

## Executive Board meeting minutes

Meeting held on 24 May 2023 in Crown Office and by Microsoft Teams

### Present:

John Logue (Chair)	Crown Agent
Stephen McGowan	Deputy Crown Agent, Litigation
Anthony McGeehan	Deputy Crown Agent, Operational Support
Jennifer Harrower	Deputy Crown Agent, Local Court
Kenny Donnelly	Deputy Crown Agent, Specialist Casework
Ruth McQuaid	Deputy Crown Agent, High Court
Keith Dargie	Head of Business Services
Sarah Carter	Director of Human Resources
Marlene Anderson	Director of Finance and Procurement
Annie Gunner Logan	Non-executive director
David Watt	Non-executive director
Vanessa Davies	Non-executive director

### In attendance:

Jim Brisbane	Internal Assurance, Strategy and Policy Advisor
Fiona Holligan	Secretariat

### Apologies:

None.

### Agenda Item 1 – Welcome and Apologies

1. The Crown Agent opened the meeting and welcomed all colleagues and formally welcomed Ruth McQuaid, Kenny Donnelly and Jim Brisbane in their new roles.

## Agenda Item 2 - Minutes of previous meeting

2. Subject to swapping the designations of Ruth McQuaid and Kenny Donnelly in paragraph one, the minutes of the meeting held on 22 March were approved and can be published. There were no conflicts of interest were noted.

## Agenda item 3 - Finance Update

### Finance Update

3. The Director of Finance and Procurement introduced paper EB23/24(01). It was noted that the 2022-23 annual accounts were being finalised. The draft annual accounts will be circulated to NXDs shortly for comment. It was further noted that the 2022-23 forecast has no material changes.

4. DCA Litigation provided an update on the civil actions and estimated timescales where known. The Crown Agent noted the position regarding kennel costs. DCA Local Court explained the new approach being taken to cases involving kennel costs and is confident moving forward that this will yield reduced costs. The Director of Finance and Procurement highlighted the overspend on pathology costs.

5. The Crown Agent thanked the Director of Finance and Procurement, the Head of Business Services and DCA Operational Support for their work with Scottish Government (SG) colleagues on the 2023-24 budget. The Crown Agent provided a summary of the current position. It was noted that the DCAs had each been delegated budget authority this year and required to plan for further savings beyond vacancy savings.

6. The Director of Finance and Procurement will prepare a paper for the next Board on 28 June detailing the work being done on savings in the short/medium/long term and the potential impact on other criminal justice partners.

## Agenda Item 4 – Future Ways of Working

7. Head of Business Services provided the Board with a verbal update on progress, priorities and reporting. This included an update on the work ongoing in advance of commencement of the Scottish Government initiative to pilot wellbeing hour from July 2023. The Director of Human resources provided further background and context. A discussion followed around the scope of the pilot, principles and guidance for staff/managers and how the pilot will be reviewed. Head of Business Services will provide a framework note for coordinating this and related corporate work activities.

8. The Board noting that a further update will be provided at the June meeting.

## Agenda Item 5 – Function Update – Local Court

9. DCA Local Court introduced paper EB23/24(02) and highlighted the progress NICP had made to reduce the marking and the progress of the Summary Case Management pilot and the work towards extending the pilot further. The Board congratulated the DCA Local Court and her team on the encouraging results to date. The Board noted the update provided.

10. The Crown Agent took the opportunity to suggest changing the current format of each function update report so that in the future they include:

- A shift to focus progress against business plan objectives;
- A summary of work ongoing to achieve savings; and
- All work designed to improve quality and capacity

## Agenda Item 6 – Function Update – Specialist Casework

11. DCA Specialist Casework introduced paper EB23/24(03) and highlighted discussions are ongoing with various organisations whose work impacts on Specialist Casework to agree timescales to reduce the journey times of cases. There was a brief discussion on toxicology work. The Board noted the update provided.

## Agenda Item 7 – Function Update – High Court

12. DCA High Court introduced paper EB23/24(04) and highlighted the recent resource mapping work commissioned which will assist in consideration of savings in the high court function. The Board were provided with a brief overview of the five areas of focus and an outline of the risks and initiatives. The Board noted the update provided.

