

Annual Report and Financial Statements

For the year ended 31 March 2023



Laying number: SG/2023/157



CROWN OFFICE
& PROCURATOR
FISCAL SERVICE

SCOTLAND'S PROSECUTION SERVICE

We act to uphold
the rule of law
independently,
robustly, fairly
and effectively.



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The Performance Report



The Performance Report Introduction

The Crown Office and Procurator Fiscal Service (COPFS) is Scotland's public prosecution authority, investigates sudden, suspicious and unexplained deaths and investigates allegations of criminal conduct against police officers.

Our purpose is to secure justice for the people of Scotland in respect of the investigation and prosecution of crime and the investigation of deaths. Our work helps to ensure that Scotland is safe from crime, disorder and danger.

By investigating and prosecuting crime in accordance with our Prosecution Code, we ensure that those responsible are identified and held accountable. By investigating deaths, we ensure that appropriate lessons are learned with a view to reducing the incidence of avoidable deaths. We act to uphold the rule of law independently, robustly, fairly and effectively.

We achieve our purpose by:

- investigating and prosecuting crime, including allegations of criminal conduct against police officers;
- investigating deaths that need further explanation;
- removing financial gain achieved through criminal and unlawful conduct.

The public interest is at the heart of everything we do, and we promote it through the independence and rigour of our decision making, investigations and conduct of our cases in court. Our **Strategic Plan 2020-23** provided more detail and context on the work we do.

Our overall, high level strategic goals for 2020-23 were to:

- Deliver high quality casework – We will secure justice through independent, robust, fair and effective professional decision-making, case preparation and presentation. We will explain our decisions, be open about our work and conclude our investigations more quickly.
- Support our people – We will build a skilled, engaged and diverse workforce, invest in staff development and strengthen our capacity to deliver an improved service.
- Improve our service – We will continue to digitise and modernise the way we work, supporting wider reform of the criminal justice system, securing efficient and effective justice and putting the public at the heart of all we do.

To ensure our service remains fit for purpose in the face of a changing landscape we have looked ahead and developed a new Strategic Plan for 2023-27. In creating our strategy, we consulted with our staff, organisations with whom we work closely and the public to consider the service we aspire to provide by 2027, and the changes we will make to achieve this. Our

Strategic Plan for 2023-27 confirms our transformation priorities are:

- **Women and children in justice** – COPFS is committed to making improvements to our services which will benefit and empower women, improving their experience of the justice system. We are also committed to ensuring that the needs of children in the justice system as victims, witnesses, family members or those accused of crime are fully recognised and met;
- **Improved communication and support** – we will provide meaningful, consistent and more frequent contact for victims and bereaved relatives to help reduce uncertainty during investigations and case preparation and throughout the prosecution or death investigation process;
- **Quicker conclusions to criminal and death investigations** – we aim to conclude criminal and death investigations more quickly, particularly cases involving children and vulnerable witnesses.

Between 2023 and 2027 we also intend to meet the continuing challenges of the impact of the COVID-19 pandemic on the prosecution of crime and investigation of deaths.

Statement by the Crown Agent and Chief Executive on performance for the period

Performance Overview

This overview provides a short summary outlining the purpose of the Crown Office and Procurator Fiscal Service (COPFS) and key risks to the achievements of its objectives.

COPFS is the sole public prosecution authority in Scotland, prosecuting cases independently, robustly, fairly and effectively in the public interest.

The Lord Advocate is the senior **Scottish Law Officer**. Her position as head of the systems of criminal prosecution and investigation of deaths is enshrined in the Scotland Act 1998 and she exercises that responsibility independently of any other person. All prosecutions on indictment run in the Lord Advocate's name. The Lord Advocate also has a number of statutory functions, including in relation to extradition and mutual legal assistance with other jurisdictions.

COPFS, on behalf of the Lord Advocate, investigates all deaths which require further explanation and is responsible for deciding whether criminal proceedings or a Fatal Accident Inquiry should be held, and for conducting such proceedings and inquiries.

Responsibility for investigating allegations of criminal conduct against police officers also rests with COPFS with prosecution being undertaken on the instruction of Crown Counsel.

COPFS's Proceeds of Crime and Civil Recovery Units investigate and recover proceeds of drugs trafficking and other serious crime.

COPFS also provides a Victim Information and Advice (VIA) Service across Scotland.

COPFS works closely with other criminal justice organisations to help make Scotland a safer place and plays a pivotal role in maintaining the security and confidence of all communities across Scotland in the prosecution system – making the criminal justice system more accessible and more responsive. The core values of COPFS are impartiality, integrity, sensitivity, respect and professionalism.

COPFS has a Strategic Plan which is underpinned by a number of other strategies and plans which are designed to ensure that the Strategic Plan is achieved. These include:

- People Strategy;
- Financial Strategy;
- Digital Strategy;

- Estates Transformation Strategy;
- Learning and Development Strategy;
- Procurement Strategy;
- Medium Term Financial Plan; and
- Annual Business Plans.

Our prosecution code states the following:

“The Human Rights Act 1998 and the Scotland Act 1998 in general require Scottish prosecutors to act in a way which is compatible with the European Convention on Human Rights. Prosecutors will also have regard to relevant international obligations, including the United Nations Convention on the Rights of a Child.”

When developing prosecution policy, consideration is always given to the human rights of victims, witnesses and accused persons. We consider judgments from the European Court of Human Rights and consult widely on our prosecution policies and processes to ensure a balanced approach which meets our obligations in terms of the Convention. New policies and all project work within COPFS undergo Equality Impact Assessments to ensure that the proposed changes meet the needs of the diverse communities in Scotland.

COPFS works closely with a range of stakeholders including the Scottish Government, Police Scotland and the Scottish Courts and Tribunals Service.

Our Victim Information and Advice (VIA) Modernisation Programme will streamline business processes, strengthen and improve partnership working with key external agencies, and link into the work of the Scottish Government Victims Taskforce to also improve the level of service provided to victims, witnesses and next of kin.

2022-23 saw the lifting of Covid-19 pandemic public health restrictions and a return to a new normal. That new normal included responding to the continuing impact of the pandemic on the criminal justice system and innovative ways of working developed in response to the pandemic. Our overall focus remains: to keep the people of Scotland safe from harm and to deal effectively with those who break the law.

Our casework is becoming more challenging due to changes in profile and complexity. We are committed to meeting these challenges and continuously improving the levels of service we provide to the public.

COVID-19 Pandemic Impact

From early in 2020, the COVID-19 pandemic caused huge health and economic issues for all.

The criminal justice system in Scotland scaled down all but the most essential court proceedings, leading to a substantial increase in the backlog of criminal cases waiting to come to trial. This has resulted in delays for those involved in criminal cases.

It is anticipated that recovery to pre-pandemic levels will take some years and the Scottish Government has provided additional recovery funding to COPFS to allow us to tackle the backlog as quickly as possible. Throughout 2022-23 we worked with our justice partners to outline and implement plans to reduce the backlog and trial delay periods. As of March 2023, there are 27,406 criminal trials scheduled, down from a peak of 43,606 in January 2022.

While overall criminal reports received are falling over time, we continue to see increases in the number of serious crimes being reported, a trend which was evident before the pandemic. The backlog has had a significant impact on our workload including, for example, continuing to support victims and witnesses throughout their wait for a delayed trial.

The increased workload includes a significant increase in deaths reported to COPFS. In 2022-23 COPFS received 14,147 death reports, a slight decrease from 15,377 in 2021-22, but still 36% higher than the 10,397 level in 2018-19 pre-COVID-19. As of April 2023, 5,985 COVID-19 deaths have been reported to COPFS for investigation since the pandemic in 2020. The increase in the number of overall deaths reported to COPFS to investigate is not solely attributable to COVID-19 deaths.

Performance Analysis and Outcomes

COPFS has a national database which stores operational information about our cases. We use it to help us to manage our casework effectively and, although it is not a statistical database, we are able to use some of the information it provides to help us monitor aspects of our performance.

The following table shows the number of reports that we receive on an annual basis as well as the outcomes.

	2022-23	2021-22 Restated (IV)
Criminal Reports Received	144,957	148,925
Death Reports Received	14,147	15,377
Total Reports Received (I)	159,104	164,302
Non-Court Disposals (II)		
No Action	13,042	13,982
Warning Letters	3,249	5,203
Conditional Offers of Fixed Penalties Paid	10,942	12,180
Fiscal Fines Paid/Accepted	10,476	11,510
Compensation Orders Accepted	680	594
Combined Fiscal Fines/Compensation Orders Accepted	4,177	3,189
Other Non-court disposals	14,031	14,066
Total Non-Court Disposals	56,597	60,724
Total No Further Action (III)	24,585	23,581
Total Cases which end without a court disposal	81,182	84,305

Notes:

- I. COPFS receives reports about crimes from the police and other reporting agencies and then decides what action to take, including whether to prosecute someone. We also investigate deaths that need further explanation and investigate allegations of criminal conduct against police officers.
- II. Prosecutorial decisions are made by the Procurator Fiscal in accordance with the Prosecution Code and other prosecution policy and guidance.
- III. No Further Action indicates cases which were closed after court or non-court action had been commenced or attempted (e.g. cases which were closed because the accused died, the accused could not be traced, a key witness was not available, etc.)
- IV. The 2021-22 figures have been restated due to finalisation of figures post publication of the 2021-22 Annual Report and Financial Statements.

The total number of criminal reports received was not significantly less than in 2021-22. It is notable that the number of death reports, after increasing substantially in 2020-21, by around 50%, has reduced slightly for 2022-23. The total non-court disposals are slightly less than 2021-22 with a reduction of 4,127 actions.

Information on Court Disposals is not collated by COPFS. Information on court disposals is published by the Scottish Courts and Tribunal Service (SCTS) with the following extract as at 31 March 2023:

	2022-23 Provisional	2021-22 Restated
JP Court Cases		
Complaints registered	21,756	23,557
Complaints concluded*	24,893	22,702
Trials scheduled at 31 March	4,266	7,569
Sheriff Court Summary Cases		
Complaints registered	57,226	55,506
Complaints concluded*	66,977	56,721
Trials scheduled at 31 March	20,064	30,520
Sheriff Court Solemn Cases		
Indictments registered	5,938	5,759
Indictments concluded*	5,676	5,132
Trials scheduled at 31 March	2,389	2,274
High Court Cases		
Indictments registered	939	745
Indictments concluded*	815	756
Trials scheduled at 31 March	687	560
Total complaints/indictments registered	85,859	85,567
Total complaints/indictments concluded*	98,361	82,147

Note:

* Cases concluded includes cases not disposed of in prior years.

** The 2021-22 figures have been restated as the 2021-22 Annual Report and Financial Statements reported provisional figures which have since been finalised.

There was a further increase in the number of indictments registered during 2022-23 both in relation to High Court cases and Sheriff & Jury cases.

Additional Summary Trial courts established during 2022-23, as part of the post pandemic recovery programme, saw a 34% reduction in the number of outstanding scheduled summary trials in the sheriff courts. Outstanding trials in the JP courts are now close to pre-pandemic levels.

At the end of 2022-23 that additional court resource was moved to address the number of scheduled Sheriff & Jury trials which are close to five times the pre-pandemic levels.

Performance against our published targets during 2022-23 was:

Business Area	Target	Performance 2022-23	Performance 2021-22
Service of Indictments*	All indictments are served within timebar**	100%	100%
Take & Implement Decisions***	Take a decision on the appropriate course of action and implement that decision in at least 75% of cases within 4 weeks of the report being received.	72%	73%
Investigation of Deaths****	In deaths which require further investigation, conduct the investigation and advise the next of kin of the outcome within 12 weeks in at least 80% of cases.	65%	50%
Investigation of Criminal Allegations against the Police*****	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.	84%	87%

Notes

* An indictment is a document setting out the charge(s) of crimes or offences against an accused in more serious cases. A case on indictment is tried by judge sitting with a jury in the High Court (in the most serious cases), or the Sheriff Court. This is termed solemn procedure.

** Our key target in respect of the service of indictments reflects the legislative requirement on COPFS to serve an indictment on all accused within very strict time limits. Failure to adhere to the time limits has very serious consequences and can, in certain circumstances, prevent the prosecution going ahead. The time limits vary according to the court in which the accused will be tried and whether the accused is on bail or remanded in custody. This key target is focused on demonstrating that we prepare solemn cases in accordance with these strict time limits. His Majesty's Chief Inspector of Prosecutions in

Scotland has recommended that we ensure that all High Court bail indictments are served no later than 7 days before time-bar. This ensures the target of having no cases time-bar before service of indictment is achieved in any case.

*** This target applies to all cases except cases which are likely to be dealt with under solemn procedure i.e. more serious cases which are likely to be dealt with in the High Court or in the Sheriff Court before a jury.

**** A key target in the investigation of deaths is that where a death requires further investigation, we will conduct the investigation and advise the next of kin of the result within 12 weeks of the death being reported to the Procurator Fiscal. Many of these deaths require a post-mortem examination to be conducted. The examination process includes toxicological analysis. Pathologists are unable to conclude their examinations and submit their final reports to COPFS until they receive the toxicology results.

***** Following a review, a revised target for criminal allegations against the police was introduced from 1 July 2021. Performance achieved in 2021-22 relates to the period from 1 July onwards only.

During the financial year the toxicology service transferred from the University of Glasgow to the SPA (Scottish Police Authority). In the run up to formal transition in December 2022, toxicology analysis backlogs were addressed, leaving only business as usual and work in progress in line with agreed levels in preparation for the move to SPA. Turnaround times exceeded the service levels agreed with COPFS.

The new toxicology service remains subject to weekly monitoring and reports on performance. Since the transition there has been a dip in performance as new governance and validation procedures bed in and a range of measures are in place to mitigate risk, COPFS continues to monitor performance.

Business Services

Business Services support colleagues across COPFS on a day-to-day basis, providing corporate services including Digital, Finance, Procurement, Human Resources, Estates, Learning and Development and Corporate Communications. Business Services also delivers change and innovation to improve the way the organisation works and to transform the delivery of COPFS' casework systems and stakeholder and citizen services.

Throughout the year, Business Services KPIs were monitored monthly. The results show that Business Services delivered a quality service demonstrated as follows for the 12-month period to 31 March 2023:

Information Services

KPI	Target	2022-23 Average	2021-22 Average
COPFS IT Digital Production Systems Availability	99.5%	96.9%	98.4%
Case Management System availability (FOS)	99.5%	99.5%	99.8%
Other Case Management Systems Availability	99.5 %	99.5%	99.7%
COPFS Network Availability	99.5%	98.5%	99.7%
COPFS Desktop Availability	99.5%	100%	99.8%
Total number of Incidents for the year		42,887	30,964
Incidents where SLA's met	85%	78.0%	88.4%
Total number of Requests for the year		17,089	17,623
Requests where SLA's met	85%	86.5%	91.02%

Finance

KPI	Target	2022-23 Average	2021-22 Average
Invoices paid within 10 day aspirational payment (Excluding GPC transactions)	95%	99.4%	98.6%
Staff travel and subsistence claims paid within 10 days	100%	100%	100%
Invoices processed within 30 days payment target (Excluding GPC transactions)	98%	99.8%	99.5%
Witness claims paid within 10 days	100%	100%	100%

Human Resources

KPI	Target	2022-23 Average	2021-22 Average
Payroll transactions received and implemented accurately	96%	98.7%	99.7%
Journey time from advert to successful applicant notification to be completed in 6 weeks (30 working days) for 96% of internal campaigns excluding national boards (Internal)	96%	75.6%	89.4%
Journey time from advert to successful applicant notification to be completed in 8 weeks (40 working days) of 96% external campaigns excluding national boards (inc. appointments from SG (External))	96%	72.4%	91.5%

Note

The lower average for 2022-23 reflects the overall impact of continued high level recruitment activity across COPFS and a consequence of highly subscribed campaigns.

Records Management/Central Printing (Including Citation Kits)

KPI	Target	2022-23 Average	2021-22 Average
Case documents printed within 24 hours of receipt	95%	97.5%	97.8%
Reply forms scanned within 24 hours of receipt	95%	97.3%	97.7%
Service desk calls closed within 24 hours of assignment	95%	100%	100%
Citation Kits (CKits*) printed, collated and ready for signature within 48 hours of receipt at print queue	90%	97.3%	97.8%
Reply forms scanned and sent to offices within 48 hours of receipt	95%	97.1%	97.4%

Note:

*A CKit is court documentation produced for Sheriff Summary and Justice of the Peace cases. CKits include documentation informing Subjects of the date their case will be heard in court and the charges against them, documentation for the Court Clerks and for the Procurator Fiscal.

