **760** indictments in 21/22

We issued **949** indictments in 22/23

217 indictments were issued in the first quarter of 23/24.

This figure is down **8%** from the 236 indictments issued over the first quarter of 22/23. This decrease reflects the impact of vacant indicter posts. One post was filled mid-July and we hope the other post will be filled next month. We recognise that we may require to transfer additional staff internally to train as indicters by late autumn if we are to remove the risk of cases time barring in Oct 2025 when the covid extension to time-bar provisions will cease. This will require to be closely monitored. The exact number of indictments we will require to produce to meet our Oct 2025 objective is still to be finalised following work undertaken by our Central Ops team but we know it will be at least 100 per month, probably more, and this will have implications for SCTS. We have alerted SCTS to the age profile of our work in progress and our plans to increase our indicting complement.

5. s76 INDICTMENTS (including other SCG disciplines)

We issued **34** s76 indictments in FY 21/22

We issued **66** s76 indictments in FY 22/23.

We issued **25** s76 indictments so far in FY 23/24. This is a significant and welcome increase but there is no obvious explanation for it.

6. LIVE INDICTMENTS

There were 977 live indictments at the end of March 2023. That has now fallen to 895 by the end of June. This is mixed news as it reflects the unwelcome drop in cases indicted, but also more positively reflects the impact of 2 additional trial courts. By comparison the pre-pandemic figure was around 390 and the impact of continuing to service this 129% increase in live churning trials is felt across all our units.

7.INPUT

We received **1249** petitions across HC in FY 20/21

We received **1119** petitions across HC in FY 21/22

We received **1257** petitions across HC in FY 22/23

We received **352** petitions across HC so far in FY 23/24

If maintained over the reporting year this would amount to a 12% increase in High Court Petitions since the previous year and this in turn follows upon a 12% increase the previous year.

8. AGE PROFILE

The proportion of cases over 10 months (20%) has not decreased from our baseline of March 22 which is disappointing. Age of casework is a particular concern when considering the profile of our victims, the age of some of the offences we are investigating (and the age of the accused) and our current reliance on time-bar extensions. Our efforts to reduce age profile were in part hampered by the 12% increase in petitions last year and which is still on an upward projectory.

This means that the number of cases that would be time barred were it not for the Covid extensions continues to increase when it should be decreasing. On current staffing and productivity levels this backlog will not be cleared before October 2025 when the legislation expires. We are, as indicated above, finalising a 2 year recovery plan to address this concern. It will focus on a tightened allocation process (to be piloted in our West Sexual offences team), a more streamlined precognition(to be piloted by East Sexual Offences team), a post-indictment team to allow case preparers to focus on fresh cases(to be piloted by our North Sexual Offences team), a review of case preparer tasks and mandatory report dates-all supported by electronic reporting, an expanded

Witness Assistance Team, ongoing process reviews, performance benchmarking and the introduction of a productivity objective for each discipline.

9. KPIs

Our Senior managers have been asked to look again at KPIs for 23/24 as the way some of our KPIs are currently expressed is not making the changes in behaviours that we would like to address in terms of custody or bail reporting. We recognise that the Child victim KPI requires the support of other CJ partners and something we will continue to focus on going forward with PSoS.

10. Our Priorities

Our priorities are currently set out in the SCG Business Plan and are as follows:

- **Reducing Backlog:** As indicated, we are in the process of finalising our Recovery strategy to reduce the level of petitions over 10 months to zero by Oct 2025 . This will require us to almost double productivity and to introduce a minimum expectation on reporting levels. The strategy will also introduce a revised and tightened allocation KPI (time period in which to allocate) from the current 6 months KPI. As outlined above our Sexual Offences Unit's priority actions in 23/24 will support staff to meet the challenge of reducing our age profile. We expect electronic reporting to support this priority. Our Central Operations team will timetable monthly tactical MI meetings with High Court SCS and APF's to discuss performance workflow and priority reporting and indicting for the month ahead. We have designed and will implement a monitoring toolkit to effectively track workload and workflow including projected analysis over the next 2 years. We will deliver a communications strategy to support this and increase staff awareness.
- **Improving Experience of victims of Sexual and Domestic Violence:** This will be delivered partially through our joint strategy on Women and Children with PSoS. We will also ensure the s275 recommendations of the Inspectorate are fully delivered this year and also that we have a conclusion on our Evidence by Commissioner review. We will conclude a review of our Victim Strategy (VS) approach in unmarked cases, petition warrants and cases involving extradition with the aim of producing new guidance, a revised process and clarity on roles and responsibilities to provide an improved service to support victims dealing with the additional delays which result from such cases. We will roll out the VS strategy to all SCAI cases and work with PSoS to expand this to all Major Crime cases (which include serious Domestic Abuse and Human Trafficking offences). We will also implement our new VIA model where VIA officers will be assigned to specific teams and SLMs.
- **Prioritising cases involving Child Witnesses:** As indicated, we are currently reviewing the KPI we introduced last August to improve reporting/indicting times whilst addressing quality issues with police SPRs in sexual offences to improve our ability to take first time decisions without requiring additional investigation. We have KPIs in respect of taking decisions in all our SPRs set at 4,8 and 12 weeks. These KPIs help support this objective. We also have a fast track process for child witness

cases. The numbers of such cases are small but often require additional investigative work to be carried out which makes it challenging to reduce journey times.

- **Improving reporting times for custodies:** We will adopt a 2-year approach to this priority, recognising that bail cases must be prioritised in 23/24. We will have a greater focus on custodies in 24/25 and this will be supported by a KPI addressing the need to report cases within an agreed period prior to last service date.
- **Improving Quality and Output:** We will roll out Electronic reporting in full by the Autumn, continue to monitor our Minimum Standards programme with the aim of introducing an effective measurement of quality and introduce a productivity objective for all staff engaged in case preparation and indicting. The increase will be achieved through the 3 SOT pilots, the roll out of electronic reporting, additional training and the implementation of mandatory report dates. As indicated above, we will carefully monitor performance on indicting and, if necessary, increase resource in our indicting team to achieve 100 + indictments per month. Central Operations have led a series of workshops for all Operational and Business Managers on the importance of improved data to support them in effectively monitoring progress and, following a series of Introduction to Management for all Operational and Business Managers, Central Ops will deliver workshops on Roles and Responsibilities and Performance Benchmarking for all High Court staff. The performance benchmarking for each role will introduce a clear expected level of task performance for each task carried out within each respective role. A review of administrative tasks will be concluded resulting in the realignment of tasks to grade appropriate staff. Process review workshops will be launched this month followed by a systemic programme of process reviews to be carried out across the High Court. A new process manual will be introduced in line with the reviews being completed.
- **Improving our Services to Victims and Witnesses:** We have recently established a SCAI Board to deliver a programme of improvements on how we deal with such cases in the future. We will implement our new High Court VIA model which will ensure a more specialist and personal service for our victims and witnesses. We will expand our Witness Assistance Team's (WAT) remit to include Professional Witnesses. This team has been providing an increased level of service both internally and externally in supporting both witness excusals and witness availability. The efficiency and accuracy of these two areas has improved significantly. Feedback from those using the WAT service and from Crown Counsel has been very positive. This service allows for work previously carried out by Case Preparers to be realigned. Our Central Op's team will continue to fully engage with ISD on the development of the Witness Gateway.

Ruth McQuaid
Interim DCA High Court
15 August 2023



Resources Committee

Minutes of meeting held on 12 July 2023 (via Microsoft Teams)

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

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Present

Members

Anthony McGeehan, Deputy Crown Agent (Operational Support) (Chair)

Keith Dargie, Head of Business Services & Chief Digital Officer

Marlene Anderson, Director of Finance and Procurement

Graham Kerr, Head of Business Management (Local Court)

Jonathan Shebioba, Director of Support Services

Elaine Hales, Head of Business Management (Operational Support)

Secretariat

Ian Palmer, Finance and Procurement Executive Assistant

Apologies

Sarah Carter, HR Director

Sharon Davies, Head of Management Accounting and Planning

Doreen Crawford, Deputy HR Director

Thomas Lindie, Head of Business Management (Serious Casework)

1. Welcome and Apologies

The Chair welcomed the group and apologies were noted.