## Agenda Item 8 – Function Update – Operational Support

13. The Board noted the update provided in paper EB23/24(05). .

## Agenda Item 9 – Committee Update – Resources Committee

14. The Board noted the update provided in paper EB23/24(06). .

## Agenda Item 10 – Committee Updates – Business Improvement

15. Head of Business Services introduced paper EB23/24(07). The Board noted the update provided in the paper.

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

## Agenda Item 11 – Committee Updates – Operational Performance

16. DCA Litigation introduced paper EB23/24(08). The Board noted the update provided in the paper.

May 2023

**EXECUTIVE BOARD**  
**MAY 2023 MEETING UPDATE**  
**FINANCE UPDATE**

## Purpose

1. This paper provides the Executive Board with an update on:
  - Annual Accounts update;
  - Budget and forecast for 2022-23;
  - Budget for 2023-24

## Annual Accounts Update 2022-23

2. Work has begun on the 2022-23 Annual report and Accounts. Audit Scotland have commenced the interim audit and the Finance team are working through the final accruals, prepayments, and accounting adjustments. Further reviews will continue to take place and is on track to meet Audit deadlines.

## Budget and Forecast 2022-23

3. The latest forecast for 2022-23 has been completed (Appendix A). The forecast reflects a current residual underspend of £1m compared to £784k previously reported to the Board. The forecasts have been adjusted to reflect agreed actions and controls that have been implemented as well as known funding drawdown.
4. Non-Staffing core expenditure has moved to a projected overspend of £700k for the following reasons:
  - While court related costs were initially lower than pre-pandemic levels, the increase in court business and court recovery work taking place is resulting in increased costs with NSE now being forecast to land overbudget.
  - Kennel costs continue to be over budget due to cases not being heard timeously;
  - Combined ad-hoc contract AD and associated Junior Counsel, to support AD requirements for court preparation and trials continues to be overspent as well as an increase in expert witness costs, but is offset by underspend in other areas;
  - Pressures in Estates resulting from increased maintenance costs, technical support such as architects fees and mechanical and electrical consultation and Service Charge costs. These are partially but not fully offset by forecasted savings in rent and rates costs;
  - Pressures in Business Support Services due to inflation across contracts;

- Non recoverable VAT continues to be overspent due to increased non-staff spend and inflation in areas that do not attract VAT recoverability. This budget cannot be directly controlled;
  - Overspend on NHS Lothian contract due to transfer of pathology services being charged at higher rate than under Dundee University agreement, slightly offset by NHS Fife reduction from moving to a storage only contract from original storage and mortuary service contract;
  - Glasgow University Pathology contract increase due to full annualised impact of 7th pathologist and inflation uplift.
5. It has been agreed with Scottish Government that the capital overspend is to be funded by the underspend in Resource funding.
6. The following proactive measures implemented were:
- There have been increases in non-staff budget lines as a result of inflation and increased demand. The better overall position reported is due to further Major Case non staffing costs reallocated due to lower than anticipated Counsel costs and legal advice. The Finance Business Partners and HOBMs are scrutinising all costs and forecasts to ensure appropriate year-end adjustments are actioned.
  - Business process reviews are continuing to be carried out by the transformation teams and individual directorates and are continuing to be reflected within business and workforce plans;
  - Overtime continues to be scrutinised and controlled. The recruitment gaps have increased demand on overtime which is included in the staffing forecast. Additional overtime was approved in the lead up to year end to ensure we maximised opportunities to start 2023-24 on a good footing.

**Risks:**

- Post Mortems and Toxicology budget is under pressure due to increase in non-SPA supplier inflationary costs including costs charged for an additional pathologist to tackle increased demand. There is a risk that further pressure in this area due to increased demand and further currently unknown inflationary pressures emerging continue into 2023-24;
- Non staff cost increases continue to materialise out-with expectations in 2023-24.

## 2023-24 Budget Allocation

6. The budget for 2023-24 was announced on the 15<sup>th</sup> December. COPFS received an increase of £13m on Resource budget and £3m increase on Capital funding.

7. Whilst the increased funding is most welcome, Scottish Government were unable to support the full amount required for 2023-24. This means that COPFS will need to deliver improved outcomes with less.
8. We are developing detailed resource and business plans to help COPFS deliver on priorities in 2023-24. It is more important than ever that we continue to innovate, improve, and transform the way we work and deliver our services. We continue working with our partners to deliver system wide improvements.
9. The detailed resource models/plans for 2023/24 will align to Scottish Government's Path to Balance, and we will continue to engage with Scottish Government on resources where possible, [REDACTED]  
[REDACTED]
10. The additional capital investment is to support our digital transformation programmes, including developing our next generation casework systems and processes. The planning work for this important piece of work will be completed over the next few months with the project delivery phases commencing from Q3 2023/24 (delivery is multi-year in line with Scottish Government funding allocations).
11. Considering the pressures we face in the event of no additional funding being provided, each function has been allocated savings targets in both staffing and non-staffing budgets. The progress against these savings will be reported to the monthly Resources Committee meetings and subsequently to Executive Board.
12. Scenario Planning will be completed over early Q1 to inform actions that are required to be taken as the year progresses, which include Workforce Planning analyses and trends as well as financial impacts and planning.