Security

KPI	Target	2022-23 Average	2021-22 Average
Security incidents reported and acknowledged within 24 hours of receipt with initial advice and completely investigated within 4 weeks	98%	100%	New
A minimum of 12 security visits to be undertaken each year in local offices	95%	98.3%	New

Estates/Offices Services

KPI	Target	2022-23 Average	2021-22 Average
Respond to Priority 1 office repairs within 2 hours of report on QFM; rectify faults within the same day if possible.	95%	100%	100%
Respond to Priority 2 office repairs within 6 hours of report on QFM; rectify faults within 5 working days.	95%	99.2%	96.8%
Respond to Priority 3 office repairs within 2 working days of report on QFM; rectify faults within 5 working days	95%	100%	97.7%

Learning and Development

KPI	Target	2022-23 Average	2021-22 Average
Legal Trainees meeting the required standard of being a "fit and proper person to be a solicitor" on completion of their Traineeship	95%	97.7%	100%
Modern Apprentices "on track" to complete MA programme	90%	99.2%	100%
Applicants attending their booked training course	90%	95.8%	96.7%

Corporate Communications

KPI	Target	2022-23 Average	2021-22 Average
Achieve 5,000 page views of Update blog per month	5,000	6,085	9,323
Publish at least ten employee stories per month on Update	10	10.7	12.6
Grow the average daily users on Yammer to over 500 active users per day (for the last 5 months of the year)	500	883.2	New

Finance and risks

Finance strategy

An updated Finance Strategy was published at the end of May 2021 and updated again in February 2023 covering the period 2021-2024. The Finance Strategy is supported by an updated Medium-Term Financial Plan and, in each year, an Annual Business Plan, which outlines the business objectives and deliverables for each year.

Over the last few years, COPFS has taken a number of steps to ensure continued operational delivery. These include developing and publishing strategies covering Finance, Digital, Estates, Procurement and Workforce which support the delivery of the COPFS Strategic Plan. The COPFS Finance Strategy takes cognisance of these strategies. They can be found on our website at [COPFS Business and Strategy Plans](#).

Owners, project executives and managers from across COPFS are responsible for taking each strand forward and delivering agreed benefits; each owner is accountable ultimately to one of the three Committees of the Executive Board. The interdependencies between the various strategies and work streams are mapped to ensure that they are fully understood and are managed accordingly to ensure they underpin the delivery of our strategic financial targets.

Available resources

In line with the Scottish Government and other central government bodies in the UK, COPFS has fully implemented International Financial Reporting Standards (IFRS). The results for the year 2022-23 are reported in this Annual Report and Financial Statements. They record total outturn (resource and capital) of £206.2m (2021-22: £178m) against the updated budget for 2022-23 of £208.8m (2021-22: £179.7m).

Central Scottish Government budgets are set before the start of the financial year through the Budget Bill process. Adjustments can be made only twice during the financial year: at the Autumn and Spring Budget Revisions (ABR and SBR). However, expenditure that arises after SBR, which cannot be accommodated within the revised budget, must also be authorised by the Scottish Government.

The total resource expenditure underspend was largely due to the volatility in legal expenses associated with major cases brought against COPFS, following the Court of Session ruling which lifted immunity from suit.

The budget and outturn for 2022-23 was as follows:

	Original Approved Budget	Updated Budget	Outturn	Variance
2022-23	£m	£m	£m	£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
IFRS 16 working Capital	-	2.5	2.2	0.3
Total Including Working Capital	180.9	194.5	192.9	1.6

Note:

The Resource and AME expenditure are reflected in the Statement of Comprehensive Net Expenditure. AME impairment is accelerated depreciation on assets where the additions do not add to the market value of the asset (Note 2 to the accounts) and material provisions required for the year (Note 10 to the accounts). Working capital is provided for leasehold rents for the Right of use assets (Note 6 to the accounts).

The table below further breaks down our total spend to show what areas we spent our funding on (including capital):

Business Area	Annual Spend 2022-23 £'000	*Annual Spend 2021-22 £'000
Local Court	61,031	50,963
Operational Support	19,001	16,162
Post Mortems	9,804	9,856
Specialist Casework	77,862	63,022
Centrally Managed Costs	21,492	21,908
Capital	7,053	9,169
Non Cash and AME Impairment	(5,573)	13,748
Total	190,670	184,828

*2021-22 restated to reflect a correction to the categorisation of revaluation gains and losses

The table below shows our consumption of resources, excluding Capital Costs and net gain or loss on revaluation of property, plant & equipment by each of the objectives from the strategic plan in line with our Statement of Comprehensive Net Expenditure on page 78:

Objectives	2022-23 Expenditure £000	2022-23 Income £000	2022-23 Net £000	*2021-22 Net £000
To ensure criminal cases are effectively and independently investigated and prosecuted or have other proportionate action taken in the public interest. To ensure financial gain achieved by criminal means is removed from criminals using proceeds of crime laws.	160,470	(2,340)	158,130	156,375
To ensure that victims, nearest relatives and witnesses and those accused of an offence are treated with dignity and respect.	10,115	-	10,115	9,137
To ensure deaths which need further explanation are appropriately and promptly investigated.	15,372	-	15,372	10,147
Net Operating Costs	185,957	(2,340)	183,617	175,659

* 2021-22 restated to reflect a correction to the categorisation of revaluation gains and losses

As these tables demonstrate, we ensure that the resources available to COPFS are maximised and spent in accordance with our Strategic Plan.

During 2022-23 an updated scheme of financial delegation was put in place which balanced the requirement to manage our resources corporately with a sufficient degree of local accountability and incentives.

COPFS received £13m additional funding to deliver the planned court recovery programme alongside Justice partners and £2.2m to investigate COVID-19 deaths. Funding was also provided to enable COPFS to implement the second year of the three-year implementation of the pay parity agreement with Scottish Government and Trade Unions to bring COPFS pay into line with equivalent Scottish Government posts. 2023-24 will see the third and final year of implementation.

COPFS progressed the delivery of its Digital Strategy and transformation programmes, maximising its use of technology to modernise, develop and transform corporate, case management and stakeholder and public facing systems and services. Core projects delivered or progressed include:

- Improvements to our Digital Workplace solutions to further equip our people to work productively and collaboratively from the office, home or from any secure connected location and supporting our Future Ways of Working;
- Working with our partners to launch the Digital Evidence Sharing Capability (DESC) pilot in Dundee in January 2023 to digitally transform how evidence is managed across the justice system. The pilot focuses on summary cases and collecting public and private space digital evidence such as CCTV. Further development work is ongoing to prepare for national implementation on successful conclusion of the DESC pilot;
- Development of a new Witness Gateway digital portal to improve services to victims and witnesses for evaluation from June 2023 and phased national release over 2023 as part of the Vision for Justice in Scotland delivery plan;
- Launching a new COPFS website to improve access to our information and services online;
- Completing development of our new Defence Agent Service (DAS) digital portal (coordinated for release over 2023 in line with the DESC programme) to provide online access for solicitors to digital services and information about cases to allow them to engage with prosecutors to prepare and resolve cases;
- Developing our Case Management systems in our journey to full digital casework, including implementing an innovative new Electronic Reporting to Crown Counsel digital casework solution and deploying a new version of our Case Management in Court (CMiC) digital application for use in Sheriff and Jury cases, with ongoing development work to implement CMiC for use in High Court cases;
- Implementing a new Human Resources digital system and further Corporate Applications to replace manual and paper-based processes;
- Enhancing our IT infrastructure, extending support provisions and improving the resiliency of our digital systems and information services in the event of major loss or impact to our systems;
- Innovating our corporate telephony systems to improve communications and collaboration across the organisation and to users of our public facing National Enquiry Point service;

Total property, plant and equipment and intangible asset additions in the financial year were £7.1m (2021-22: £9.2m) in respect of capital refurbishments and investment in IT, to support the internal delivery of all our objectives (notes 4 and 5 on pages 97 to 100).

Payment policy and performance

COPFS requires that all suppliers' invoices not in dispute are paid within the terms of the relevant contract. COPFS aims to pay 100% of invoices, including disputed invoices once the dispute has been settled, on time in accordance with those terms. Beyond this, in line with the Scottish Government, COPFS has, for many years, had a target for payment within 30 days.

In 2022-23 performance against the 30 day target was **99.92%** (2021-22: 99.76%).

COPFS also aspires to pay all undisputed invoices within 10 working days. During 2022-23 COPFS paid **99.81%** within the 10 day period (2021-22: 99.41%).

99.92%

99.81%

In 2022-23, in line with the government policy, no interest was paid under the terms of the Late Payment of Commercial Debt (Interest) Act (2021-22: Nil).



Principal risks and uncertainties facing the business

COPFS manages risk in accordance with recognised best practice (based on processes used across the Scottish Government). There is a corporate level Risk Register which is reviewed by our Risk Management Group (drawing information from lower-level registers within COPFS). The Group reports to our Executive Board and the Audit and Risk Committee to provide assurance that risks are being managed appropriately.



During 2022-23 we have re-evaluated the risks that we, as an organisation, require to manage. The key risks identified were:

- a. Insufficient resource to enable COPFS to meet its statutory and policy obligations and meet public expectations;
- b. Inadequate leadership and management of COPFS staff;
- c. Poor wellbeing and low morale of COPFS staff;
- d. Insufficiently skilled or experienced COPFS people available to meet current public expectations, and to strengthen our capacity to change and improve services;
- e. Decline of organisational performance and service delivery;
- f. Inadequate digital resource and capital investment;
- g. Inadequate contingency planning;
- h. Ineffective stakeholder engagement.

For each of these corporate risks, controls have been established to reduce the potential impact of the risk and its consequences, with a programme of further mitigating actions – over the short and medium term – to reduce residual risk to an acceptable tolerance. Each corporate risk has been assigned to a ‘risk owner’ who reports to the Risk Management group on the progress of securing achievement of that acceptable tolerance. We also continue to monitor the prolonged effects of the COVID-19 pandemic as well as impacts of the United Kingdom’s withdrawal from the European Union.

We have been involved in civil litigation brought against the Lord Advocate by individuals prosecuted in connection with the acquisition and administration of Rangers Football Club. Some cases have resolved with sums paid to pursuers as at 31 March 2023 totalling £51.7m (includes compensation and pursuers’ legal fees over multiple years), and other cases remain before the court. This is a highly complex matter in which the Inner House of the Court of Session has clarified the law on the common law immunity from suit of the Lord Advocate in exercising their prosecutorial function. In February 2021 the Lord Advocate made a statement in the Scottish Parliament about this matter and has committed to further public accountability and to a process of inquiry once all litigation has concluded (see note 10 to the accounts on page 103).

People and capability

COPFS' **People Strategy** was published in May 2021 to cover the period 2021-23, taking account of how COPFS employment practices and people initiatives would operate in the post-pandemic period, including

- i. Work priorities, strategic workforce planning and future ways of working (agile and hybrid approaches);
- ii. How we develop the skills and talents of our people; and
- iii. A focus on wellbeing and engaging with employees.

A review of this strategy is underway with a renewed strategy planned for 2023-27.

Recruitment

COPFS has simultaneously been recruiting externally and promoting internally to fill vacancies as they arose in existing and additionally funded posts as a result of a 12% increase in resource budget announced by the Scottish Government to address court backlogs as part of the Court Recovery Programme, under the wider Justice Recover, Renew, Transform Programme. Additional staff were recruited during 2021-22 and 2022-2023 to address court backlogs. As at the end of March 2023, COPFS employed 2,305.44 FTE (FTE including agency staff is 2,326.44), 678.98 FTE of the total number are qualified lawyers, which is a record level. The Service also employs 60 trainee solicitors and 23 Modern Apprentices. This has been an increase of 3.82% staff in post when compared to the 2,220.7 FTE at the end of March 2022. Approximately 81.5% of the Service's 2023-24 resource budget is expected to be spent on payroll costs, compared to 77% in 2021-22 which shows 2022-23 as a record year. This continued increase is testament to a rigorous focus on reducing non-staff expenditure through efficiency gains and COPFS commitment to maintain and increase staffing levels to cope with increased workload brought about by increase of serious crime caseload, implementation of new legislation creating new offences and continually increasing complexity of cases.

Staff engagement

The annual Civil Service People Survey looks at civil servants' working lives, and experience of working in government departments. All COPFS employees are encouraged to take part in this survey. The overall engagement index score although slightly lower at 65% in 2022 from 66% in 2021 mirrors the overall Civil Service engagement benchmark figure. We continue to endeavour to engage with our employees considering their views to improve on this.

Organisational efficiency

COPFS' Business Plan 2022-23 committed to continuing the organisational efficiency programme. The following are some of the examples of achievement:

- a. Delivering casework reform and improvement programmes, including how we prepare and conduct summary cases by resolving more at an earlier stage by providing advanced disclosure of key evidence where possible;
- b. Expanding our Case Management in Court applications to enable digital presentation in court for Sherriff and Jury cases and implementing innovative digital solutions to improve casework processes and enhance decision support;
- c. Enhancing our digital systems resiliency and support capabilities;
- d. Modernising our corporate telephony systems to deliver integrated communications and collaboration solutions across the organisation and to improve the delivery of services to users of our National Enquiry Point service;
- e. Undertaking a comprehensive review of Victim Information and Advice (VIA) services to deliver an improved service to victims, witnesses and next of kin and support the effective preparation of casework and prosecution of crime;
- f. Future Ways of Working project working closely with the Human Resources, Digital and Estates teams to embed policies, plans and solutions to support an agile and dynamic workforce operating in a changing justice system landscape managing complex casework and delivering court recovery and reform programmes;
- g. Implementing new ways of working arrangements for staff to make COPFS more effective and bring wellbeing, organisational efficiency and carbon reduction benefits;
- h. Implementing a new COPFS website to improve access to our information and services online and further digital applications to improve business efficiency by replacing manual and paper-based processes.
- i. In September 2022 a judicial-led Summary Case Management pilot was established in Dundee, Hamilton and Paisley sheriff courts. The aim of the pilot is to reduce the number of unnecessary hearings by focussing on the early disclosure of evidence, increasing the percentage of cases resolved at an earlier stage and reducing the number of witnesses cited.

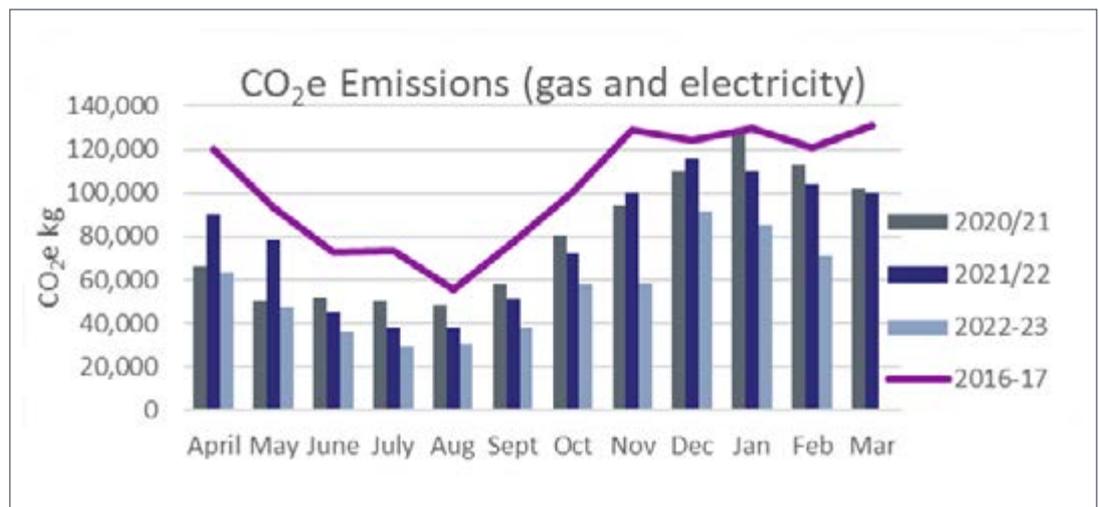
Environmental and sustainability

Energy and Carbon Performance

COPFS continues to exceed its target to reduce CO₂e emissions from the use of gas and electricity in its buildings by over 2.5% per year from the baseline year of April 2016 to March 2017 with emissions reduced by 50% by the end of March 2023 and 35% on April 2021 to March 2022. A large part of this reduction is due to an increase in national renewable energy generation. A reduction in electricity consumption of 8% has also contributed towards this efficiency.

Gas usage has increased compared to the baseline year by 9% but is down 28% on the previous financial year. This is due to the need to run ventilation at enhanced levels in accordance with COVID-19 pandemic guidelines which has caused a significant increase in heat demand as the supply air then needs to be heated to maintain comfortable internal temperatures. The table below details the consumption changes from the baseline year and from last year with the following graph showing emissions.

	Year to date vs Baseline year of 2016-17	Year to date vs Previous Year
Electricity	-24	-8
Gas	9	-28
CO₂e	-35	-50



Note:

CO₂e – Carbon dioxide equivalent emissions.