2. Minutes from meeting held June 8, 2023

The Committee approved the minutes as accurate.

Secretariat is arranging to have these published on COPFS website.

3. Action Log Tracker

The committee noted the tracker.

Action 12/23 (Reissue HR MI Data Report) had not been completed but update report was submitted and distributed to the committee after the meeting.

4. Finance Update

MA presented **RC Paper (2023)** and gave a general overview.
The Committee noted the paper and general discussion followed.

Highlights of the update included:

- Work continues on the final audit of the 2022-23 Annual report and Accounts. Audit Scotland have completed the interim audit.
- Paths to Balance Plan has been set and is currently being implemented.
- Work continues across the department to further enhance the savings already identified in the Non-Staffing Budget.
- Preparatory work for the 2024-25 budget planning and Spending Review with Scottish Government is scheduled to start in the coming months.
- General update in relation to Capital Spending Review.
- COPFS have been invited to appear before the SG Justice Committee in September 2023 to discuss budgets.
- KD gave an update re “Summer Challenges” and the preparation for the 2024-25 budget round.

5. Estates

JS presented the following papers:

RC Paper 34 (2023) [Estates Update]

RC Paper 34 a (2023) [Capital Spend Review]

RC Paper 34 b (2023) [Estates Risk Register]

RC Paper 24 c (2023) [Energy Report]

The Committee noted the papers and general discussion followed.

It was reported that the formation of a COPFS Estates Board is being considered. The Committee welcomed this proposal and will await further updates.

The Committee discussed the scheduling of Estates Updates.

Decision

Estates updates to the Resources Committee will continue on the usual two monthly basis as per the Agenda Schedule.

Supplementary updates can be provided if and when required.

6. Function Procurement Report

GK presented **RC Paper 35 (2023)**

The Committee welcomed the report and general discussion followed noting the positive progress and in year position regarding contracts let and savings realised through the contracts.

7. AOB

AMcG (Chair) asked the Committee to note formally that the COPFS Wellbeing Hour scheme has commenced.

A communication has appeared on Connect advising staff of the details of the scheme.

A working group has been established to monitor the impact of the scheme and its challenges and benefits.

Date of next meeting: 21 August 2023 at 11 am (moved from 10 August)

EXECUTIVE BOARD
BUSINESS PROCESS IMPROVEMENT COMMITTEE
AUGUST 2023 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 15 June 2023 and is next scheduled to meet on 8 September 2023. The Executive Board endorsed the corporate portfolio business improvements and digital transformation projects for 2023-24 at its last meeting. This updates provides an overview on delivery progress and highlights key business transformation projects and initiatives being developed, evaluated or implemented over the next few months.

Delivery Updates

4. Progress updates for key digital business solutions and improvements implemented to date or planned for Q2 2023-24 are outlined below (includes some ISD portfolio projects):

Progressed/Completed/Implemented: April to July

- DESC pilot ongoing and completion of analysis, scoping and planning for delivery 2 phase;
- Readiness of the Witness Gateway for evaluating the new digital service from next month, ahead of an official pilot commencing from October 2023;
- Corporate Business Resiliency Workshop, incorporating a Cyberattack simulation exercise, held on 21 June to assess and enhance COPFS' business resiliency capabilities and preparedness;
- Defence Agent Service (DAS) ready for evaluating the new digital service from October 2023;
- Full release of Corporate Claims App;
- Upgrades to corporate versions of Microsoft Teams;
- Development of guidance and policies for use of AI technologies being introduced by Microsoft to Office 365 products later this year.

Key digital transformation projects

5. The following business digital transformation and strategic initiatives will be evaluated or launched over August - October 2023:

Witness Gateway [From August 2023]: Development of the Witness Gateway solution is complete to enable this new digital service to be evaluated from later this month, ahead of an official pilot commencing from October 2023. The Witness Gateway will be implemented nationally next year after successful completion of the pilot. A Witness Gateway governance group will meet on 22

August to discuss the above points and to confirm remaining decisions for the evaluation, pilot and national implementation approaches; this will include stakeholder engagement and implementation planning to support a national pilot and full release next year.