	2022-2023 Allocation £m	2023-24 Allocation £m
Resource	169.80	181.80
Capital	5.30	8.30
Non-cash	5.80	6.50
<b>Total</b>	<b>180.90</b>	<b>196.60</b>

## Conclusion

- 10. The Executive Board is invited to note, and if it wishes, comment on the update to the 2022-23 forecast position.**
- 11. The Executive Board is invited to agree and comment on the 2023-24 budget allocation.**

17 May 2023

OFFICIAL SENSITIVE

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

**APPENDIX A**

[REDACTED]

[REDACTED]

OFFICIAL SENSITIVE  
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APPENDIX B

[REDACTED]

[REDACTED]

- [REDACTED]
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**EXECUTIVE BOARD**

**FUNCTION UPDATE: LOCAL COURT**

**Purpose**

1. To provide the Executive Board with a short update on current performance and progress as we continue recover from the Covid-19 pandemic and implement planned improvements and reform in 2023/24. Further details are provided in Annex A.

**Priority**

2. Routine.

**Recommendation**

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

**Jennifer Harrower  
Deputy Crown Agent  
Local Court**

**May 2023**

**ANNEX A**

**1. Current Priorities**

- We are now implementing our Business Plan for 23/24. This plan focusses on the tangible measurable aims that are under the control of Local Court to improve our processes and service delivery, support our staff and transform the way we carry out our business.
- We are continuing to monitor implementation of the agile working policy. We remain cognisant of the fact that the majority of staff in Local Court have to work in specific locations office/court as part of the long-established rota process. We are ensuring that the policy is being implemented fairly and consistently and are addressing issues such as staff in offices carrying out tasks for staff who are working at home.
- Summary Case Management pilots commenced on 5<sup>th</sup> September 2022 in Dundee, Hamilton, and Paisley. The pilots have provided the ability of the police to provide early disclosure of key evidence in DA cases, and targeted disclosure in other casework. Change to the practice note issued by the Sheriff Principal in February 2023 allowed changes to legal aid which had hitherto caused defence agents not to participate. A comparison of the 6 months prior to SCM and first 6 months of SCM pilot has shown 30-36% decrease in witness citations issued in the three SCM courts. All three courts have seen an increase in the percentage of cases resolving at first appearance and increased resolution at CWP diets at Dundee and Hamilton. Further, there is evidence that the three courts have seen sheriff summary recovery "faster and further" than the national position with greater increases in the reduction in the trial backlog. Against a national decrease between Aug 22 and Mar 23 of 21.6% the three courts have seen decreases of 26% in Dundee; 31% in Hamilton and 38% in Paisley.
- Reduction of the pandemic backlog in the summary and solemn courts.

**2. Staffing**

- We continue to recruit across all grades and all locations to ensure that we maintain our agreed staffing position of FTE of 1,117. As at 12<sup>th</sup> May 2023 there were 1,084 FTE in post in Local Court. Local Court continues to take on the majority of new legal staff to the department which requires us to continue the transfer of existing legal resource to SCG.
- We continue to adopt an agile approach to our resourcing aligning our recruitment with our transformation strategy which will increase our ability to undertake elements of our work from a neutral location. This will improve our service delivery and improve our processes. The location neutral staff will rotate with staff in local offices allowing for greater use of the policy in our small and medium sized offices.

**3. NICP**

- Performance against the main KPI for 2022/23 (marking 75% of cases within 28 days of receipt) was 72.3%. The current performance this year is **72.5%**.

**ANNEX A**

- The number of unmarked cases as at 8 May 2023 was **13,645**. This equates to 5.0 weeks' worth of work. The figure was 19,292 in Jan 23. The level at the last update in Mar 23 was 15,619.
- Priority is being given to reducing the age profile of cases awaiting marking. The number of cases over 4 weeks has reduced by 4500 since Jan 23.
- A review is currently being undertaken within local Court to assess the case marking business and how best to organise and resource within Local Court. LC continues to see the value in having specialist case marking service to provide consistency across Scotland and ensure that high quality decisions are being made.
- NICP continues to play a pivotal role in the successful implementation of the Summary Case Management pilots ensuring that additional evidence is considered and assessing which cases are suitable for resolution.
- During SCM pilots, NICP has taken on the role of marking undertakings for the three pilot areas. The intention is to migrate all summary undertakings to NICP during the course of this business year.
- Local Court has seen new ways of working with some digital productions being available at case marking stages due to SCM and DESC pilots.