Electricity generation in the UK from renewable sources has increased and now accounts for almost 50% of generation. Without this change generation emissions would have increased by 12% on the baseline.

Projects

COPFS successfully applied for grant funding from the Scottish Government Energy Efficiency Grant Scheme for two projects. The first project will fund a complete low carbon retrofit of the Elgin COPFS office. This includes full insulation of walls, the roof and new high-performance triple glazed windows and the gas-based heating system will be replaced with an electrically powered system. This building will therefore be Zero Carbon Ready for when the grid electricity is generated from 100% renewable sources.

The second grant will fund the first phase of a two-phase project to complete a similar low carbon retrofit of Edinburgh Crown Office. The first phase of the project includes full insulation of the walls and roof and secondary glazing, significantly reducing heating requirements which will allow a low carbon heating system to be installed in the future.

Staff Travel Survey

A staff travel survey completed in the previous financial year revealed that, approximately, carbon emissions resulting from commuting were down from 2,329 tonnes to 853 tonnes a reduction of 1,476 tonnes of CO₂e compared to before the COVID-19 pandemic. To put this in context, it is estimated that the carbon emissions resulting from running our buildings, business travel and waste management in 2020-21 was 978 tonnes, illustrating that working from home has a significant impact on reducing our carbon footprint. A further survey is planned for 2023-24 to measure our ongoing commitment to sustainability.

Electric Vehicles (EV)

In our commitment to transitioning to electric vehicles across our estate we have installed EV charging stations which has supported our commitment towards transitioning to an electric fleet, aligned to the Scottish Government targets. To date we have purchased and received six electric vehicles with another six expected to be received before the end May 2023. Although we may not transition fully to electric vehicles by 2025, we will retain only electric or hybrid vehicles by the target date.

Climate Change Working Group

A climate change working group has been convened and has developed an Environmental and Sustainability Policy. The group will now propose targets, develop an action plan and communication plan to implement the policy. The group has revised the membership to include representatives from the operational transformation teams who will consider sustainability during process reviews.

John Logue

Accountable Officer

31 August 2023

The Accountability Report

Directors' report

Our priorities

COPFS' priorities contribute directly to the outcomes of the Scottish Government's Justice Vision and Priorities in which the vision is of a safe, just and resilient Scotland. This aims to deliver a justice system that contributes positively to a flourishing Scotland, helping to create safe, cohesive and resilient communities, in which prevention and early intervention improve wellbeing and life chances and systems and interventions are proportionate, fair and effective. We do this by working collaboratively with other parts of the justice system to deliver this overarching justice vision.

In 2022-23 our priorities and objectives are detailed in the Performance review and remained valid throughout the COVID-19 pandemic.

Our published targets are set by the Executive Board and are monitored regularly by the Operational Performance Committee of the Executive Board, with corrective action put in place should it appear that delivery of the targets might be at risk.



Delivering our objectives

COPFS has an operational structure designed to ensure that the focus remains on the delivery of our objectives and a high-quality service for the people of Scotland. COPFS is divided into Functions, each led by a Deputy Crown Agent:

Local Court	Comprising Initial Case Processing and all prosecutions in the Sheriff and Justice of the Peace Courts;
High Court	Comprising the High Court Unit which indicts cases going to trial and the Sexual Offences, Homicide and Major Crime teams which investigate cases before they are indicted for trial;
Specialist Casework	Comprising the Appeals Unit, the Scottish Fatalities Investigation Unit, the Covid Deaths Investigation Team, the Health and Safety Investigation Unit, the Serious and Organised Crime Unit, the Proceeds of Crime Unit, the Civil Recovery Unit, the Wildlife and Environmental Crime Unit and the Criminal Allegations Against the Police Division; and
Operational Support	Comprising Business Services, covering Information Services, Human Resources, Estates, Finance and Procurement, and Policy and Engagement.

The governance structure, with the Executive Board, chaired by the Crown Agent and Chief Executive, focuses on strategic decision-making with more routine decision-making delegated to three Committees of the Board: the Operational Performance, the Business Process Improvement and Resources Committees. These Committees are responsible for delivering the Objectives and those strategies supporting delivery.

This structure allows us to focus on ensuring that we can continue to deliver improving levels of service, investigate and present cases in court effectively, secure best value and provide a better environment for staff. We have done this in a number of ways.

We have been seeking to reduce non-staff running costs as far as possible and improve efficiency in order to minimise any impact on our staff numbers. 81% of the Service's 2022-23 budget (excluding litigation costs) was spent on payroll costs, up from 77% in 2021-22 and being a record high. Our largest non-staff costs are our estate and forensic pathology. We continued to secure Best Value in both by taking opportunities to rationalise or share our estate and to restructure contracts with our forensic pathology providers.

Digital technology provides the opportunities to further transform the delivery of user focussed services and to improve the way our organisation works. We have already made significant strides towards delivering digitally, including digitally equipping the organisation to function effectively and supporting remote and new agile ways of working; to electronically exchange data with the Police Service of Scotland and COPFS and with defence agents, the courts, the National Health Service (NHS) (for medical records and reporting deaths); and for our digital casework systems to process, manage and present cases in court. Our Digital Strategy underpins further work and innovation to maximise our use of digital technology to improve the way we work and to transform public facing services, including services to support victims and witnesses, disseminate information to defence agents and other digital technology enabled service improvements. We also continue enhancing our digital systems infrastructure and business resiliency capabilities.

We are continually reviewing contracts to identify the scope for savings there might be, whether through improved contract management, new contracts or re-letting contracts. Savings realised on 315 procurement contracts in 2022-23 amounted to £991k cash savings and £339k non-cash savings, giving total savings of £1.33m.

There were no compulsory redundancies in 2022-23, in line with the Scottish Government's policy. In accordance with our medium-term financial planning, we replaced all relevant staff that left the Service voluntarily through natural turnover during 2022-23.

We promoted the wellbeing of our staff by continuing the implementation of the Future Ways of Working (FWOW) project to promote more flexible working arrangements for our staff including the launch of the Agile Working Policy.

Constraints

The COPFS caseload is demand-led with time limits for action set by statute or policy, although these were revised in light of the COVID-19 pandemic. There are however a number of constraints that have to be taken into account.

- a. COPFS must comply with the Scottish Government public sector pay policy, including the commitment to no compulsory redundancies;
- b. The inflation rate remains at a historically high level and costs in some sectors, notably information technology, continue to increase at a substantially higher rate; and
- c. Given the medium-term outlook for public expenditure it is expected that further year on year real terms reductions in resources will be required following 2023-24.

Details of Ministers, Directors and Senior Officers

COPFS Ministers and their responsibilities were:

Lord Advocate, Rt Hon Dorothy Bain KC, **Senior Scottish Law Officer**, Head of the systems of criminal prosecution and investigation of deaths in Scotland.

Solicitor General, Ms Ruth Charteris KC, **Deputy to Lord Advocate**.

The Executive Board

The Executive Board met 8 times during the year. The number of meetings attended by each member of the Board is shown below.

Members of the Executive Board during the year were:

Name	Role	Number of meetings attended during the year
David Harvie	Crown Agent and Chief Executive – Accountable Officer (Chair) (until September 2022)	4/4
John Logue	(Interim) Crown Agent and Chief Executive – Accountable Officer (Chair) (from September 2022)	4/4
John Logue	Deputy Crown Agent Local Court (until September 2022)	2/4
Stephen McGowan	Deputy Crown Agent Serious Casework	7/8
Lindsey Miller	Deputy Crown Agent (on secondment to UK Government)	1/8
Anthony McGeehan	Deputy Crown Agent Operational Support	7/8
Jennifer Harrower	Deputy Crown Agent Local Court	3/4
Marlene Anderson	Director of Finance and Procurement	7/7
Sarah Carter	Director of Human Resources	7/7
Keith Dargie	Head of Business Services	8/8
Robert Tinlin	Non-Executive Director (until December 2022)	5/6
Fiona McLean	Non-Executive Director (until December 2022)	6/6
Annie Gunner Logan	Non-Executive Director	7/8
David Watt	Non-Executive Director	8/8
Vanessa Davies	Non-Executive Director	7/8

* Number of meetings attended/Number of meetings planned due to date of members leaving or joining the Executive Board.

Non-Executive Directors

Non-Executive Directors (NXDs) bring an external perspective to the consideration of corporate management issues such as staffing, planning, budget monitoring, training and development, accommodation strategy and relations with stakeholders.

The executive board includes a number of NXDs, the Risk Management Group is chaired by a NXD and the COPFS and KLTR Audit and Risk Committee comprises three NXDs.

NXDs who served during 2022-23 are detailed below:

Non-Executive Directors	Period of Services	Register of interests
Annie Gunner Logan	Appointed a NXD by the Permanent Secretary on 1 April 2017 and has been a member of the Executive Board as a COPFS NXD from 13 February 2019. Appointed as an NXD by the Crown Agent in January 2022 and is a member of the Executive Board and Business Process Improvement Committee. Joined the Audit and Risk Committee in January 2023.	<ul style="list-style-type: none"> • Non-executive member of the Board of NHS Education for Scotland since November 2021 • Scottish Government non-executive director since 2014
Robert Tinlin	Appointed a NXD on 1 January 2018 by the Crown Agent and is a member of the Executive Board. Was Chair of the Audit and Risk Committee from May 2018 and was a member of the Operational Performance Committee. Left December 2022.	<ul style="list-style-type: none"> • Director of Towler Tinlin Associates Limited • Non-executive Board Member of the Comptroller and Auditor General for Jersey Board of Governance

Non-Executive Directors	Period of Services	Register of interests
David Watt	Appointed a NXD by the Crown Agent on 1 January 2018 and is a member of the Audit and Risk Committee and chairs the Risk Management Group. Joined Executive Board in January 2022.	<ul style="list-style-type: none"> • Independent member of Audit & Risk Committee at University of Glasgow until January 2023 • Trustee and chair of Audit Committee at Quarriers • Member of Board of Management and chair of Audit Committee at Glasgow Clyde College • Member of Scottish Parliamentary Corporate Body Advisory Audit Board • Member of the Advisory Audit Boards of the Scottish Public Services Ombudsman, Commissioner for Ethical Standards in Public Life in Scotland, Scottish Biometrics Commissioner, Scottish Human Rights Commission, Scottish Information Commissioner • Trustee of various component entities of The Church of Scotland

Non-Executive Directors	Period of Services	Register of interests
Fiona McLean	Appointed a NXD by the Crown Agent on 1 January 2018 and was a member of the Executive Board and Resources Committee. Left December 2022.	<ul style="list-style-type: none"> • Non executive director at Cairngorms National Park Authority • Non executive director at Historic Environment Scotland • Rector of the University of the Highlands and Islands (from August 2021) • Member of the Committee for Scotland of the National Heritage Lottery Fund (from November 2021)
Vanessa Davies	Appointed a NXD by the Crown Agent on 1 January 2019 and joined the Executive Board in January 2022. Chair of the Audit and Risk Committee from January 2023.	<ul style="list-style-type: none"> • Trustee at General Medical Council; • Lay member at House of Lords Conduct Committee • Trustee at Law for Life • Governing Bencher at the Honourable Society of the Inner Temple • Board member at Quality Assurance Agency for Higher Education • Decision maker for complaints against Ministers and former Ministers, Scottish Government

Governance statement

Purpose of the governance statement

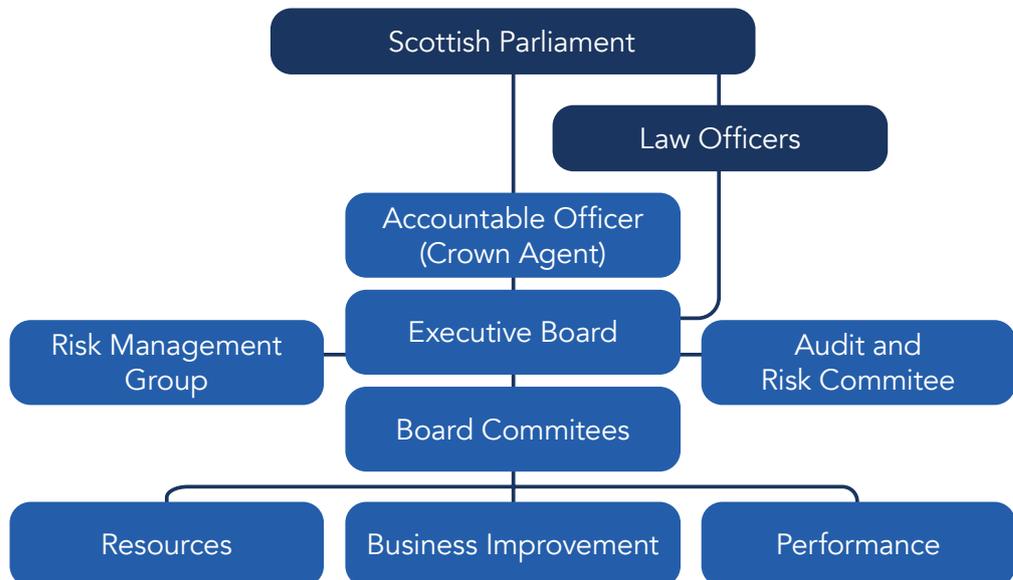
The Governance Statement is intended to not only outline the COPFS governance framework but to comment on its effectiveness.

Scope of responsibility

As Accountable Officer for COPFS (under the terms of the Public Finance & Accountability (Scotland) Act 2000), I am responsible for ensuring that appropriate arrangements are in place for governance and that these arrangements support the Scottish Government's Purpose and the achievement of Law Officers' policies, aims and objectives. This includes maintaining an adequate and effective system of internal control, which supports the achievement of COPFS's policies, aims and objectives, whilst safeguarding the public funds and assets for which I am personally responsible in accordance with the responsibilities assigned to me.

COPFS's governance framework

COPFS's Governance Framework comprises the systems, processes, culture and values by which it is directed and controlled. It enables the organisation to monitor the achievement of its strategic objectives and to consider whether those objectives have led to the delivery of appropriate services and value for money. The framework structure is, as described below.



COPFS complies with the principles of corporate governance as outlined in the Scottish Public Finance Manual, the Civil Service Code; relevant elements of the Good Governance Standard for Public Services produced by the Independent Commission on Good Governance in Public Services.

The Scottish Public Finance Manual (**SPFM**) is issued by the Scottish Ministers to provide guidance to the Scottish Government and other relevant bodies on the proper handling and reporting of public funds. The SPFM is supplemented, within COPFS, by the Finance Manual – Making the Most of Our Money booklets which provide more detailed guidance relevant to COPFS.

Law Officers

The Law Officers set the strategic priorities for COPFS, set prosecutorial priorities and approve the Strategic Plan and Objectives for COPFS. The Lord Advocate is the senior Scottish Law Officer. The Lord Advocate is head of the systems for the prosecution of crime and investigation of deaths in Scotland; and exercises those functions independently of any other person. All prosecutions on indictment run in the Lord Advocate's name. The Lord Advocate also has a number of statutory functions, including in relation to extradition and mutual legal assistance with other jurisdictions.

Crown Agent

The Crown Agent is Head of Service and accountable to the Law Officers for the delivery of efficient and effective prosecution of crime and investigation of deaths, in accordance with their priorities and prosecutorial policies. The Crown Agent is the Accountable Officer for COPFS and, as such, is answerable to the Scottish Parliament for the regularity and propriety of COPFS' finances and the stewardship of public monies.

Executive Board

The Executive Board provides strategic leadership to COPFS and is collectively responsible for delivering COPFS's vision, aim and objectives. The Executive Board included three Non-Executive Directors over the year and its role is the provision of advice, challenge, support and assurance to the Crown Agent, with a focus on:

- performance and outcomes;
- people and capability;
- finance and risk;
- organisational efficiency;
- corporate wellbeing; and
- COVID-19 pandemic recovery.

The Executive Board has the following 3 Sub-Committees, each chaired by a Deputy Crown Agent.

The Resources Committee

Responsible for ensuring resources are managed properly across the Service. The Committee includes Finance, Human Resources and Estates and has a sub-committee focusing on workforce planning.

The Business Process Improvement Committee

Responsible for monitoring project and programme delivery, in particular the Improvement Programme, major investment projects and policy changes.

The Operational Performance Committee

Responsible for the oversight of performance and delivery of targets, including implementation and reaping the full benefits of the Improvement Programme and wider justice system initiatives, delivery and efficiency of front-line operations and coordination of engagement with key stakeholders.

Additional Committees

The Audit and Risk Committee (ARC)

The ARC, which comprises three Non-Executive Directors, supports the Accountable Officer in his responsibilities for issues of risk, control and governance over their respective organisations. The ARC is chaired by a Non-Executive Director.