Defence Agent Service [From October 2023]: Piloting and implementing the new Defence Agent Service (DAS), which will replace the current Secure Disclosure System and deliver improved online access for solicitors to digital services and information about cases to allow them to engage with prosecutors to prepare and resolve cases. Stakeholder engagement and planning for piloting the new service will be initiated this month. The DAS pilot is integral to the national release of DESC and aligned implementation plans will be confirmed in the next few weeks with DESC partners.

Information Strategy and Delivery Plan [From October 2023]: Publishing an Information Strategy and Data Analytics framework for maximising and transforming COPFS' use of information to make corporate and casework information accessible and seamlessly available, enabling data driven business decision making for improving service delivery and outcomes. This work will also focus on the governance, management and assurance of COPFS' information assets. This strategy will also set out a strategically aligned plan for how COPFS will maximise AI and data analytics technologies to improve the way it works and delivers. Delivery readiness for implementing the first phase of the new business information systems is in place to enable this work to commence from October.

Next Generation Casework Programme [From October 2023]: Defining, planning and developing our Next Generation Casework digital systems and business processes to modernise and improve the efficiency of casework and to transform services to citizens and users of the Scottish justice system. This work will include maximising the use of data analytics to take data driven decisions and using relevant Artificial Intelligence and other technologies to automate and improve casework processes, service delivery and to enhance decision support. Vision, stakeholder and scoping activities will commence from October with the aim of commencing development work in 2024. This will incorporate appropriate corporate, casework, data and technology elements to support this comprehensive business transformation programme.

The Head of Business Services will provide project and delivery details for the above strategic initiatives at the Executive Board meeting in September. Demonstrations of the Witness Gateway and DAS products to key stakeholders will be provided over the coming weeks. The Information Strategy and delivery plan will be issued in September, with the aim of publishing the agreed strategy in October and commencing delivery from the autumn.

Other deliverables or developments over Q2:

- DESC pilot conclusion (precise date to be confirmed);
- ERTCC: conclusion of pilot and implementation to all users;
- AD Rota pilot;
- General Booking Application solution: scoping and development initiation;
- Implementation of latest corporate mobile device management solutions;

- Cyberthreat management, vulnerability, monitoring and response policies and operations solutions;
 - Full rollout of the Desk Booking Application;
 - Full rollout of the Pay Claims Application.
6. An overview of the digital transformation programme for 2023-24 is available at **Annex A**. Some projects have yet to be started and are subject to scoping, resource and delivery prioritisation.
 7. As noted in the previous update, the programme involves significant scale, scope and complexity. BPIC recognises the need for delivery analysis and resource planning for projects. The current ISD resource challenges and pressure points are highlighted and the importance for ISD to have and to be able to recruit the right staff with the right skills and experience at the right time to deliver the programme acknowledged. A risk managed approach is in place and BPIC receives updates on ISD's recruitment and capacity to delivery at each meeting.
 8. Progress updates are provided and discussed at each BPIC meeting. Delivery reports will continue being provided to the Executive Board. A mid-year business improvement and digital transformation delivery report will be provided in October.

Decisions/Actions required by Executive Board

9. The Executive Board are invited to note delivery progress and comment as appropriate on BPIC's portfolio priorities for 2023-24.