**4. Solemn Casework**

- Performance against the main solemn KPI (indicting 75% of cases within 8 months of first appearance) was **49%** 2022-2023. The number of indictments served has risen from 6205 in 18-19 to 7053 in 22-23.
- New petitions – the number of new petitions registered in 22-23 was **11,424**. This compares with 9,780 in pre covid year 19-20. Since the pandemic the annual figure has continued to exceed 11,000 per year. Prior to the pandemic the annual figure never reached 10,000.
- Precognitions in hand – the Apr 23 figure is **6822** slightly reduced from the figure at Feb 23 was 6839. The figure in Feb 22 was 6,325.
- Outstanding Trials – there were **2389** trials scheduled at end of 22-23. This compares with 497 in the pre -pandemic year 19-20. The figure at the end of 21-22 was 2274. The figure is reduced from 2472 at Jan 23.
- Additional S&J courts commenced in April 23 at the same time that additional summary recovery courts ceased.

**5. Sheriff Summary Work**

- At end of FY 2021-22 there were 30,520 outstanding sheriff summary trials. There are currently **20,641** outstanding sheriff summary trials. This represents a reduction of approximately 10,000 trials since April 2022. The pre pandemic level was around 14,000. The peak was 33,602 in Jul 21.
- At FY 2021-22 there were 7569 outstanding JP trials. There are currently **4266**. The pre pandemic level was around 4,000.
- The sheriff summary waiting period (**14 weeks**) is similar to pre pandemic value and has reduced from pandemic high of 22 weeks in May 21.
- The JP waiting period (**14 weeks**) is close to the pre pandemic level (13) but has reduced from pandemic high of 25 weeks.

**ANNEX A**

- Summary Case Management continues to be supported by summary staff within Local Court. Sheriff court witness citations have reduced by around 30% since the pilot commenced.
- The domestic abuse case waiting period for March 23 was **12.4 weeks** just over the 12-week target.

**6. Information and Advice**

- The backlog of cases has increased the number of cases in which we provide our information and advice service for victims and witnesses.
- Work is ongoing to estimate the resource impact of introducing a right for children to have their evidence taken by commissioner in Sheriff and Jury trials.

**7. Conclusion**

There have been some excellent examples of progress during 2022-23 including the substantial reduction in outstanding trials in the Sheriff Summary and JP courts and regularisation of waiting periods. The JP courts has returned close to pre pandemic levels and further progress will be made this year in relation to the Sheriff Summary court. There has been a good reduction in both the number of cases awaiting marking and the age profile of cases awaiting marking. Further, summary case management, a judicial initiative, has been strongly supported by COPFS Local Court which has been pivotal to its successful implementation. The importance of this project, along with other projects such as DESC, is appreciated as they hold the potential to make an important cultural and organisational change in summary criminal business which has a strong impact on the service COPFS provides to the public.

A strategic shift has taken place with the additional recovery courts switching from Summary to Sheriff and Jury at the start of the financial year and it is hoped that COPFS will be able to deliver the necessary improvements for this casework during the business year to support the longer term strategic objectives.

All work and progress has been underpinned by close partnership working with our principal stakeholders Police Scotland and SCTS, along with dialogue and engagement with judiciary and the defence community.

**Jennifer Harrower**  
**Deputy Crown Agent**  
**Local Court**

**May 2023**

Report from Specialist Casework for Executive Board Meeting in May 2023

## **REPORT FROM SPECIALIST CASEWORK FOR EXECUTIVE BOARD MEETING**

### **CONSOLIDATED PERFORMANCE INFORMATION**

#### **1. Serious and Organised Crime Unit**

The unit covers a diverse range of work including Serious and Organised Crime; Counter Terrorism; Major Economic Crime; Money Laundering; Solicitors cases; Election offences; Bribery and Corruption and Miscellaneous specialist casework. All significant SOCU cases are intimated to PCC and HCU to allow early allocation of ADs and to provide an oversight of cases within the unit. This has dovetailed with the Practice Note relating to Lengthy and Complex criminal trials in the High Court. Of the **111** (↑1) live SOCU cases (spanning 154 (↑10) SPRs), there are currently **16** operations (comprising **30** SPRs) on the lengthy and complex case list.

There have been **91** Serious Crime Prevention Orders (SCPOs) granted in Scotland to date, **1** of which is a 'stand-alone' SCPO which was granted in terms of s1(1A) of the Serious Crime Act 2007.