Each year the ARC meets quarterly with additional meetings to consider and approve the Annual Report and Financial Statements. The Committee met five times during 2022-23. Members of the ARC attend the Executive Board, providing feedback on the last ARC meeting.

Risk Management Group (RMG)

The RMG is responsible for ensuring that risk is managed at corporate level and below. It is chaired by a Non-Executive Director and includes a senior representative from each function. The meeting cycle is aligned to the Audit and Risk Committee meetings and reviews each risk on a rolling programme in conjunction with the relevant risk owner, who attends RMG for that purpose. Page 24 provides more details on the risks faced by the organisation.

Data security framework

Given the nature of COPFS's business, data security is one of the most significant risks that the organisation faces, COPFS has policies and related guidance on information risks to ensure that it meets prescribed information assurance standards and requirements. Strategic risks incorporate this significant risk. All security incidents are reported to the Departmental Security Committee. Any which could result in the loss or potential loss of data are dealt with in accordance with COPFS Policies and Procedures. Staff training and relevant disciplinary procedures are in place to underpin COPFS's data security framework.

Counter fraud activity

Fraud, including the misuse of data is another key risk which is incorporated into the strategic risks. COPFS has a whistle-blowing framework, which explains to staff what they should do in the event that they have concerns. This is outlined in Making the Most of our Money Booklet Number 10 – Fraud and Whistle Blowing, and provides the contact details of an independent (Scottish Government) contact as well as those of senior COPFS staff.

COPFS also participated in the last National Fraud Initiative exercise led by Audit Scotland and will continue to do so going forward.

Internal Audit

Each year a programme of internal audit work is conducted by the Scottish Government Internal Audit Directorate. The annual audit plan is agreed by the Audit and Risk Committee ahead of the start of the financial year.

In financial year 2022-23 SG Internal Audit completed two main audits which were:

- a. Cyber Resilience; and
- b. COPFS Response to the Pandemic.

The final Annual Assurance Report was presented at the May 2023 Audit and Risk Committee meeting and the overall opinion on COPFS risk management, control and governance arrangements during the year was Reasonable Assurance.

In addition to this, Internal Audit facilitated an independent Gateway Review of Forensic Pathology and Mortuary Services which had a Red Delivery Confidence Assessment. A detailed action plan was agreed based on the Review's recommendations with a follow-up Gateway Review in 2023-24. This follow up review has been carried out and the assessment remains red.

Each audit provides a level of assurance ranging from Insufficient to Substantial. These are reviewed and discussed at the Audit and Risk Committee. The levels of assurance show the following:

- Insufficient Assurance – controls are not acceptable and have notable weaknesses;
- Limited Assurance – controls are developing but weak;
- Reasonable Assurance – controls are adequate but require improvement; and
- Substantial Assurance – controls are robust and well managed.

Review of effectiveness

As Accountable Officer, I also have responsibility for reviewing the effectiveness of the system of internal control. My review is informed by:

- The Executive Board considers the direction of COPFS's planned changes and operational performance;
- An Audit and Risk Committee whose membership is comprised entirely of Non-Executive Directors, one of whom chairs the meetings and reports to the relevant Scottish Government Audit and Assurance Committee on any significant problems with wider implications;
- An annual Assurance Mapping exercise is carried out and reported to Audit and Risk Committee. Assurance Mapping is a structured means of identifying and mapping the main sources and types of assurance, across four lines of defence, and coordinating them to best effect. The framework seeks to provide sufficient, continuous and reliable evidence of assurance over 15 disciplines on organisational stewardship and the management of the major risks to organisational success and delivery of improved, cost-effective services. Each level of assurance for every area is RAG (red, amber, green) rated and for 2022-23 all levels and areas of assurance were assessed as Green (effective) ratings;
- A comprehensive set of Certificates of Assurance and supporting checklists which did not include any issues of note which were not addressed. These were provided by each of the Function Leaders and Corporate Services Group Directors/Heads. Certificates are supported by an Internal Control Checklist which covers 14 areas of control e.g. Financial Management, Risk Management, Fraud Prevention and Detection. All Certificates of Assurances were received with no significant failings noted that had not been addressed;
- The work of our internal auditors, who submit to the Audit and Risk Committee regular reports which include Internal Audit's independent opinion on the adequacy and effectiveness of COPFS's systems of internal control together with recommendations for improvement; and
- Comments made by the external auditors in their management letter and other reports.

Appropriate action is in place to address any weaknesses identified and to ensure the continuous improvement of the system.

Significant governance issues

During 2022-23 there were a total of 134 reported breaches involving personal data and data handling. After investigation five instances were considered as security breaches and were reported to the ICO. All breaches were dealt with in accordance with COPFS Disciplinary Policies and Procedures. Of the five instances reported to the ICO, four resulted in no action with the remaining one awaiting decision.

Conclusion

Overall in 2022-23 no other significant control weaknesses or issues have arisen, and no significant failures have arisen in the expected standards of good governance, risk management and control. The systems have been in place for the year under review and up to the date of approval of the annual report and accounts. As Accountable Officer, I am satisfied with the adequacy of the internal control and governance arrangements of COPFS.

Under the terms of the Public Finance & Accountability (Scotland) Act 2000 there is a statutory duty on the Principal Accountable Officer and designated Accountable Officers to obtain written authority from, as the case may be, Ministers or governing boards before taking any action which we consider to be inconsistent with the proper performance of our functions as Accountable Officers.

No such written authority was required during the 2022-23 financial year, or the period up to signature of the accounts.

Statement of the Accountable Officer's responsibilities

Under the Accounts Direction issued in accordance with section 19(4) of the Public Finance and Accountability (Scotland) Act 2000, COPFS is required to prepare for each financial year resource accounts detailing the resources acquired, held or disposed of during the year and the use of resources by COPFS during the year.

The accounts are prepared on an accruals basis and must give a true and fair view of the state of affairs of COPFS and of its net resource outturn, application of resources, changes in taxpayers' equity and cash flows for the financial year.

In preparing the accounts, the Crown Agent and Chief Executive, as the Accountable Officer, is required to comply with the requirements of the Government Financial Reporting Manual and in particular to:

- observe the Accounts Direction issued by the Scottish Ministers in accordance with section 19(4) of the Public Finance and Accountability (Scotland) Act 2000 including the relevant accounting and disclosure requirements, and apply suitable accounting policies on a consistent basis;
- make judgements and estimates on a reasonable basis;
- state whether applicable accounting standards as set out in the Government Financial Reporting manual have been followed, and disclose and explain any material departures in the accounts;
- prepare the accounts on a going concern basis; and
- confirm that the Annual Report and Accounts as a whole is fair, balanced and understandable and take personal responsibility for the Annual Report and Accounts and the judgements required for determining that it is fair, balanced and understandable.

The Permanent Secretary has appointed the Crown Agent as Accountable Officer of COPFS (see Service appointments/Contracts on page 51). The responsibilities of an Accountable Officer, including responsibility for the propriety and regularity of the public finances for which the Accountable Officer is answerable, for keeping proper records and for safeguarding COPFS's assets, are set out in Managing Public Money published by the HM Treasury.

As the Accountable Officer, I have taken all the steps that I ought to have taken to make myself aware of any relevant audit information and to establish that COPFS's auditors are aware of that information. So far as I am aware, there is no relevant audit information of which the auditors are unaware.

John Logue

Accountable Officer

31 August 2023

Remuneration and Staff Report

Remuneration and staff report

Remuneration policy

COPFS has a separate pay bargaining unit under Scottish Government Pay Policy and negotiates pay levels within guidance and limits determined by Scottish Government for posts excluding those of the Senior Civil Service. The level of remuneration received by all members of staff is dependent on satisfactory performance. The standards required are outlined in our performance management system and staff are appraised on an ongoing basis with formal in-year and year-end reviews. All staff are subject to performance appraisal.

In 2021, the Scottish Government agreed to provide funding to address pay parity between COPFS and the Scottish Government. The pay parity agreement is being implemented over a 3-year period with year one payment effective from 1 April 2021 and year 2 effective from 1 April 2022.

Employment policies

Staff relations and equal opportunities

COPFS is committed to applying equality and diversity principles for our staff and our service users. We are committed to building a workforce of people with a wide range of backgrounds, perspectives, and experiences, who are valued for their unique contributions in a work environment, that is respectful and free from discrimination, harassment or bullying.

COPFS adheres to the Civil Service Recruitment Principles and is regularly audited by the Civil Service Commission.

We continue to work closely with our staff equality networks obtaining advice and insight as to how we can achieve our aspiration to have a workforce that is truly representative of the population of Scotland. We have worked in partnership with our equality networks to further develop our approach to corporate equality strategies, with a focus on race and disability.

We continue to build on improvements to mainstream and embed diversity and inclusion by developing and testing improvements in recruitment and wellbeing support, particularly in terms of disability and race.

We continue to develop and implement our business plans with inclusion an integral element. The Equality Board, which is chaired by a Deputy Crown Agent, meets quarterly. This board shares good practice around diversity and inclusion at both a local and national level ensuring that this is embedded into our day-to-day processes and practices; the Board approved three key policies that were published this year. These were the Carers Policy, the Menopause Policy and the Gender Based Violence Policy.

The number of employees identifying as being from a minority ethnic background has increased from 3.69% employees in March 2022 to 5.7% as at 31 March 2023. We continue to monitor recruitment and retention outcomes to measure the success of our policies.

COPFS is a 'Disability Confident' employer. As at 31 March 2023 there were 153 (6.30%) employees declaring a disability which is higher than the 132 (5.61%) reported as at 31 March 2022. One of the support features for employees with a disability, whether to support mental or physical health, disability or well-being, is our Workplace Adjustment Passport – this ensures that employees with agreed reasonable adjustments who move to different areas of the business or team can do so without having to re-explain or renegotiate adjustments previously agreed.

The average number of days lost due to sickness absence in 2022-23 was 11 days per employee. We recorded 10.9 days in 2021-22 and 6.6 days in 2020-21. This is routinely analysed and discussed by senior management and the Corporate Health and Wellbeing Committee. COPFS is working with See Me Scotland to become a See Me in Work partner; this recognises COPFS's commitment to tackling mental health stigma and discrimination in work. A See Me audit was undertaken in 2022-23 and the resulting Implementation Plan will be actioned during 2023-24.

We retained our silver **ENEI Tide Benchmarking** (Employers Network for Equality and Inclusion) accreditation in 2022.

We make significant investment in the development of all our staff. Development and learning is quality assured and, whenever possible, externally accredited.

Employment of Disabled People

COPFS adheres to the Civil Service Recruitment Principles and good practice in employing disabled people. As such, our practice is regularly audited by the Civil Service Commission. We are part of the Positive about Disabled People scheme. The average number of disabled employees employed by COPFS in 2022-23 was 153 (2021-22: 132). We use a Workplace Adjustment Passport (WAP) to support our colleagues. The WAP captures all workplace adjustments for COPFS employees who need them, whether to support mental or physical health, disability, or wellbeing.

Employee Consultation and Communication

COPFS is committed to communicating effectively with, and engaging, its employees. The 3-year COPFS Employee Engagement Strategy was published in August 2020 and is based on the 'engaging for success' model, which identified "four enablers of employee engagement":

- a strong strategic narrative;
- engaging managers;
- employee voice;
- organisational integrity.

These are COPFS' engagement principles.

COPFS aims to keep communications simple, relevant, and clear. We take advantage of available technology to ensure the most appropriate channel is used. In 2022-23 we have continued to use Connect, our new and accessible intranet. We have also started to use our new corporate social platform, Yammer where over 800 users have been active in the last five months of the financial year.

COPFS works in partnership with its employees, staff equality networks, and trade unions to create an inclusive environment where the COPFS values of being professional and showing respect are reflected in the actions of all employees. The achievements of equality networks and ambassadors, and individual contributions to equality innovation and community engagement outreach were recognised at COPFS' annual Equality Conference in November 2022. There were 19 nominees for the John Dunn award for demonstrating genuine care and thoughtfulness towards a colleague or colleagues.

COPFS employees continued to cope well with the challenges presented by the coronavirus pandemic. Learning from the pandemic was incorporated into the Agile Working Policy, launched in October 2021. The policy was developed through extensive consultation with employees, managers, trade union partners and Future Ways of Working Champions and offers employees more flexibility and choice about where and when they work.

Service Contracts/Appointments

Executive Directors of the Executive Board

The Constitutional Reform and Governance Act 2010 requires Civil Service appointments to be made on merit on the basis of fair and open competition. The Recruitment Principles published by the Civil Service Commission specify the circumstances when appointments may be made otherwise.

Further information about the work of the Civil Service Commissioners can be found at [Civil Service Commission](#).

The appointment of the Crown Agent and Chief Executive was approved on an interim basis by the outgoing Crown Agent in September 2022. A permanent appointment in line with Civil Service processes will be made in 2023-24. The permanent appointment is for an indefinite period under the terms of the Senior Civil Service contract and may be terminated under the terms of the Civil Service Management Code.

The staff members of the Executive Board covered by this report hold appointments which are open-ended. The rules for termination are set out at Chapter 11 of the Civil Service Management Code. Early termination, other than for misconduct, would result in the individual receiving compensation as set out in the Civil Service Compensation Scheme.

Pensions

Pension benefits are provided through the Civil Service pension arrangements, comprising the Principal Civil Service Pension Scheme (PCSPS) and Civil Service and Others Pension Scheme (CSOPS).

The Principal Civil Service Pension Scheme (PCSPS) is an unfunded, multi-employer, defined benefit scheme as permitted under IAS 19, but COPFS is unable to identify its share of the underlying assets and liabilities. The scheme actuary valued the scheme as at 31 March 2016. You can find details in the resource accounts of the Cabinet Office: Civil Superannuation (<http://www.civilservicepensionscheme.org.uk>).

From 1 April 2015 a new pension scheme for civil servants was introduced – the Civil Servants and Others Pension Scheme or alpha, which provides benefits on a career average basis with a normal pension age equal to the member's State Pension age (or 65 if higher). From that date, all newly appointed civil servants and the majority of those already in service joined alpha. Prior to that date, civil servants participated in the Principal Civil Service Pension Scheme (PCSPS). The PCSPS has four sections: three providing benefits on a final salary basis (classic, premium or classic plus) with a normal pension age of 60; and one providing benefits on a whole career scheme (nuvos) with a normal pension age of 65.

These statutory arrangements are unfunded with the cost of benefits met by monies voted by Parliament each year. Pensions payable under classic, premium, classic plus, nuvos and alpha are increased annually in line with Pensions Increase legislation. Existing members of the PCSPS who were within 10 years of their normal pension age on 1 April 2012 remained in the PCSPS after 1 April 2015. Those who were between 10 years and 13 years and 5 months from their normal pension age on 1 April 2012 transitioned into alpha between 1 June 2015 and 1 February 2022. All members who moved into alpha have their PCSPS benefits 'banked', with those with earlier benefits in one of the final salary sections of the PCSPS having those benefits based on their final salary when they leave alpha. (The pension figures quoted for officials show pension earned in PCSPS or alpha – as appropriate. Where the official has benefits in both the PCSPS and alpha the figure quoted is the combined value of their benefits in the two schemes.)

In 2018, the Court of Appeal found that some of the rules put in place back in 2015 with the introduction of alpha were discriminatory on the basis of age. This was because existing members of the PCSPS who were within 10 years of their normal pension age on 1 April 2012 remained in their original scheme after 1 April 2015 (as detailed above). As a result of the judgement, steps were taken to remove the discrimination found by the court in the way the 2015 reforms were introduced. Active members who were in their original schemes were moved to the alpha scheme on 1 April 2022. This officially marks the end of the discrimination identified in court judgement.

Those affected by the 2015 Remedy will be offered a choice at retirement on how they would like their benefits to be calculated for their service between April 2015 and March 2022. The choice will be between their legacy scheme (sections of the PCSPS) or the alpha scheme benefits.

Employee contributions are salary-related and range between 4.6% and 8.05% for members of classic, premium, classic plus, nuvos and alpha.

Benefits in classic accrue at the rate of 1/80th of final pensionable earnings for each year of service. In addition, a lump sum equivalent to three years initial pension is payable on retirement. For premium, benefits accrue at the rate of 1/60th of final pensionable earnings for each year of service. Unlike classic, there is no automatic lump sum. Classic plus is essentially a hybrid with benefits for service before 1 October 2002 calculated broadly as per classic and benefits for service from October 2002 worked out as in premium. In nuvos a member builds up a pension based on their pensionable earnings during their period of scheme membership. Benefits in alpha build up in a similar way to nuvos, except that the accrual rate is 2.32%. In all cases members may opt to give up (commute) pension in return for a lump sum up to the limits set by the Finance Act 2004.

The accrued pension quoted is the pension that the member is entitled to receive when they reach pension age, or immediately on ceasing to be an active member of the scheme if they are already at or over pension age.