Jennifer Harrower

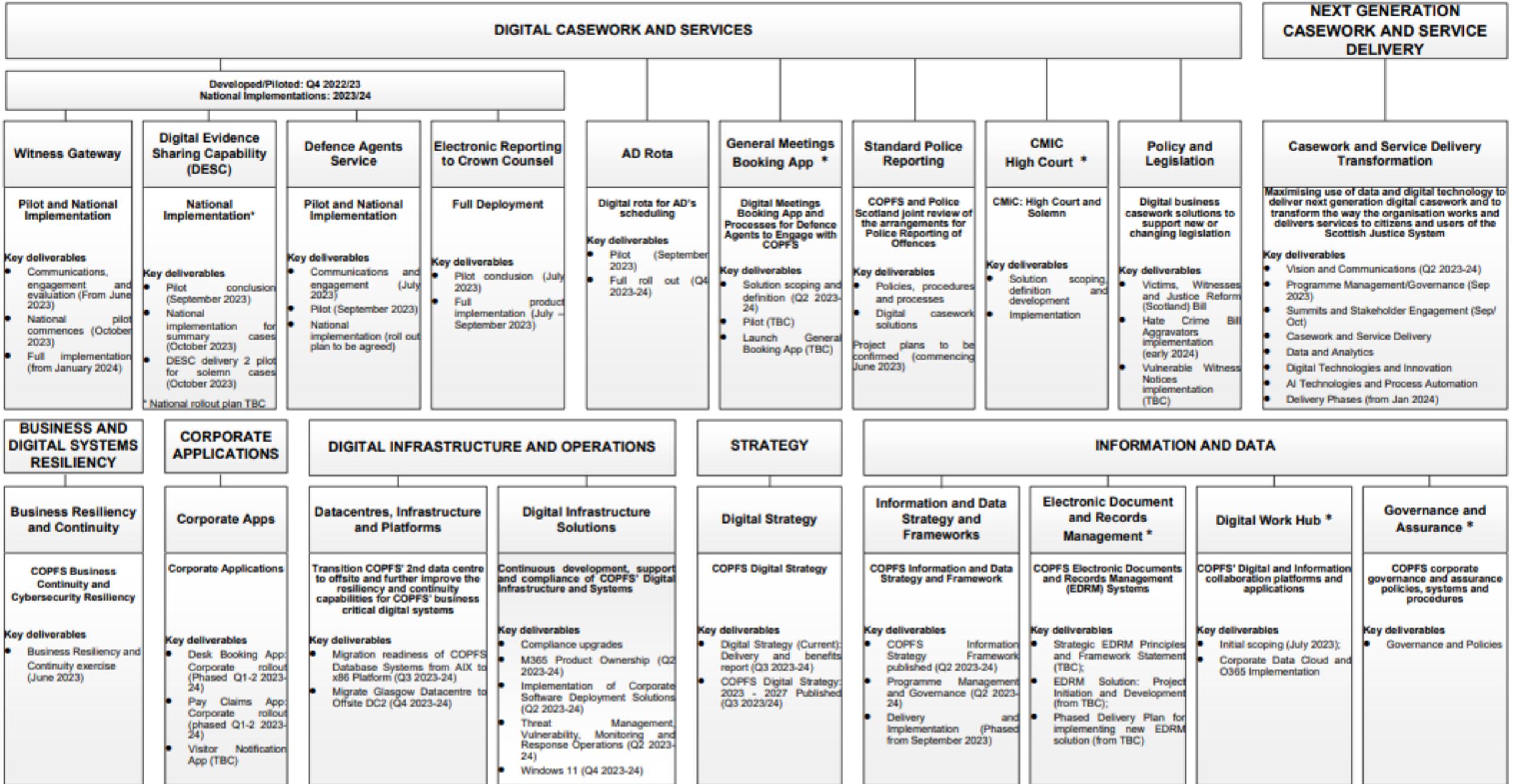
Deputy Crown Agent - Local Court

18 August 2023



COPFS
Digital Business Improvements and Transformation Programme
2023/24

June 2023



* Projects yet to be analysed and delivery subject to planning and resource allocations

Contact: Keith Dargie, Head of Business Services

Operational Performance Committee

Minutes of meeting held on 9 August 2023 by Microsoft Teams

Present:

Stephen McGowan	Deputy Crown Agent – Litigation (Chair) (DCA)
Andy Shanks	Deputy Procurator Fiscal, Specialist Casework (AS)
Andrew Richardson	Procurator Fiscal, High Court (AR)
Andrew Laing	Deputy Head of Local Court (AL)
Laura Buchan	Procurator Fiscal, Policy and Engagement
Lana Thomas	PA DCA – Serious Casework (Secretariat) (LT)

Apologies:

Fiona Roberts	Head of Management Information Unit (FR)
Graham Kerr	Head of Business Management Local Court (GK)

1. Welcome and Apologies

The DCA welcomed everyone to the meeting, apologies were noted for above.