There are now **30** live SCPOs being monitored by Police Scotland (the subjects having been released following the conclusion of custodial sentences), 4 of which are orders that were granted in England and Wales.

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

There have been **12** Trafficking and Exploitation Prevention Orders (TEPOs) granted in Scotland to date. **5** TEPOs are currently live.

##### i) Ongoing cases:

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

- **10** (↑1) cases (spanning **15** SPRs) where a petition warrant is out for execution
- **1** (spanning **1** SPR) case where the petition warrant is being held pending the outcome of another case
- **36** (↑1) cases (spanning **49** SPRs) are being prepared as pre-petition
- **30** (↓5) cases (spanning **41** SPRs) where the accused have appeared on petition, **15** (-) of which are currently utilising the covid extensions.
- **21** (↑4) cases (spanning **31** SPRs) have been indicted for High Court proceedings
- **10** (↓1) cases (spanning **13** SPRs) have been indicted for Sheriff and Jury proceedings, all of which will be prosecuted by SOCU deputies
- **3** (↑1) summary complaints (spanning **4** SPRs) where a trial has been fixed which will be prosecuted by SOCU deputies

Additionally, the Unit has oversight of **42** (↑5) large/complex cases being worked on by reporting agencies and not yet formally reported to COPFS.

## Report from Specialist Casework for Executive Board Meeting in May 2023

## ii) High Court prosecutions

SOCU has **21** (↑4) cases now indicted to the High Court, **13** of which are at PH stage, **4** whereby an Evidential Hearing has been fixed, and **4** are awaiting trial. A further **26** (↑1) on petition where High Court proceedings are anticipated.

## iii) Sheriff &amp; Jury prosecutions

The Unit currently has **10** (↓1) cases indicted for Sheriff and Jury proceedings, **6** of which are at FD stage, **1** whereby an Evidential Hearing has been fixed, and **3** continued to trial. SOCU trial deputies have been assigned to all of them.

There are a further **4** (↓1) on petition where Sheriff & Jury proceedings are anticipated. Many are long and complex cases, and they are spread across the country.

## iv) Other Matters of Interest:

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

## 2. Proceeds of Crime Unit (POCU)

### Confiscation and restraint

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

In the financial year 1.4.21 to 31.3.22 a total of 19 restraints were secured totalling £8,258,876.21. In the year 22/23, 21 restraint orders have been obtained restraining £7,012,201.36 of assets. Temporary restraint by moratorium extension was secured last year on 116 occasions suspending access to assets of £15,526,801.70 pending further investigation with a view to full restraint. In 22/23 52 extensions have been obtained securing £3,915,656.15

In the year 23/24 to date, 9 confiscation orders have been obtained to a value of £57,561.59. 1 restraint order has been made securing £141,677.07 of assets and 4 moratorium extensions have been granted to a value of £1,626,573.36

## 3. Appeals

Senior AD/Appeals pilot

Report from Specialist Casework for Executive Board Meeting in May 2023  
Following discussions with the Law Officers and PCC on 18.08.2022, a new approach to some appeals work has been agreed. PCC will ensure that early allocation to a Senior AD will permit early engagement with Appeals deputies and early discussion of the appeal issues in advance of preparation of draft written submissions for known hearing dates. The pilot was evaluated in December and has been implemented a standard practice for qualifying cases.

#### Senior AD/Appeals liaison meetings

Commencing on 06.10.2022, monthly meetings have been scheduled to discuss any trends or issues arising in appeals and for discussion of any information passed to PCC from the bench. These are occurring each month and are considered beneficial to all.

#### Appeal Court update

At the request of CC arrangements were made to produce a monthly digest of cases including embargoed cases and notes of reasons. The first update was circulated to ADs on 6.10.2022 and a hyperlinked version to all legal staff on 13.10.2022. The update is also published on Connect. This digest of recent appeal cases has been widely welcomed and continues to be produced each month.

#### **4. International Cooperation Unit (ICU)**

##### *International Criminality Cooperation Board (ICCB)*

ICCB provides a broader scope of strategic oversight of the UK's approach to international law enforcement and criminal justice cooperation. Much of the focus in the March meeting was again in relation to the progression of the bilateral agreements with France and Belgium in relation to law enforcement MLA to support & enhance the existing terms of the Trade and Co-operation Agreement with the EUMS.

The head of extradition has attended a conference in Malta in March to address international partners there on the specifics of Extradition in Scotland post Brexit. Further liaison events together with an agreed strategy for international engagement going forward across Europe and beyond is now being considered by CA and Head of ICU.