Pension age is 60 for members of classic, premium and classic plus and 65 for members of nuvos, and the higher of 65 or State Pension Age for members of alpha. The pension figures quoted for officials show pension earned in PCSPS or alpha – as appropriate. Where the official has benefits in both the PCSPS and alpha, the figure quoted is the combined value of their benefits in the two schemes, but note that part of that pension may be payable from different ages.

Members joining from October 2002 may opt for either the appropriate defined benefit arrangement or a 'money purchase' stakeholder pension with an employer contribution (partnership pension account).

The partnership pension account is a stakeholder pension arrangement. The employer makes a basic contribution of between 8% and 14.75% (depending on the age of the member) into a stakeholder pension product chosen by the employee from a panel of providers. The employee does not have to contribute, but where they do make contributions, the employer will match these up to a limit of 3% of pensionable salary (in addition to the employer's basic contribution). Employers also contribute a further 0.5% of pensionable salary to cover the cost of centrally provided risk benefit cover (death in service and ill health retirement).

Further details about the Civil Service pension arrangements can be found at the website: www.civilservicepensionscheme.org.uk

For 2022-23, employers' contributions of £25,036,828 were payable to the PCSPS (2021-22: £20,946,857) at one of four rates in the range 26.6% to 30.3% of pensionable pay, based on salary bands. The Scheme Actuary reviews employer contributions usually every four years following a full scheme valuation. The contribution rates are set to meet the cost of the benefits accruing during 2022-23 to be paid when the member retires and not the benefits paid during this period to existing pensioners.

Employees can opt to open a partnership pension account e.g. a stakeholder pension with an employer contribution. Employers' contributions paid in 2022-23 were £86,550 (2021-22: £67,335). Employer contributions are age-related and range from 8% to 14.75% of pensionable pay. Employers also match employee contributions up to 3% of pensionable pay. In addition, employer contributions of £3,087 (2021-22: £2,497), 0.5% of pensionable pay, were payable to the PCSPS to cover the cost of the future provision of lump sum benefits on death in service or ill health retirement of these employees.

A new defined contribution scheme with Legal and General was introduced in March 2019 but backdated to September 2013 to cover a specific group of staff (Advocate Deputes) who are not civil servants but holders of a commission from the Lord Advocate and therefore are not entitled to join the usual schemes. We are responsible for arranging a pension scheme and contributions for them, therefore the introduction of the new scheme. Employers' contributions of £67,024 were paid in 2022-23 (2021-22: £45,211).

Contributions due to the partnership pension providers at the balance sheet date were £ 2,204,784 (31 March 2022: £1,881,598). Contributions prepaid at that date were nil (31 March 2022: nil).

Remuneration

Salaries

'Salary' includes gross salary; overtime; recruitment and retention allowances; private office allowances and any other allowance to the extent that it is subject to UK taxation. The salary detailed reflects the salary for the period of the year the individual was a member of the Executive Board.

Benefits in kind

The monetary value of benefits in kind covers any benefits provided by the employer and treated by His Majesty's Revenue and Customs as a taxable emolument.

Bonuses

In line with Scottish Government pay policy no bonus/performance pay was paid during 2022-23 or 2021-22.

Cash Equivalent Transfer Values

A Cash Equivalent Transfer Value (CETV) is an actuarially assessed capitalised value of the pension scheme benefits accrued by a member at a particular point in time. The benefits valued are the member's accrued benefits and any contingent spouse's pension payable from the scheme. A CETV is a payment made by a pension scheme or arrangement to secure pension benefits in another pension scheme or arrangement when the member leaves a scheme and chooses to transfer the pension benefits accrued in their former scheme. The pension figures shown relate to the benefits that the individual has accrued as a consequence of their total membership of the pension scheme, not just their service in a senior capacity to which disclosure applies.

The figures include the value of any pension benefit in another scheme or arrangement which the member has transferred to the Civil Service pension arrangements. They also include any additional pension benefit accrued to the member as a result of their buying additional pension benefits at their own expense. CETVs are worked out in accordance with The Occupational Pension Schemes (Transfer Values) (Amendment) Regulations 2008 and do not take account of any actual or potential reduction to benefits resulting from Lifetime Allowance Tax which may be due when pension benefits are taken.

Real Increase in CETV

This reflects the increase in CETV effectively funded by the employer. It does not include the increase in accrued pension due to inflation, contributions paid by the employee (including the value of any benefits transferred from another pension scheme or arrangement) and uses common market valuation factors for the start and end of the period.

The CETV information for inclusion in the accounts was provided by MyCSP. The CETV opening/closing positions are as per the dates shown in the salary table below for those joining/leaving the scheme.

Remuneration of Non-Executive Directors

Our Non-Executive Directors are non-salaried but receive a fee and expenses in line with their duties. The current fee is £237 per day (2021-22: £237) although the NXDs only claim £232 per day (in line with rates paid by the core Scottish Government).

Trade Union Facility Time

Trade Union Facility Time is the provision of paid or unpaid time off from an employee's normal role to undertake Trade Union duties and activities as a Trade Union representative. The following tables shows the resource commitment of COPFS staff for 2022-23:

Relevant Union Officials

Number of employees who were relevant Union Officials	Full-time equivalent employee number
21	3.04

Percentage of time spent on facility time

Percentage of time	Number of employees
0 – 0.99%	10
1 – 51%	8
51 – 99%	1
100%	2

Percentage of pay bill spent on Facility Time

	Value in £ and %
Total Cost of Facility Time	£148,671
Total Pay Bill	£140,552,000
% of total pay bill spent on facility time	0.11%

Paid Trade Union Activities

	%
Time spent on Trade Union activities as a percentage of total paid Facility Time hours	100%

Audited information

Ministers Salaries

The salary, pension entitlements and value of any taxable benefits in kind for the Ministers of COPFS for the year ending 31 March 2023 were as follows:

	Salary £	Salary £	Benefits in Kind Nearest £100	Benefits in Kind Nearest £100	Pension Benefits (to nearest £000)	Pension Benefits (to nearest £000)	Total (to nearest £,000)	Total (to nearest £,000)
Officials	2022-23	2021-22	2022-23	2021-22	2022-23	2021-22	2022-23	2021-22
Dorothy Bain KC – Lord Advocate	132,110	89,790 (from 22 June 2021)	-	-	52,000	39,000	184,000	129,000
Ruth Charteris KC – Solicitor General	113,990	77,475 (from 22 June 2021)	-	-	50,000	38,000	164,000	115,000

Note:

** The value of pension benefits accrued during the year is calculated as (the real increase in pension multiplied by 20) less (the contributions made by the individual). The real increase excludes increases due to inflation or any increase or decrease due to a transfer of pension rights.

The Scottish Parliamentary Corporate Body (SPCB) is required under Chapter 46, Section 81 of the Scotland Act 1998 to make provision for the payment of salaries to officeholders of the Scottish Parliament and Ministers. A resolution of the Scottish Parliament to pay salaries in accordance with the Scottish Parliamentary Scheme was passed by the Scottish Parliament on a free vote on 21 March 2002.

The Scheme determines that SPCB should decide the salary levels for Members and Office Holders including the Law Officers. The Scheme sets MSPs' salary levels and Ministerial salary levels from 1 April 2002 and determines that these salary rates should be increased annually from 1 April in line with the percentage increase in Westminster MPs' salaries.

Pensions

The Ministers are members of the Scottish Parliamentary Pension Scheme.

	Accrued pension at age 65 as at 31 March 2023	Real increase in pension at age 65	CETV at 31 March 2023	CETV at 31 March 2022	Real increase in CETV
Ministers	£000	£000	£000	£000	£000
Dorothy Bain KC – Lord Advocate	5-10	2.5-5	104	43	45
Ruth Charteris KC – Solicitor General	5-10	2.5-5	72	30	34

Executive Directors

The Executive Directors' salaries are detailed below:

	Salary	Salary	Benefits in Kind Nearest	Benefits in Kind Nearest	Pension Benefits	Pension Benefits	Total	Total
Officials	£000	£000	£100	£100	£000	£000	£000	£000
	2022-23	2021-22	2022-23	2021-22	2022-23	2021-22	2022-23	2021-22
David Harvie – Crown Agent and Chief Executive/Accountable Officer (until September 22)	60-65 (FTE 130-135)	130-135	-	-	-	36	60-65	165-170
John Logue – Crown Agent and Chief Executive/Accountable Officer (from September 22 DCA LC from April to September 22)	50-55 (FTE 105-110) plus uplift to 60-65 (FTE 125-130)	100-105	-	-	56	21	115-120	120-125

	Salary £000	Salary £000	Benefits in Kind Nearest £100	Benefits in Kind Nearest £100	Pension Benefits £000	Pension Benefits £000	Total £000	Total £000
Officials	2022-23	2021-22	2022-23	2021-22	2022-23	2021-22	2022-23	2021-22
Stephen McGowan – Deputy Crown Agent, Serious Casework	100-105	95-100	-	-	14	29	115-120	125-130
Lindsey Miller – Deputy Crown Agent (on secondment to UK Government)	105-110	100-105	-	-	-	27	105-110	125-130
Jennifer Harrower – Deputy Crown Agent Local Court (from 31 October 22)	40-45 (FTE 95-100)	N/A	-	N/A	34	N/A	80-85	N/A
Anthony McGeehan – Deputy Crown Agent, Operational Support	95-100	5-10 (FTE 95-100)	-	-	56	39	150-155	45-50
Keith Dargie – Head of Business Services	85-90	5-10 (FTE 80-85)	-	-	11	5	95-100	10-15
Marlene Anderson – Director of Finance and Procurement	80-85	N/A	-	N/A	31	N/A	110-115	N/A

	Salary £000	Salary £000	Benefits in Kind Nearest £100	Benefits in Kind Nearest £100	Pension Benefits £000	Pension Benefits £000	Total £000	Total £000
Officials	2022-23	2021-22	2022-23	2021-22	2022-23	2021-22	2022-23	2021-22
Sarah Carter – Director of Human resources	80-85	N/A	-	N/A	15	N/A	95-100	N/A

Notes:

Remuneration for Senior Civil Servants is determined by the Senior Salaries Review Body.

The value of pension benefits accrued during the year is calculated as (the real increase in pension multiplied by 20) plus (the real increase in any lump sum) less (the contributions made by the individual). The real increase excludes increases due to inflation or any increase or decrease due to a transfer of pension rights.

In 2022-23, 16 individuals received remuneration in excess of the highest-paid director (2021-22:5).

Fair Pay Disclosure

COPFS is required to disclose the relationship between the remuneration of the highest-paid director in their organisation and the lower quartile, median and upper quartile remuneration of the organisation's workforce. Total remuneration includes salary, non-consolidated performance-related pay and benefits-in-kind. It does not include severance payments, employer pension contributions and the cash equivalent transfer value of pensions.

	Movement
Highest Earning Directors Remuneration	-4%
Average change in other Staff	7.30%

	2022-23	2021-22	Movement
Median Salary	34,222	31,581	8.36%
Ratio to highest paid Director	3.9:1	4.2:1	
25 percentile	24,779	23,498	5.45%
Ratio to highest paid Director	5.3:1	5.6:1	
75 percentile	53,605	47,485	12.89%
Ratio to highest paid Director	2.5:1	2.8:1	
Range of staff remuneration	21,825 to 169,412	21,045 to 151,370	

Note:

The decrease in highest earner is due to a change in Accountable Officer mid-year. FTE equivalent is less than previous year.

The increase in average salary is due to an increase in the number of employees and overall pay award from 2021-22 to 2022-23. The median pay increased from 2021-22 due to the increase in overall pay for COPFS employees compared to the highest paid Director. The 75 percentile has increased due to the additional staff being employed and year 2 of pay parity being implemented. This is consistent with the COPFS pay, reward and progression policy.

Executive Directors' Pensions

The Executive Directors' pensions are detailed below:

Senior Managers	Accrued pension at pension age as at 31 March 23 and related lump sum (£000)	Real increase in pension and related lump sum at pension age (£000)	CETV at 31 March 2023 (£000)	CETV at 31 March 2022 (£000)	Real increase in CETV (£000)	Employer contribution to partnership pension account (Nearest £100)
David Harvie – Crown Agent and Chief Executive/ Accountable Officer (until September 22)	50-55 plus lump sum of 90-95	0-2.5 plus a lump sum of 0	907	886	-18	-
John Logue – Crown Agent and Chief Executive/ Accountable Officer (from September 22 DCA LC from April to September 22)	45-50 plus lump sum of 85-90	2.5-5 plus a lump sum of 0-2.5	838	720	34	-
Stephen McGowan – Deputy Crown Agent, Serious Casework	35-40 plus lump sum of 60-65	0-2.5 plus a lump sum of 0	594	533	-1	-
Lindsey Miller – Deputy Crown Agent (on secondment to UK Government)	45-50 plus lump sum of 80-85	0-2.5 plus a lump sum of 0	773	709	-19	-
Jennifer Harrower – Deputy Crown Agent Local Court (from 31 October 22)	40-45 plus lump sum of 110-115	0-2.5 plus a lump sum of 0-2.5	1,003	935	30	-
Anthony McGeehan – Deputy Crown Agent, Operational Support	35-40 plus lump sum of 65-70	2.5-5 plus a lump sum of 0-2.5	625	529	34	-

Senior Managers	Accrued pension at pension age as at 31 March 23 and related lump sum (£000)	Real increase in pension and related lump sum at pension age (£000)	CETV at 31 March 2023 (£000)	CETV at 31 March 2022 (£000)	Real increase in CETV (£000)	Employer contribution to partnership pension account (Nearest £100)
Keith Dargie – Head of Business Services	45-50 plus lump sum of 100-105	0-2.5 plus lump sum of 0	987	882	-1	-
Marlene Anderson – Director of Finance and Procurement	10-15	0-2.5	189	156	21	-
Sarah Carter – Director of Human resources	25-30	0-2.5	328	292	1	-

Non-Executive Directors (NXDs) of the Executive Board

NXD remuneration is listed below:

Name	2022-23 Remuneration £000	2021-22 Benefits in Kind	2021-22 Remuneration £000	2021-22 Benefits in Kind
Vanessa Davies	0-5	-	0-5	-
Annie Gunner Logan	0-5	-	0-5	-
Robert Tinlin (Left December 2022)	0-5	-	0-5	-
David Watt	0-5	-	0-5	-
Fiona McLean (Left December 2022)	5-10	-	5-10	-

Staff Costs

Staff costs account for 81% of our cash running costs budget excluding litigation costs. But our staff are not just our biggest single cost, they are, by far, our single biggest asset. We simply could not have achieved what we have done without the commitment and professionalism shown by our staff. Staff costs comprise of:

	Officials £000	Ministers £000	2022-23 Total £000	2021-22 Total £000
Wages and Salaries	101,579	246	101,825	84,317
Social Security Costs	10,949	33	10,982	8,657
Apprenticeship Levy	484	-	484	402
Other Pension Costs	24,700	50	24,750	20,728
Sub-Total	137,712	329	138,041	114,104
Inward Secondments	701	-	701	555
Early Departure Costs	-	-	-	(352)
Injury Benefit Claims	507	-	507	4
Agency, Temporary and Contract Staff	720	-	720	642
Sub-Total	139,640	329	139,969	114,953
Less Recoveries in Respect of Outward Secondments	(516)	-	(516)	(340)
Total	139,124	329	139,453	114,613

Note 1.

Ministers are paid by the Scottish Parliamentary Corporate Body.

Note 2.

2021-22 totals include Ministers salaries of £357,000.

The following table summarises some key information about our workforce:

Full-Time Equivalent for Staff	All staff 2022-23	All staff 2021-22	Male Staff 2022-23	Male staff 2021-22	Female staff 2022-23	Female staff 2021-22
Senior Civil Servants	21	22	12	13	9	9
Executive Board Directors	7	5	4	4	3	1
Other permanent staff	2,219	2,126	662	624	1,557	1,502
Fixed term appointments	48	60	13	17	35	43
Secondees	8	8	3	4	5	4
Agency staff	21	33	18	18	3	15
Sub-Total	2,324	2,254	712	680	1,612	1,574
Non-Executive Directors	3	6	1	3	2	3
Total	2,327	2,260	713	683	1,614	1,577

FTE Equivalent Table

		2022-23	2021-22
	FTE People	2,324	2,254
	Gender	Female 70% Male 30%	Female 70% Male 30%
	Board	Female 43% Male 57%	Female 34% Male 66%
	Trainees	Female 72% Male 28%	Female 73% Male 27%

Severance payments

Compensation for Loss of Office

In accordance with the Scottish Government's no compulsory redundancies policy, no employees left under compulsory severance terms during 2022-23 (2021-22: Nil).