2. Minutes of previous meeting

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

3. Outstanding actions

All outstanding actions now closed, all superseded by events.

4. Monthly Stats/Key Performance Indicators

High Court

OPC
09/08/2023

AR referenced the HC paper and highlighted that he is waiting on updated paper re projections for 2025. The Central Ops team have recently produced a projections paper, this analysis is being further considered and AR will provide update in next month's report.

Local Court

AL discussed the LC paper, points of interest were-

ICP -remarkable improvements, now under 10k unmarked cases as of Monday, was sitting at 19k in January. Objective to mark all cases within 4 weeks, created additional LC marking team which helped crack down on older cases.

SH & J –will require a bit of time to turn it around, some concern around the number of new petitions, quite high, post pandemic 11k pre pandemic 9k. Looking into what has changed, look at marking, CMLs etc.

SH & J outcomes – pre pandemic 3k custodial sentences out of 6k outcomes – post pandemic 3 k custodial sentence out of 8k outcomes. Some cases should be coming down to summary level if we are predicting short custodial sentences or community sentences. Rise in reduction to summary will therefore probably continue to increase. Trials called are significantly up due to additional recovery courts, end year projections show nearly 7k trials to be called this year compared 3100k pre pandemic, total concluded additional 2k if data carries on as is.

Trials scheduled falling by 60 per month.

Summary-

Much less business in JP court, substantive marking down from 16% to 8 % going into JP court- possibly move a bit more from Sh Summary Courts.

Sheriff court – number of outstanding trials slowly increasing every month, got down to 20k now up to 21k.

Domestic Abuse waiting period 10.4 week compared to target of 12 weeks – working well against that target.

Conversations took place around SH & J sentencing outcomes, older cases more likely to avoid solemn level custodial sentences, ways to monitor this discussed, potential to review cases to see if they can be reduced to summary.

OPC
09/08/2023

Specialist Casework

AS discussed the Specialist update and points of interest were-

Old version report submitted for last time, hoping to reduce it drastically as too lengthy. Focus on FAI's, media interest in long running FAI which is now 9 years old, length of these investigations are too long, Law officers are interested in looking at FAIs on thematic basis.

The group discussed recent conversations LB and AS had with LOs re what data we can get on deaths by them. JB considering/

Toxicology - SPA hope to return to the standard turnaround target of 5 weeks for Toxicology reports by October 2023.

Policy & Engagement

LB discussed the P&E Paper and points of interest were-

Review in diversion of sexual offences cases- following the Lord Advocate's instruction in July 2023 that there is to be a review of how prosecutors deal with diversion from prosecution in cases of serious sexual offences such as rape, Policy has commenced work on developing draft policy guidance for prosecutors on diversion of rape cases, which will be informed by a review of cases by the Sexual Offences Review Team to identify the factors that are relevant to a decision to divert or prosecute and will be subject to consultation with stakeholders and those with lived experience.

UNRC-Team have completed significant work on UNRC guidance- currently with CA prior to submission to LO, chapter 1 (revision).

Victims Bill- Cabinet Secretary doing road shows over summer. Policy Division is working closely with SG in relation to the significant changes introduced by the Bill.

Domestic Homicide Review- Deborah Demick, Faith Miller and Moira Orr are on the Taskforce which met for the first time on 8 December 2022, with an initial focus of agreeing the terms of reference and how best to engage and involve the range of organisations with an interest in this work. Targeted engagement exercises are now underway with support agencies and those with lived experience and a model development subgroup has been established to progress the work.

5. Minutes for OPC clearance

OPC
09/08/2023

- Legal Professional Privilege guidance- discussed – group content -Laura to tweak wording discuss with DCA Legal Assistants/Sineidin, over all content subject to changes LB to take forward.
- Potential Victims of Human Trafficking Receiving Support on Liberation from Prison or Being Granted Bail by the Court –group content to submission to LOs
- Draft OI re spitting offences –AL LB to discuss off table

6. A.o.b

AL informed the group that he is in discussion with police and LSS re two individuals who may be purporting to be qualified solicitors.

Date of Next Meeting: 14 September 2023