The Head of MLA attended a conference at the British Embassy in Warsaw with Polish prosecutors in relation to obtaining evidence from Scotland and the rest of the UK on 22 March 2023.

On 26 April the Head of MLA spoke to a delegation of Ukrainian prosecutors and police April in relation to mutual legal assistance in Scotland as part of their four day trip organised to train investigators in relation to war crimes investigations and the recovery of evidence for court proceedings.

Report from Specialist Casework for Executive Board Meeting in May 2023  
The Head of ICU accompanied the Solicitor General and the Crown Agent to the NADAL Conference in Malta at the end of April.

## **5. Criminal Allegations Against the Police Division (CAAPD)**

During 2021 the Executive Board authorised the introduction of a revised CAAPD published target to operate retrospectively from 01 July 2021. The new key CAAPD target is to:

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

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

### i) Other matters of interest

Dame Elish Angiolini QC published her report on the system for dealing with complaints against the police on the 11 November 2020. While there are only four recommendations that directly relate to the work of COPFS/CAAPD – centring on issues of improved accessibility and suggestions for increased instructions to PIRC – there are many other recommendations that will significantly impact on the work of other criminal justice stakeholders.

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

The Head of CAAPD continues to explore the implications arising from Dame Elish's recommendations and has been involved in discussions in respect of suitable arrangements for governance, reporting on progress, categorisation/prioritisation and next steps.

The Head of CAAPD also continues to engage with the Scottish Government to inform how the changes that Dame Elish recommended requiring legislative change can be incorporated into the new Police Complaints Handling Bill currently making its way through the Scottish Parliament's legislative process.

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

Finally, HM Inspectorate of Prosecution in Scotland (HMIPS) has completed her review of how COPFS manages criminal complaints against the police. The report was published on 9 September 2021. CAAPD/COPFS has now set out a detailed plan for managing implementation of the recommendations and confirming the arrangements for the governance and assurance of that process.

## **6. Scottish Fatalities Investigation Unit (SFIU)**

### **New Deaths**

The total number of new deaths for the 2022/2023 reporting year was **14,149** which, while a reduction on the previous two years is still significantly higher (29.9% ) than the last year recorded that could be considered 'pre-COVID' - that being the year 2019/2020.

There a number of reasons or factors that are likely to be contributing to this, including significant excess deaths brought about indirectly as a result of the pandemic (significant illnesses that went undiagnosed during COVID as an example) however there remains an acknowledgement that there also exists an ongoing issue in terms of seeking commitment from the NHS to revert to the pre-COVID protocols for managing and reporting deaths in the community and there remain a high number of deaths reported to COPFS that should be certified by a hospital doctor or a doctor within the community and would have done so pre-pandemic. Work is ongoing in order to seek to address this issue.

### **Fatal Accident Inquiries**

During the period 1 April 2022 to 31 March 2023, COPFS figures recorded that:

51 FAIs were completed (concluded in evidence) in relation to the deaths of 59 individuals. (NB COPFS records the date of completion of an FAI as being the date when evidence in the FAI was concluded/submissions by interested parties delivered).

This number of concluded FAI's is up from 42 in 2021/2022 and is considered to be very significant, positive, progress in terms of death investigation across units given the ongoing pressures, particularly in terms of available court estate throughout the country.

Otherwise, as of 6 April 2023 there were:

- **23 SFIU FAIs** (14 mandatory and 9 discretionary) with scheduled court dates.
- a further **7** deaths where an FAI has been instructed but there are currently no court dates set.
- a further **7** deaths that SFIU intend to lodge a first notice for before the end of June 2023.

### **Pathology**

Report from Specialist Casework for Executive Board Meeting in May 2023  
Pathology Provision

There continue to be issues in terms of the pathology provision. The Pathology and Mortuary Programme Manager and Senior Business Manager are working closely with pathology providers to address these issues.

**Toxicology**

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

The new toxicology lab had hoped to be fully operation in February 2023, however the SPA encountered a number of difficulties.

COPFS and SPA are working collaboratively on this and monitoring progress towards the delays being brought back in line with agreed protocols.

**Case Management Panels**

As of 20 March 2023, there were **233 cases** in SFIU over 2 years old and subject to the CMP process.

**Improvements to the System for the Investigation of Deaths**

There have now been two meetings of the Specialist Casework Death Investigation Improvement.

The programme working group will prepare a Terms of Reference for setting up a Lived Experience Panel to be considered and signed off by the board at the next meeting in May 2023. It was also agreed by the board that the working group will prioritise making improvements to the information available on the external COPFS website and the proposal to introduce and publish Executive Summaries of death investigations in which no FAI has been instructed but in which there is a public interest in highlighting lessons learned.