Redundancy and other departure costs have been paid in accordance with the provisions of the Civil Service Compensation Scheme, a statutory scheme made under the Superannuation Act 1972. Exit costs are accounted for in full, in the year of agreement. Where the department has agreed early retirements, the additional costs are met by the department and not by the Civil Service Pension Scheme.

Ill-health retirement costs are met by the Civil Service Pension Scheme. There were no ill health retirements during 2022-23 (2021-22: NIL).

Parliamentary Accountability Report

Parliamentary accountability report

Regularity of Expenditure

The expenditure and income in the financial statements were incurred or applied in accordance with any applicable enactments and guidance issued by the Scottish Ministers, the Budget (Scotland) Act covering the financial year and sections 4 to 7 of the Public Finance and Accountability (Scotland) Act 2000.

The sums paid out of the Scottish Consolidated Fund for the purpose of meeting the expenditure shown in the financial statements were applied in accordance with section 65 of the Scotland Act 1998.

Fees and Charges

COPFS' main source of income comes directly as funding from the Scottish Government. A small element of income £2.34m is received through recharges for services to KLTR amounting to £1.28m and LINETS (Legal Information Network for Scotland) amounting to £1.01m. A further £0.05m was received during 2022-23. LINETS is a subscription service held by COPFS to provide access to legal information by Scottish legal practitioners across the public sector.

Long Term Trends

As part of the Medium-Term Financial Plan (MTFP) COPFS has carried out scenario analysis through to 2022-23. An updated Finance Strategy was published in February 2023. We are continuing to assess workloads and staffing requirements, and to identify opportunities for savings within the organisation.

Losses and Special Payments

		2022-23 £000	2021-22 £000
Cash losses	6 cases (2021-22; nil cases)	4	-
Special Payments	20 cases (2021-22; 24 cases)	16,240	11,451
Totals		16,244	11,451

There were no other special payments exceeding the reporting threshold of £300,000 during 2022-23 (2021-22: Nil).

There were no gifts (2021-22: Nil) and no remote contingent liabilities (2021-22: Nil) during 2022-23.

John Logue

Accountable Officer

31 August 2023

Independent Auditor's Report

Independent auditor's report

Independent auditor's report to the Crown Office and Procurator Fiscal Service, the Auditor General for Scotland and the Scottish Parliament

Reporting on the audit of the financial statements

Opinion on financial statements

I have audited the financial statements in the annual report and financial statements of the Crown Office and Procurator Fiscal Service for the year ended 31 March 2023 under the Public Finance and Accountability (Scotland) Act 2000. The financial statements comprise the Statement of Comprehensive Net Expenditure, the Statement of Financial Position, the Statement of Cash Flows, the Statement of Changes in Taxpayers' Equity and Notes to the Accounts, including significant accounting policies. The financial reporting framework that has been applied in their preparation is applicable law and UK adopted international accounting standards, as interpreted and adapted by the 2022/23 Government Financial Reporting Manual (the 2022/23 FReM).

In my opinion the accompanying financial statements:

- give a true and fair view of the state of the body's affairs as at 31 March 2023 and of its net expenditure for the year then ended;
- have been properly prepared in accordance with UK adopted international accounting standards, as interpreted and adapted by the 2022/23 FReM; and
- have been prepared in accordance with the requirements of the Public Finance and Accountability (Scotland) Act 2000 and directions made thereunder by the Scottish Ministers.

Basis for opinion

I conducted my audit in accordance with applicable law and International Standards on Auditing (UK) (ISAs (UK)), as required by the **Code of Audit Practice** approved by the Auditor General for Scotland. My responsibilities under those standards are further described in the auditor's responsibilities for the audit of the financial statements section of my report. I was appointed by the Auditor General on 2 December 2022. My period of appointment is five years, covering 2022/23 to 2026/27. I am independent of the body in accordance with the ethical requirements that are relevant to my audit of the financial statements in the UK including the Financial Reporting Council's Ethical Standard, and I have fulfilled my other ethical responsibilities in accordance with these requirements. Non-audit services prohibited by the Ethical Standard were not provided to the body. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

Conclusions relating to going concern basis of accounting

I have concluded that the use of the going concern basis of accounting in the preparation of the financial statements is appropriate.

Based on the work I have performed, I have not identified any material uncertainties relating to events or conditions that, individually or collectively, may cast significant doubt on the body's ability to continue to adopt the going concern basis of accounting for a period of at least twelve months from when the financial statements are authorised for issue.

These conclusions are not intended to, nor do they, provide assurance on the body's current or future financial sustainability. However, I report on the body's arrangements for financial sustainability in a separate Annual Audit Report available from the **Audit Scotland website**.

Risks of material misstatement

I report in my Annual Audit Report the most significant assessed risks of material misstatement that I identified and my judgements thereon.

Responsibilities of the Accountable Officer for the financial statements

As explained more fully in the Statement of the Accountable Officer's responsibilities, the Accountable Officer is responsible for the preparation of financial statements that give a true and fair view in accordance with the financial reporting framework, and for such internal control as the Accountable Officer determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Accountable Officer is responsible for using the going concern basis of accounting unless there is an intention to discontinue the body's operations.

Auditor's responsibilities for the audit of the financial statements

My objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with ISAs (UK) will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the decisions of users taken on the basis of these financial statements.

Irregularities, including fraud, are instances of non-compliance with laws and regulations. I design procedures in line with my responsibilities outlined above to detect material misstatements in respect of irregularities, including fraud. Procedures include:

- using my understanding of the central government sector to identify that the Public Finance and Accountability (Scotland) Act 2000 and directions made thereunder by the Scottish Ministers are significant in the context of the body;
- inquiring of the Accountable Officer and Director of Finance and Procurement as to other laws or regulations that may be expected to have a fundamental effect on the operations of the body;
- inquiring of the Accountable Officer and Director of Finance and Procurement concerning the body's policies and procedures regarding compliance with the applicable legal and regulatory framework;
- discussions among my audit team on the susceptibility of the financial statements to material misstatement, including how fraud might occur; and

- considering whether the audit team collectively has the appropriate competence and capabilities to identify or recognise non-compliance with laws and regulations.

The extent to which my procedures are capable of detecting irregularities, including fraud, is affected by the inherent difficulty in detecting irregularities, the effectiveness of the body's controls, and the nature, timing and extent of the audit procedures performed.

Irregularities that result from fraud are inherently more difficult to detect than irregularities that result from error as fraud may involve collusion, intentional omissions, misrepresentations, or the override of internal control. The capability of the audit to detect fraud and other irregularities depends on factors such as the skilfulness of the perpetrator, the frequency and extent of manipulation, the degree of collusion involved, the relative size of individual amounts manipulated, and the seniority of those individuals involved.

A further description of the auditor's responsibilities for the audit of the financial statements is located on the Financial Reporting Council's website www.frc.org.uk/auditorsresponsibilities. This description forms part of my auditor's report.

Reporting on regularity of expenditure and income

Opinion on regularity

In my opinion in all material respects:

- the expenditure and income in the financial statements were incurred or applied in accordance with any applicable enactments and guidance issued by the Scottish Ministers, the Budget (Scotland) Act covering the financial year and sections 4 to 7 of the Public Finance and Accountability (Scotland) Act 2000; and
- the sums paid out of the Scottish Consolidated Fund for the purpose of meeting the expenditure shown in the financial statements were applied in accordance with section 65 of the Scotland Act 1998.

Responsibilities for regularity

The Accountable Officer is responsible for ensuring the regularity of expenditure and income. In addition to my responsibilities in respect of irregularities explained in the audit of the financial statements section of my report, I am responsible for expressing an opinion on the regularity of expenditure and income in accordance with the Public Finance and Accountability (Scotland) Act 2000.

Reporting on other requirements

Opinion prescribed by the Auditor General for Scotland on audited part of the Remuneration and Staff Report

I have audited the parts of the Remuneration and Staff Report described as audited. In opinion, the audited parts of the Remuneration and Staff Report have been properly prepared in accordance with the Public Finance and Accountability (Scotland) Act 2000 and directions made thereunder by the Scottish Ministers.

Other information

The Accountable Officer is responsible for the other information in the annual report and financial statements. The other information comprises the Performance Report and the Accountability Report excluding the audited parts of the Remuneration and Staff Report.

My responsibility is to read all the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or my knowledge obtained in the course of the audit or otherwise appears to be materially misstated. If I identify such material inconsistencies or apparent material misstatements, I am required to determine whether this gives rise to a material misstatement in the financial statements themselves. If, based on the work I have performed, I conclude that there is a material misstatement of this other information, I am required to report that fact. I have nothing to report in this regard.

My opinion on the financial statements does not cover the other information and I do not express any form of assurance conclusion thereon except on the Performance Report and Governance Statement to the extent explicitly stated in the following opinions prescribed by the Auditor General for Scotland.

Opinions prescribed by the Auditor General for Scotland on Performance Report and Governance Statement

In my opinion, based on the work undertaken in the course of the audit:

- the information given in the Performance Report for the financial year for which the financial statements are prepared is consistent with the financial statements and that report has been prepared in accordance with the Public Finance and Accountability (Scotland) Act 2000 and directions made thereunder by the Scottish Ministers; and
- the information given in the Governance Statement for the financial year for which the financial statements are prepared is consistent with the financial statements and that report has been prepared in accordance with the Public Finance and Accountability (Scotland) Act 2000 and directions made thereunder by the Scottish Ministers.

Matters on which I am required to report by exception

I am required by the Auditor General for Scotland to report to you if, in my opinion:

- adequate accounting records have not been kept; or
- the financial statements and the audited parts of the Remuneration and Staff Report are not in agreement with the accounting records; or
- I have not received all the information and explanations I require for my audit.

I have nothing to report in respect of these matters.

Conclusions on wider scope responsibilities

In addition to my responsibilities for the annual report and financial statements, my conclusions on the wider scope responsibilities specified in the Code of Audit Practice are set out in my Annual Audit Report.

Use of my report

This report is made solely to the parties to whom it is addressed in accordance with the Public Finance and Accountability (Scotland) Act 2000 and for no other purpose. In accordance with paragraph 108 of the Code of Audit Practice, I do not undertake to have responsibilities to members or officers, in their individual capacities, or to third parties.

Brian Howarth ACMA CGMA

Audit Director

Audit Scotland

4th Floor

8 Nelson Mandela Place

Glasgow

G2 1BT

31 August 2023

The Financial Statements

The Financial Statements

Statement of Comprehensive Net Expenditure (SoCNE)

For the year to 31 March 2023

	Notes	2022-23 £000	**Restated 2021-22 £000
Administration Costs			
Staff costs*		139,124	114,256
Other Administrative Costs	2	46,833	63,449
Gross Administrative Costs		185,957	177,705
Operating Income Applied	3	(2,340)	(2,046)
Net Administrative Costs		183,617	175,659
Net Operating Costs for the year ended 31 March		183,617	175,659
Other Comprehensive Net Expenditure			
Items that will not be classified to net expenditure			
Net (gain)/loss on revaluation of property, plant & equipment		648	(707)
Total Comprehensive Expenditure for the year ended 31 March		184,265	174,952

*See staff costs breakdown on page 64

** 2021-22 restated to correct the categorisation of revaluation gains and losses

The notes on pages 83 – 108 form part of these accounts.

Statement of Financial Position

For the year to 31 March 2023

	Notes	31 March 2023 £000	31 March 2022 £000
Non-Current Assets:			
Property, Plant and Equipment	4	15,157	21,674
Intangible Assets	5	14,768	12,406
Right of Use Assets	6	43,975	0
Total Non-Current Assets		73,900	34,080
Current Assets:			
Trade and Other Receivables	7	6,272	5,828
Cash and Cash Equivalents	8	3,052	4,509
Total Current Assets		9,324	10,337
Total Assets		83,224	44,417
Current Liabilities:			
Trade and Other Payables	9	(22,674)	(23,513)
Leases	11	(2,390)	-
Provisions	10	(11,284)	(25,448)
Total Current Liabilities		(36,348)	(48,961)
Total Assets less Current Liabilities		46,876	(4,544)
Non-Current Liabilities (> 1 year):			
Other Payables	9	-	(3,449)
Leases	11	(41,896)	-
Provisions	10	(742)	(334)
Total Non-Current Liabilities		(42,638)	(3,783)

	Notes	31 March 2023 £000	31 March 2022 £000
Total Assets less Total Liabilities		4,238	(8,327)
Taxpayers' Equity and Other Reserves			
General Fund	SoCTE*	679	(15,094)
Revaluation Reserve	SoCTE*	3,559	6,767
Total Equity		4,238	(8,327)

***Note:** SoCTE is the Statement of Changes in Taxpayers' Equity (please see page 82)

The notes on pages 83 – 108 form part of these accounts.

The Accountable Officer authorised these financial statements for issue on 31 August 2023.

John Logue

Accountable Officer

31 August 2023

Statement of Cash Flows

For the year ended 31 March 2023

	Notes	2022-23 £000	*Restated 2021-22 £000
Net Cash Outflow from Operating Activities	A	(185,560)	(161,112)
Net Cash Outflows from Investment Activities	B	(8,103)	(7,862)
Payments from/(to) the Scottish Consolidated Fund for income not applied		20	231
Cash flows from Financing Activities	C	192,186	167,400
Decrease in cash in the year		(1,457)	(1,343)
Note A – Cash Flows from Operating Activities			
Net Operating Cost		183,617	175,659
Adjust for non-cash transactions		(9,934)	(6,965)
Interest payable in net operating costs for financing		(427)	-
Increase/(Decrease) in receivables and other current assets		444	773
(Increase)/Decrease in trade and other payables		(1,896)	(669)
(Increase)/Decrease in provisions		13,756	(7,686)
Net cash outflow from operating activities		185,560	161,112
Note B – Cash Flows from Investing Activities			
Purchase of property, plant and equipment		2,676	3,633
Purchase of intangible assets		4,377	5,536
(Increase)/Decrease in capital payables		1,050	(1,279)
Proceeds of disposal of property, plant and equipment		-	(28)
Net Cash outflow from Investment Activities		8,103	7,862
Note C – Cash flows from Financing Activities			
From Scottish Consolidated Fund		195,000	167,400
Surrender of excess capital receipts		-	-
Capital element of payments in respect of leases		(2,387)	-
Interest element of lease liabilities		(427)	-
Cash flows from financing activities		192,186	167,400
(Increase)/Decrease in cash and cash equivalents		1,457	1,343
Net Cash and Cash Equivalents requirement		193,643	168,743

*2021-22 restated to correct the categorisation of revaluation gains and losses

The notes on pages 83 – 108 form part of these accounts.

Statement of changes in Taxpayers' Equity (SoCTE)

For the year ended 31 March 2023

	Notes	General Fund £000	Revaluation Reserve £000	Tax Payers Equity £000
Balance at 31 March 2021		(8,702)	6,475	(2,227)
Net Parliamentary Funding		167,400	-	167,400
Auditor's Remuneration	2	109	-	109
Net Operating Costs for the year*		(175,659)	-	(175,659)
Revaluation Gains and Losses*		7	700	707
Movement of Balance with the SCF		1,343	-	1,343
Transfers between reserves		408	(408)	-
Balance at 31 March 2022		(15,094)	6,767	(8,327)
IFRS16 Opening Adjustment		2,683	(2,419)	264
Balance at 1 April 2022		(12,411)	4,348	(8,063)
Net Parliamentary Funding		195,000	-	195,000
Auditor's Remuneration	2	109	-	109
Net Operating Costs for the year		(183,617)	-	(183,617)
Revaluation Gains and Losses		-	(648)	(648)
Movement of Balance with the SCF		1,457	-	1,457
Transfers between reserves		141	(141)	-
Balance at 31 March 2023		679	3,559	4,238

*2021-22 restated to correct the categorisation of revaluation gains and losses.

The notes on pages 83 – 108 form part of these accounts.

Notes to the Accounts

Notes to the accounts

1. Accounting Policies

Period of accounts

This report and accounts are for the year ended 31 March 2023.

Basis of Accounts

These accounts have been prepared in accordance with the Accounts Direction issued by Scottish Ministers under section 19(4) of the Public Finance and Accountability (Scotland) Act 2000 (reproduced at page 111) and in compliance with the principles and disclosure requirements of the Government Financial Reporting Manual (FReM). The accounting policies contained in the FReM, apply International Financial Reporting Standards (IFRS) as adopted or interpreted for the public sector context.

The particular accounting policies adopted by COPFS have been applied consistently in dealing with items considered material in relation to the accounts.

The accounts have been prepared using accounting policies, and, where necessary, estimation techniques, which are selected as the most appropriate for the purpose of giving a true and fair view in accordance with the principles, set out in International Accounting Standard (IAS) 8: Accounting Policies, Changes in Accounting Estimates and Errors. Changes in accounting policies which do not give rise to a prior year adjustment are reported in the relevant note. The fundamental accounting concepts of going concern and accruals have been applied consistently.

Basis of Accounting

The accounts of COPFS form part of the resource accounting departmental boundary of the Scottish Government and will be incorporated in the Scottish Government's Consolidated Accounts.

Accounting Convention

These accounts have been prepared under the historical cost convention modified to account for the revaluation of property, plant and equipment, intangible assets, and, where material, current asset investments and inventories at fair value as determined by the relevant accounting standard.

Going Concern

A going concern approach has been adopted in the preparation of these financial statements.

Critical Accounting Estimates and Judgements

The preparation of the accounts in conformity with IFRS requires the Accountable Officer to make judgements, estimates and assumptions that affect the application of accounting policies and the reported amount of assets, liabilities, income and expenses. Actual results may differ from these estimates.

Estimates and judgements are continually evaluated and are based on historical experience and other factors, including expectations of future events that are believed to be reasonable under the circumstances.

For the financial year 2022-23, the Accountable officer and the non-executive directors have made critical judgements which have been disclosed in the notes to the accounts.

Key Estimates

Valuation of Estate

The valuation of land and buildings is dependent on valuations carried out by external valuers. The valuations are based on number of assumptions related to the market performance and assets' useful lives as determined by the valuer.

Estimates for Provisions

The amount recognised as a provision is the best estimate of the expenditure to be incurred. COPFS have leasing agreements for a number of properties and according to these agreements there is an obligation to repair and maintain these properties.

The provision for compensation claims is estimated based on assessment by external legal advisors.

The provision for leasehold dilapidations is estimated based on the opinion of external surveyors. This provision is adjusted for the time value of money using the discount rates set by HM Treasury.

IFRS 16 Leases

See below under Change of accounting policies for the adoption of IFRS 16 and the Leases section on page 92. When measuring lease liabilities, COPFS discounted lease payments using the HM Treasury rate applicable for the period 01 January 2022 to 31 December 2022 of 0.95%.

Key Judgements

Early Retirement and Severance Costs

There are a number of staff who previously took early retirement where COPFS is required to meet the additional cost of benefits beyond the normal PCSPS benefits, that is monthly payments until the individual reaches 60 (when they receive normal PCSPS pension payments). COPFS provided in full for these costs when the decisions were made. In 2022-23 the HM Treasury discount factor was 1.70% and the rate has been applied to the early severance provision (-1.30% in 2021-22). During 2018-19 the entitlement to severance payments was changed to a maximum of 21 months' salary. These payments take the form of a one-off lump sum which if not paid by 31 March 2023 was accrued. No members of staff left under the scheme during 2022-23. No member of staff left under the scheme during 2021-22.

Retirement Benefits

Present and past employees are covered by the Civil Service Pension arrangements comprising the Principal Civil Service Pension Scheme (PCSPS) and the Civil Servants and Others Pension Scheme. Both are unfunded, defined benefit, contributory, public service occupational pension schemes. It is not possible for COPFS to identify its share of the underlying liabilities in the scheme attributable to its own employees. For the purposes of this Statement of Accounts, it is therefore accounted for on the same basis as a defined contribution scheme. Please see below under Employee benefits.

Provision for Injury Benefit Payments

COPFS is required to meet the cost of payments made to ex-employees who took early retirement on medical grounds, until their death. For the basis of calculating this liability, it has been assumed that the average life expectancy is 84 years. The provision for injury benefit payments has been calculated on this basis with current levels of payment being adjusted for inflation and then reduced to reflect the timing of the payments.

Change of Accounting Policies

IFRS 16 "Leases" has been implemented from 1 April 2022. This standard removes the distinction between operating and finance leases and introduces a single lessee accounting model that requires a lessee to recognise ('right of use') assets representing its right to use the underlying leased asset and lease liabilities representing its obligation to make lease payments for all leases with a term of more than 12 months, unless the underlying asset is of low value.

Implementation and Assumptions

In accordance with the FReM, the application of IFRS 16 has been carried out on a cumulative catch-up basis, with an adjustment to taxpayers' equity at the beginning of the period. There are no prior year adjustments made in the 2022-23 financial statements. IAS 17 operating leases are included within the Statement of Financial Position (SoFP) as a right of use asset and lease liability for the first time, with changes made through the general fund as a cumulative catch up adjustment.

In determining whether a contract is, or contains, a lease at the date of initial application, the practical expedient detailed in IFRS 16 (C3) and as mandated in the FReM has been used.

Previous treatment

In the comparative period, COPFS classified leases that transfer substantially all the risks and rewards of ownership as finance leases. Finance leases were capitalised at the start of the lease term at the fair value of the leased asset, or if lower, the present value of future lease payments was used as a proxy for the purposes of the value of the asset and the associated financial liability. Property, plant and equipment and financial liabilities associated with finance leases were recognised and valued on the same basis as other property, plant and equipment and financial liabilities as set out in the relevant accounting policies.

Leases where most of the risks and rewards of ownership of the asset remained with the lessor were classified as operating leases. Rentals payable in respect of operating leases were charged to the Statement of Comprehensive Net Expenditure (SOCNE) on a straight-line basis over the term of the lease. Assets previously held as operating leases were not recognised in the SoFP.

The updated Accounting Policy for Leases can be found on page 92 below.

Impact on financial statements

On transition to IFRS 16, COPFS recognised an additional £46.7m of right of use assets and £46.2m of lease liabilities.

When measuring lease liabilities, COPFS discounted lease payments using the HM Treasury rate applicable for the period 01 January 2022 to 31 December 2022 of 0.95%.

	£000
Operating lease commitment as at 31 March 2022	2,684
Discounted using HM Treasury discount rate (0.95%)	(535)
Finance lease commitment as at 31 March 2022	3,698
Re-assessments for IFRS16	40,827
less amounts paid in advance	(516)
Lease liabilities recognised at 1 April 2022	46,158

Non-current assets

Property, Plant and Equipment (PPE)

Recognition

All PPE assets have been accounted for as non-current assets unless they are deemed to be held for sale.

Title to the freehold land and buildings shown in the accounts is held by the Lord Advocate as a Scottish Minister. From 1 April 1996 the Crown Office assumed responsibility as principal for this accommodation in its capacity as 'major occupier', pursuant to the reorganisation of the management of the Civil Estate. The property which COPFS occupies is therefore capitalised and appears on COPFS's Statement of Financial Position.

Valuation

Freehold land and buildings have been stated at fair value using open market value under a rolling 3-year programme of professional physical valuations, with desk top valuations/confirmation of carrying values in intervening years and a physical valuation exercise undertaken at the end of year 3. Appropriate indices, provided by the Valuer, are used to restate values in the intervening years. The valuations are carried out in accordance with the Royal Institution of Chartered Surveyors (RICS) Appraisal and Valuation Manual in so far as these terms are consistent with the agreed requirements of HM Treasury's Financial Reporting Manual.

From 1 April 2007 other non-current assets that have short useful lives or low values or both are no longer revalued using indices but are reported at depreciated historic cost as a proxy for fair value.

Losses in value reflected in valuations are accounted for in accordance with IAS 36, Impairment of Assets. Such losses are taken to the revaluation reserve to the extent of any previous gain and any further loss is charged to the Statement of Comprehensive Net Expenditure.

Capitalisation

The minimum levels for capitalisation of a property asset is £10,000 and per individual item of equipment is £5,000. Information and Communications Technology (ICT) systems are capitalised where the pooled value exceeds £1,000.

Subsequent cost

Subsequent costs are included in the asset's carrying amount only when it is probable that the future economic benefits associated with the item will flow to COPFS and the value can be measured reliably. The carrying amount of the replaced part is derecognised. All other repairs and maintenance are charged to the Statement of Comprehensive Net Expenditure during the financial period during which they are incurred.

Intangible assets

Software (including licences), valued at cost, has been treated in the accounts as intangible and is amortised on a straight-line basis over the expected life of the asset. Software under development is capitalised at cost and is not subject to depreciation until the asset is brought into use.

Future economic benefit has been used as the criteria in assessing whether an intangible asset meets the definition and recognition criteria of IAS 38 where assets do not generate income. IAS 38 defines future economic benefit as, 'revenue from the sale of products or services, cost savings, or other benefits resulting from the use of the asset by the entity.'

Depreciation

Freehold Land is not depreciated.

Depreciation has been provided on straight line basis at a rate calculated to write off the valuation of freehold buildings and other property, plant and equipment by equal instalments over their estimated useful lives. Lives are normally in the following ranges:

Buildings	Not exceeding 55 years (based on valuation)
Telephone systems	Not exceeding 5 years
ICT Systems (Computers and Software)	Not exceeding 5 years
Vehicles	Not exceeding 5 years

Operating income

Operating income is income which relates directly to the operating activities of COPFS. It includes income applied without limit and income applied within limit. For income categorised as being applied within limit any excess over that approved is surrendered to the Scottish Consolidated Fund (SCF). COPFS derives minimal levels of income from LINETS, recharging of services provided to KLTR and some recharging of property costs.

Income is recognised when COPFS is entitled to the funds, it is probable the income will be received and the amount can be measured reliably. Income received in advance of entitlement is recorded as deferred income until COPFS is entitled to the funds.

All income is accounted for net of Value Added Tax (VAT).

Government Grant Income

Grant Income from other sources is reported when it is receivable. If the funder of this grant income imposes conditions then the grant income is recognised when the grant conditions are met.

Government grant income is presented separately from related expenses.

Administration and Programme Expenditure

The Statement of Comprehensive Net Expenditure is analysed between administration and programme costs. COPFS does not have any programme income or expenditure. Administration costs reflect the costs of running COPFS as defined under the administration cost control regime, together with associated operating income. Income is analysed in the notes between that which, under the regime, is allowed to be offset against gross administrative costs in determining the outturn against the administration cost limit, and that operating income which is not.

Parliamentary Funding

COPFS is largely funded by monies awarded via the Budget Bill which is passed by the Scottish Parliament. This is treated as grant rather than income. This method of presentation is intended to ensure transparency and clarity.

Employee Benefits

Retirement Benefits

It is not possible for COPFS to identify its share of the underlying liabilities in the scheme attributable to its own employees. For the purposes of this Statement of Accounts, it is therefore accounted for on the same basis as a defined contribution scheme. Departments, agencies and other bodies covered by these recognise the expected cost of providing pensions for their employees on a systematic and rational basis over the period during which it benefits from their services by payment to the PCSPS of amounts calculated on an accruing basis (relevant disclosures are reported in the Remuneration and Staff Report). Liability for the payment of future benefits is a charge to the PCSPS. There is a separate scheme statement for the PCSPS as a whole. Ministers are covered by the provisions of the Scottish Parliamentary Pension Scheme which is contributory and funded.

Short-Term Employee Benefits

A liability and an expense is recognised for holiday days, bonuses and other short-term benefits when our employees render service that increases their entitlement to these benefits. As a result an accrual has been made for employee benefits earned but not taken.

Provisions

Under IAS 37, provisions are recognised when:

- COPFS has a present or constructive obligation as a result of past events;
- It is probable that an outflow of resources will be required to settle the obligation; and
- The amount can be reliably estimated.

Provisions are measured at the present value of the expenditures expected to be required to settle the obligation using a discount rate set by HM Treasury. The increase in the provision due to the passage of time is recognised as an expense.

Contingent Liabilities

A contingent liability is disclosed in the notes of the financial statements unless the possibility of the payment is remote.

Leases

In accordance with IFRS16, a contract is or contains a lease, if the contract conveys the right to control the use of an identified asset for a period of time. This includes assets for which there is no consideration. To assess whether a contract conveys the right to control the use of an identified asset, COPFS assesses whether:

The contract involves the use of an identified asset;

- COPFS has the right to direct the use of that asset; and
- COPFS has the right to obtain substantially all of the economic benefit from the use of the asset throughout the period of use.

Contracts for low value items, in line with the capitalisation levels for PPE noted above and contracts with a term shorter than 12 months are excluded.

Initial Measurement

A right of use asset and lease liability is recognised at the commencement date.

The right of use asset is initially measured at cost, which comprises the initial amount of the lease liability adjusted for initial direct costs, accrued or prepaid lease payments, lease incentives received and any disposal costs at the end of the lease.

The right of use asset is depreciated using the straight-line method from the commencement date to the earlier of the end of the useful life of the right of use asset or the end of the lease term. The estimated useful lives of the right of use assets are determined on the same basis of those of property plant and equipment assets.

The lease liability is initially measured at the present value of the lease payments that are not paid at the commencement date, net of irrecoverable VAT, discounted using the interest rate implicit in the lease, or if that cannot be readily determined, the rate provided by HM Treasury (HMT) for that calendar year. Lease payments included in the measurement of the lease liability comprise payments that are fixed or in substance fixed.

Subsequent Measurement

Right of use assets are subsequently measured using the fair value model. The cost measurement model in IFRS 16 is used as an appropriate proxy for current value in existing use or fair value (consistent with the principles for subsequent measurement of property, plant and equipment), except for leases of land and property without regular rent reviews. For these leases, the asset is carried at a revalued amount.

The lease payment is adjusted for accrued interest and repayments. It is re-measured when there is a change in future lease payments arising from a re-assessment or modification.

Lease Expenditure

Expenditure to the SOCNE includes interest, depreciation and asset impairments. Lease payments are debited against the liability in the SoFP. Rental payments for leases with a term of less than 12 months or where the underlying asset is of low value are expensed to the SOCNE.

Value Added Tax (VAT)

The majority of services provided by COPFS fall outside the scope of VAT. COPFS can recover VAT on certain contracted-out services. Income and expenditure are shown in the accounts net of VAT where this is recoverable.

Financial Instruments

COPFS has no material deposits and all material assets and liabilities are denominated in sterling. COPFS is therefore not exposed to significant interest rate or currency exchange risk.

The classification of financial assets is determined on initial recognition and comprises only receivables with fixed or determinate payments. Financial assets include other receivables and cash at bank in the Statement of Financial Position. Receivables are recognised at fair value less any provision for non-recovery, which is charged to the Statement of Comprehensive Net Expenditure. Financial assets are derecognised when the rights to receive cash flows from the assets have expired or been substantially transferred from COPFS.

COPFS has no borrowings and relies primarily on funding from the Scottish Consolidated Fund for its cash requirements. COPFS is therefore not exposed to liquidity risks.

Financial liabilities are classified at the point of initial recognition and comprise trade and other payables. Financial liabilities are valued at fair value and derecognised when they have been extinguished i.e. discharged, cancelled, or expired.

Cash and Cash Equivalents

Cash and cash equivalents include cash in hand, deposits held on call with banks, and bank overdrafts.

Trade Payables

Trade payables are recognised initially at fair value and subsequently measured at amortised cost using the effective interest method.

Segmental Reporting

COPFS does not report on a segmental basis, but reports on a corporate basis with sub-analysis by objectives and business area as appropriate (see page 20) of Performance Report). This is considered the most suitable method of reporting.

Disclosure of Accounting Standards not yet applied

All International Financial Reporting Standards, Interpretations and Amendments to published standards effective at 31 March 2023 have been adopted where applicable to COPFS.

There is a new accounting standard which has been issued, but has not yet been applied to these financial statements.

IFRS 17 – Insurance Contracts

The implementation date for IFRS 17 is not yet confirmed and the impact has not yet been determined. The Financial Reporting Advisory Board (FRAB) are considering implementation of the standard in the public sector however the earliest date of mandatory adoption of the Standard, as per the FRAB paper 145 (11) would be from financial year 2024-25.

2. Other administrative costs

Other Expenditure comprised of:

	2022-23	*Restated 2021-22
	£000	£000
Travel and Subsistence	570	314
Training	155	286
Accommodation	6,981	8,993
Legal Costs**	32,254	29,267
Witness Costs	3,101	1,706
Supplies and Services	7,224	6,809
Other Staff and Office Costs	2,089	2,249
(Profit)/Loss on disposal of assets	26	11
Revaluation Adjustment	6	66
Sub-Total	52,406	49,701
Non-Cash Costs:		
Audit Fee	109	109
Provision utilised in year**	(15,475)	(10,915)
Provision recognised in year	-	17,775
Impairment	2,160	1,394
Depreciation	7,633	5,385
Sub-Total	(5,573)	13,748
Total Administrative Costs	46,833	63,449

*2021-22 restated to correct the categorisation of revaluation gains and losses.

** The legal costs include amounts of £15,475,000 which is reversed by the provisions utilised above, as the provision for these were accounted for in 2021-22.

Note:

Within Other Administrative Costs for 2022-23 there were £Nil for non-audit services provided by the appointed auditor, Audit Scotland (2021-22: £Nil).