**7. COVID Deaths Investigation Team (CDIT)**

**Case Load Update on CDIT** (stats below up to date as at 08.05.23)

		Care Home Deaths Care Home Deaths Combining new care home deaths and	Worker Deaths	Deaths In Custody	Hospital/hospice Deaths	Total

## Report from Specialist Casework for Executive Board Meeting in May 2023

Stats as at Monday 8th of May 2023		retrospective care home deaths				
	Overall total number of deaths reported to CDIT	<b>4788</b>	<b>39</b>	<b>15</b>	<b>1172</b>	<b>6014</b>

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

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

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

## **8. Health and Safety Investigation Unit (HSIU)**

### **Criminal Cases**

#### **HSIU Criminal Cases with Scheduled Court Dates:**

There are **4** solemn cases with scheduled court dates (a sheriff and Jury trial, a first diet, a S76 and a deferred sentence).

There is **1** summary case with a scheduled court date.

Three convictions by S76 indictment were obtained between 21 March 2023 and 14 April 2023 and one summary conviction.

#### **HSIU Fatal Accident Inquiries (as of 20 February 2023).**

Pending (no First Notice lodged) – 30 cases.

Scheduled Dates – 4 - (2 mandatory FAIs and 2 discretionary FAIs)

Report from Specialist Casework for Executive Board Meeting in May 2023  
Dates awaited – 1 and two further discretionary FAIs have been instructed for which a first notice is still to be lodged.

## **CASEWORK**

HSIU is dealing with **74 deaths** in respect of which SPRs re criminal proceedings have not yet been submitted. This includes the 6 significant operations that occurred in 2023 that feature as stand-alone CMPs.

There are a further **206** at investigation, prosecution and FAI stages. There are currently **75 (down 9)** cases more than 2 years old and subject to a CMP process.

### **Significant Operations and Investigations**

HSIU continues to progress a number of large resource intensive investigations.

### **Ambulance Cases**

In addition to the live reported cases HSIU additionally considers cases referred to HSIU to identify whether there are associated health and safety offences. This includes a series of cases that raise potential failings by the Scottish Ambulance Service (SAS). HSIU currently has an additional **83 cases** for assessment and consideration.

## **HSIU MODERNISATION**

Processes are being strengthened to improve the capture of management information.

HSIU presented at a Health and Safety Conference at the Hilton Hotel in Glasgow on 7 March 2023 on the work of HSIU.

### **9. Wildlife and Environmental Crime Unit (WECU)**

[REDACTED]

[REDACTED]

#### **Casework**

As of 19 April 2023 WECU currently is progressing **80** cases. These comprise:

- **25** cases relate to wildlife offences,
- **16** cases were reported principally by the Scottish Environment Protection Agency (SEPA) (which includes a number of older solemn level cases which

Report from Specialist Casework for Executive Board Meeting in May 2023 team members have been asked to prioritise. Work is underway to progress same to manage risk).

- **1** other environmental case was reported by Police Scotland/ Local Authorities, and
- **38** animal welfare cases.

### **Policy Work**

WECU has provided briefing for Law Officers in relation to the following:

- 10.3.23- Wildlife Management and Muirburn (S) Bill
- 6.4.23 - Briefing and a submission to Scottish Government officials on raptor persecution in advance of Wildlife Management and Muirburn (S) Bill
- 7.4.23 – Briefing and submission Scottish Government officials re a petition to ban on greyhound racing and greyhound stadia.
- 11.4.23 - FIO request re The Shellfish (Restrictions on Taking by Unlicensed Fishing Boats) (Scotland) Order 2017.
- 25.04.23 – Briefing for the Solicitor General in relation to Environmental Crime in advance of her attendance at an international environmental conference on 4 and 5 May 2023.

## **10. CUSTODY DEATHS UNIT**

### **Caseload**

- **81** Cases under investigation (↑5)
- **9** unallocated cases (oldest case reported 03.11.2022).

CDU currently has 15 cases which have been categorised as high risk cases.

### **Scottish Government Working Group**

Scottish Government have set up a working group: Prison Custody – Key Recommendation – working group. Scottish Government wish to progress a pilot of the key recommendation. Once the Terms of Reference and key documents that define the framework and scope of the pilot have been produced, COPFS will require to consider same and produce internal guidance and training of staff in connection with the operation of the pilot and the role of COPFS within the pilot.