3. Operating income

Operating Income analysed by classification and activity as follows:

	Income Applied £000	Income Not Applied £000	2022-23 Total £000	2021-22 Total £000
Administrative income allowable within cost limit*:				
King's and Lord Treasurer's Remembrancer (KLTR) costs recharged	1,282	-	1,282	817
Legal Information Network for Scotland (LINETS) Subscriptions	1,014	-	1,014	991
Other Income applied	44	-	44	27
Grant Income	-	-	-	211
Sub-Total	2,340	-	2,340	2,046
Other Income (Treated as not applied)**				
Civil Recovery and Proceeds of Crime Income	-	4,376	4,376	2,643
Cash Seizures	-	7,632	7,632	2,728
Sub-Total	-	12,008	12,008	5,371
Total	2,340	12,008	14,348	7,417

* Retained Income limit per the Budget Act is £3,000,000 (2021-22 £2,000,000). The income limit does not apply to grant income.

** Collected on behalf of HM Treasury/Scottish Consolidated Fund.

4. Property, plant and equipment

2022-23	Land	Buildings	IT equip.	Telecom.	Vehicles	AUC	Total
Cost or Valuation	£000	£000	£000	£000	£000	£000	£000
As at 1 April 2022	1,575	34,721	9,120	2,978	529	-	48,923
Additions	-	1,716	654	39	145	122	2,676
Disposals	-	-	(71)	(1,112)	-	-	(1,183)
Transfers*	-	(7)	-	-	-	7	-
Reclassifications**	-	(7,526)	-	-	-	-	(7,526)
Revaluations	(143)	(563)	-	-	-	-	(706)
At 31 March 2023	1,432	28,341	9,703	1,905	674	129	42,184
Depreciation							
As at 1 April 2022	-	(20,368)	(3,776)	(2,708)	(397)	-	(27,249)
Charged in-year	-	(1,234)	(1,525)	(91)	(69)	-	(2,919)
Accelerated Depreciation (Note 2)	-	(2,160)	-	-	-	-	(2,160)
Disposals	-	-	53	1,104	-	-	1,157
Reclassifications	-	4,092	-	-	-	-	4,092
Revaluations	-	52	-	-	-	-	52
As at 31 March 2023	-	(19,618)	(5,248)	(1,695)	(466)	-	(27,027)
Net Book Value							
As at 31 March 2023	1,432	8,723	4,455	210	208	129	15,157
As at 1 April 2022	1,575	14,353	5,344	270	132	-	21,674
Analysis of Asset Financing							
Owned	1,432	8,723	4,455	210	208	129	15,157
NBV at 31 March 2023	1,432	8,723	4,455	210	208	129	15,157

* Transfers to AUC in respect of development projects which were incorrectly categorised in 21-22.

** The reclassification relates to the adoption of IFRS 16 Leases – see Note 6.

Note 1:

Freehold Land, buildings were indexed using indices provided by Avison Young at 31 March 2023. The valuers were external to the organisation.

Note 2:

Funded by AME as reported in Note 2 under Impairment classification.

2021-2022	Land	Buildings	IT equip.	Telecomm- unications	Vehicles	Total
Cost or Valuation	£000	£000	£000	£000	£000	£000
As at 1 April 2021	1,325	32,069	10,741	3,638	646	48,419
Additions	-	3,007	543	83	-	3,633
Disposals	-	(402)	(2,164)	(743)	(117)	(3,426)
Revaluations	250	47	-	-	-	297
At 31 March 2022	1,575	34,721	9,120	2,978	529	48,923
Depreciation						
As at 1 April 2021	-	(18,431)	(4,553)	(3,113)	(439)	(26,536)
Charged in-year	-	(1,289)	(1,359)	(336)	(71)	(3,055)
Accelerated Depreciation	-	(1,394)	-	-	-	(1,394)
Disposals	-	402	2,136	741	113	3,392
Revaluations	-	344	-	-	-	344
As at 31 March 2022	-	(20,368)	(3,776)	(2,708)	(397)	(27,249)
Net Book Value						
As at 31 March 2022	1,575	14,353	5,344	270	132	21,674
As at 1 April 2021	1,325	13,638	6,188	525	207	21,833
Analysis of Asset Financing						
Owned	1,575	5,728	5,344	270	132	13,049
Leases	-	8,625	-	-	-	8,625
NBV at 31 March 2022	1,575	14,353	5,344	270	132	21,674

5. Intangible assets

	Software Developed In-House or by Third Parties	Software Licences	Websites	Development Expenditure	Total
2022-23	£000	£000	£000	£000	£000
Cost or Valuation					
At 1 April 2022	19,619	2,540	91	8,999	31,249
Additions	208	4	-	4,165	4,377
Disposals	(1,102)	(302)	-	-	(1,404)
Transfers*	-	(320)	-	320	-
Reclassifications	710	-	-	(710)	-
As at 31 March 2023	19,435	1,922	91	12,774	34,222
Amortisation					
At 1 April 2022	(16,582)	(2,170)	(91)	-	(18,843)
Charged in Year	(1,994)	(21)	-	-	(2,015)
Disposals	1,102	302	-	-	1,404
As at 31 March 2023	(17,474)	(1,889)	(91)	-	(19,454)
Net Book Value					
As at 31 March 2023	1,961	33	-	12,774	14,768
As at 31 March 2022	3,037	370	-	8,999	12,406
Analysis of Asset Financing					
Owned	1,961	33	-	12,774	14,768
Finance Leased	-	-	-	-	-
Contracts	-	-	-	-	-
NBV at 31 March 2023	1,961	33	-	12,774	14,768

* Transfers to Development Expenditure in respect of items incorrectly categorised during 2021-22.

	Software Developed In-House or by Third Parties	Software Licences	Websites	Development Expenditure	Total
2021-22	£000	£000	£000	£000	£000
Cost or Valuation					
At 1 April 2021	17,869	2,792	91	5,434	26,186
Additions	31	218	-	5,287	5,536
Disposals	(3)	(470)	-	-	(473)
Reclassifications	1,722	-	-	(1,722)	-
As at 31 March 2022	19,619	2,540	91	8,999	31,249
Amortisation					
At 1 April 2021	(14,272)	(2,618)	(91)	-	(16,981)
Charged in Year	(2,313)	(17)	-	-	(2,330)
Disposals	3	465	-	-	468
As at 31 March 2022	(16,582)	(2,170)	(91)	-	(18,843)
Net Book Value					
As at 31 March 2022	3,037	370	-	8,999	12,406
As at 31 March 2021	3,597	174	-	5,434	9,205
Analysis of Asset Financing					
Owned	3,037	370	-	8,999	12,406
Finance Leased	-	-	-	-	-
Contracts	-	-	-	-	-
NBV at 31 March 2022	3,037	370	-	8,999	12,406

6. Right of Use Assets

2022-23	Buildings £000
Cost or Valuation	
Balance at 31 March 2022	-
Transferred from PPE on 1 April 2022	7,526
Remeasurement	39,148
At 1 April 2022	46,674
Additions	-
Disposals	-
As at 31 March 2023	46,674
Amortisation	
Balance at 31 March 2022	-
Transferred from PPE on 1 April 2022	(4,092)
Remeasurement	4,092
At 1 April 2022	-
Charged in Year	(2,699)
Disposals	-
As at 31 March 2023	(2,699)
Net Book Value	
As at 31 March 2023	43,975
As at 31 March 2022	-
Analysis of Asset Financing	
Owned	-
Leased	43,975
NBV at 31 March 2023	43,975

Note:

This is a new note for 2022-23 as this is the first year of adoption of IFRS 16 - Leases within COPFS. See Note 1 – Accounting policies for more information on the adoption of this standard.

7. Trade receivables, financial and other assets

	2023 £000	2022 £000
Amounts falling due within one year		
VAT	1,200	1,240
Other Receivables	1,221	1,428
Prepayments	2,787	2,660
Accrued Income	1,064	500
Total receivables at 31 March	6,272	5,828

8. Cash and cash equivalents

	2023 £000	2022 £000
At 1 April	4,509	5,852
Net change in cash and cash equivalent balances	(1,457)	(1,343)
At 31 March	3,052	4,509
The following balances at 31 March were held at:		
Balances at Government Banking Services	2,861	3,779
Commercial banks and cash in hand	191	730
At 31 March	3,052	4,509

9. Trade Payables and other current liabilities

	2023 £000	2022 £000
Amounts falling due within one year		
Other Taxation and Social Security Payables	(5,707)	(4,786)
Trade Payables	(1,583)	(2,009)
Other Payables	(78)	(621)
Accruals and Deferred Income	(12,254)	(11,339)
Current part of Finance Leases	-	(249)
Cash Seizures	-	-
Balances payable to the Scottish Consolidated Fund	(3,052)	(4,509)
Total due within one year as at 31 March	(22,674)	(23,513)
Amounts falling due after more than one year:		
Finance Leases	-	(3,449)
Total due after more than one year as at 31 March	-	(3,449)

10. Provisions for Liabilities and Charges

	Injury Benefit Costs £000	Other Provisions £000	2023 Total £000	2022 Total £000
Balance as at 1 April	400	25,382	25,782	18,096
Additional provisions made	507	2,129	2,636	19,855
(Decrease)/Increase due to change in the discount rate	-	-	-	4
Amounts incurred and charged against provision	(82)	(16,271)	(16,353)	(11,394)
Provision not required written back	-	(39)	(39)	(779)
Balance at 31 March	825	11,201	12,026	25,782
Payable within one year	83	11,201	11,284	25,448
Provision of over 1 year	742	-	742	334

Note:

Injury benefit provision relates to employees who have sustained injuries at work. Other provisions relates to other early departure costs, dilapidations and specific cases where estimates are based on the information known at the time of signing of the financial statements but the actual settlements could be materially understated or overstated.

Analysis of expected timing of discounted cashflows

	Injury Benefit Costs £000	Other Provisions £000	2023 £000	2022 £000
Not later than 1 year	83	11,201	11,284	25,448
Later than 1 year and not later than 5 years	259	-	259	218
Later than 5 years	483	-	483	116
Total	825	11,201	12,026	25,782

11. Leases

Obligations under leases for the following periods comprise:

	2023 £000	2022 £000
Buildings		
No later than 1 year	2,796	-
Later than 1 year and no later than 5 years	8,950	-
Later than 5 years	37,929	-
	49,675	-
Less interest element	(5,389)	-
Present value of obligations	44,286	-

	2023 £000	2022 £000
Current	2,390	-
Non-Current	41,896	-
Total	44,286	-

COPFS has applied IFRS 16 – Leases using the cumulative catch-up approach and as such comparative information has not been restated and continues to be reported under IAS17.

Leases are discounted using the rates issued by HM Treasury. These rates are applicable for calendar years and for 2022, the rate used by COPFS for leases transitioning under IFRS16 at 1 April 2022 was 0.95%.

Amounts recognised in the SoCNE:

	2023 £000	2022 £000
Amortisation	2,699	-
Interest on lease liabilities	427	-
Total	3,126	-

12. Commitments under leases

12a. Commitments under leases

Total future minimum lease payments under operating leases are given in the tables below. Obligations under operating leases for the following periods comprise:

	2023 £000	2022 £000
Buildings		
No later than 1 year	-	879
Later than 1 year and no later than 5 years	-	1,365
Later than 5 years	-	439
Total as at 31 March	-	2,683

12b. Finance Leases

Total future minimum lease payments under finance leases are given in the table below for each of the following periods:

	2023 £000	2022 £000
Buildings		
No later than 1 year	-	1,802
Later than 1 year and no later than 5 years	-	6,219
Later than 5 years	-	28,772
Total lease payments as at 31 March	-	36,793
Less Interest element as at 31 March	-	(33,095)
Present value of obligations as at 31 March	-	3,698

13. Capital commitments

Property, plant and equipment

	2023	2022
	£000	£000
Contracted capital commitments at 31 March not otherwise included in these statements but not provided for	3,857	385
Total	3,857	385

14. Related Party Transactions

COPFS is a separate service of the Scottish Government for funding purposes. During the year, COPFS had a number of material transactions with the Scottish Government, KLTR, Law Society of Scotland and The Scottish Courts and Tribunal Service. One of the Non-Executive Directors, who is an independent member of Audit & Risk Committee and Executive Board, was a member of the Audit & Risk Committee at University of Glasgow until January 2023. One of the Executive Directors is a member of the council of the Law Society of Scotland. None of the rest of the Non-Executive Directors, Executive Board members, key managerial staff or other related parties has undertaken any material transactions with COPFS during the year.

Payments made to the Scottish Courts and Tribunal Service relating to estates services and rental for occupancy of buildings, to Law Society of Scotland relating to practicing certificates and to University of Glasgow relating to Pathology and Toxicology services are as follows:

	2022-23	2021-22
	£000	£000
Scottish Courts and Tribunal Service	3,272	3,260
University of Glasgow	4,202	5,044
Law Society of Scotland	518	473

Income recharged to KLTR for salaries and administration costs, see page 96, are as follows:

	2022-23	2021-22
	£000	£000
KLTR	(1,282)	(817)

15. Financial Instruments

This note outlines COPFS's potential risk from the use of financial instruments.

The Executive Board has overall responsibility for the establishment and oversight of COPFS's risk management framework.

COPFS has no derivative financial assets or liabilities.

Financial Assets Description	2023	2022
	£000	£000
Accrued Income	1,064	500
Other receivables	1,221	1,428
Cash and Cash Equivalents	3,052	4,509
Totals	5,337	6,437

Financial Liabilities Description	2023	2022
	£000	£000
Trade Payables	(1,583)	(2,009)
Accruals	(12,254)	(11,339)
Other payables	(78)	(621)
Scottish Consolidated Fund	(3,052)	(4,509)
Leases	(44,286)	(3,698)
Totals	(61,253)	(22,176)

Credit risk

Credit risk arises from cash and cash equivalents, deposits with banks and other institutions, as well as credit exposures to customers, including outstanding receivables and committed transactions.

For banks and other institutions, only independently rated parties with a minimum rating of 'A' are accepted.

Liquidity risk

Liquidity risk is the risk that COPFS will not be able to meet its financial obligations as they fall due. COPFS's approach to managing liquidity is to ensure that it will have sufficient liquid funds to meet our liabilities as they fall due. COPFS's primary source of liquidity is allocation from the Budget Act for each financial year, approved by the Scottish Parliament. COPFS monitors its bank balances daily and can draw down additional funding within 24 hours. With the exception of finance leases, COPFS has no debt or borrowing facility with any external party.

Liquidity is also managed by the monitoring of actual performance against budgets and forecasts.

16. Cash Requirement

Financial Liabilities Description	2022-23 £000
Approved Cash Requirement	195,000
Additional funding drawn down	-
Funding drawn down	195,000
Cash Expended:	
Operating Costs	185,540
Capital expenditure	8,103
Total Cash Expended	193,643
Lease expenditure	2,814
Total	196,457
Net change in cash balance year to 31 March 2023	(1,457)
Cash Balance due to the SCF as at 31 March 2022	4,509
Total Cash Balance as at 31 March 2023	3,052
Consisting of:	
Funding balance due to (from) the SCF	3,052
Excess income due to the SCF	-

17. Contingent Liabilities

COPFS is subject to several civil litigation and damages claims. COPFS is opposing these claims, but continues to review each case individually for liabilities that may arise as the legal processes progress. The value of these claims has yet to be finalised.

18. Events after the Reporting Period

There have been no material events between 31 March 2023 and the publication of the statements that require adjustments to the accounts to be disclosed.

Accounts Direction by Scottish Ministers

Accounts Direction by Scottish Ministers

Ministerial requirement to produce a set of annual accounts

These annual accounts have been produced to meet the requirement placed on the Lord Advocate to do so by the Accounts Direction by Scottish Ministers.

Period of accounts

This report and accounts are for the year ended 31 March 2023.

The scope of these accounts

These accounts reflect the assets and liabilities of COPFS. A separate set of accounts is produced for the King's and Lord Treasurer's Remembrancer (KLTR), which is a separate organisation with a separate Accountable Officer, but which shares the same Audit and Risk Committee as COPFS.

Accounts Direction by Scottish Ministers



LORD ADVOCATE

DIRECTION BY THE SCOTTISH MINISTERS

In accordance with section 19(4) of the Public Finance and Accountability (Scotland) Act 2000

1. The statement of accounts for the Crown Office and Procurator Fiscal Service for the financial year ended 31 March 2006 and subsequent years shall comply with the accounting principles and disclosure requirements of the edition of the Government Financial Reporting Manual (FReM) which is in force for the year for which the statement of accounts are prepared.
2. The accounts shall be prepared so as to give a true and fair view of the net resource outturn, resources applied to objectives, recognised gains and losses and cash flows for the financial year, and of the state of affairs as at the end of the financial year.
3. This direction shall be reproduced as an appendix to the statement of accounts. The direction given on 15 July 2002 is hereby revoked.

A handwritten signature in blue ink, which appears to read 'Alison Stelfox'.

Signed by the authority of the Scottish Ministers Dated: 17 January 2006

PPDAS1352382