### **Data Sharing Agreement – Scottish Prison Service**

Communications remain ongoing in relation to entering into a data sharing agreement with Scottish Prison Service.

## **11. Civil Recovery Unit (CRU)**

- i) Sheriff Court Team (SCT)

Report from Specialist Casework for Executive Board Meeting in May 2023

The Unit has 23 account forfeiture cases (shared between the SCT and asset recovery team) and 32 listed asset cases.

ii) Asset Recovery Team (ART)

The ART has 8 cases with active Prohibitory Property Orders (freezing orders), one case where a recovery order has been granted and one case where a recovery order petition has been lodged.

iii) Economic Crime Bill

A UK Government Economic Crime and Corporate Transparency Bill was introduced on 22.09.22 which includes provisions for search, seizure and realisation of crypto assets. CRU, other members of COPFS and Police Scotland have provided comments on the provisions and proposed amendments to SG Justice policy colleagues and SGLD. CRU intend to arrange a tabletop exercise to work through a case with Police Scotland in advance of the provisions being introduced.

iv) Expedited referrals from SOCU and referrals from COPFS

CRU continues to receive referrals from SOCU, reported by Police Scotland and DWP, under the expedited referral process which is working well.

v) Remittances to Scottish Consolidation Fund

The sum remitted to the SCF up to week ending 07.05.23 amounted to £183,912. For financial year 2022/23, the total sum remitted was £8,879,351 with an additional £75,643 returned to victims.

vi) Training

CRU has received fewer referrals of asset cases recently and as a result has delivered training about civil recovery to POCU, SOCU, the Economic Crime Team and the Advocate Deputes. The solicitors and FIs are also participating in several training opportunities with Police Scotland.

[REDACTED]

[REDACTED]

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## EXECUTIVE BOARD-HIGH COURT FUNCTION UPDATE

### PEOPLE

The majority of our staff now work on a hybrid basis and spend a proportion of the week in offices with their teams. Productivity was clearly impacted by the pandemic with performance in FY 20/21 and 21/22 falling by 16-20% compared with levels in 18/19 and 19/20 but the FY22/23 has seen an **10%** increase compared to FY 21/22. Productivity would have been higher but for an unwelcome 12% increase in new petitions(18% in sexual offences) which reduced our ability to make the inroads we would have wished in our backlog. The increased level of office working has not brought the significant gains in individual performance that we might have hoped for and therefore the function has been focusing on addressing other factors inhibiting productivity including:

- The additional demands of servicing churning High Court trials and keeping victims and witnesses engaged in the process
- Balancing a backlog of unindicted cases over 10 months old with ongoing custody demands and the increased demands coming from the Scottish Child Abuse Inquiry(SCAI)
- The challenge of having to operate a hybrid electronic model of reporting which our system was not set up to support
- The increasing demands placed upon us to facilitate Evidence on Commission (EOC) and the complexities which this method of recording testimony has introduced for all our staff which require additional legal and logistical decisions to be taken which extend far beyond those required for a routine trial
- Ongoing unfilled vacancies and a lack of solemn case preparation or solemn prosecution background experience in recent recruits which has resulted in extensive training requirements.

To address these concerns, we prioritised the following in FY22/23:

- Strengthening our Sexual Offences senior management team and our SCAI resourcing complement
- The introduction, from August, of our Witness Assistance Team to improve our service on witness excusals and witness availability
- A review of HC VIA-their roles and responsibilities, their line management structure, their communications to victims which has led to an agreed new approach of allocating VIA officers directly to case preparation teams. This is in the process of being implemented and will increase VIA specialism and improve line management.
- New KPIs and objectives, introduced in August which focused primarily on clearing outstanding cases over 10 months old, quicker allocation of cases and improved compliance with KPIs on reporting dates for custodies and child witnesses (under 12 years) cases

- The introduction of a more user-friendly fully electronic model of reporting which began its pilot on 25 January before an anticipated national roll out.
- An end-to-end process review of EOC which is in the process of addressing the myriad of additional tasks associated with this format of eliciting testimony.
- Minimum standards for reporting of cases to the indicting team which was introduced in November for all High court reports.
- Responding to the Inspectorate report on s275 applications which we anticipated by conducting an advanced review of training/processes
- Improving our process for identifying and facilitating level transfers from Local Court to ensure vacancies were filled without unnecessary delay.

## PERFORMANCE

HC Performance is measured across the disciplines of Homicide, RTFIU, Major Crime and Sexual Crime.

### 1. INITIAL DECISION MAKING

- Our KPI is to take 75% of initial decisions within 4 weeks (**88%**)
- Our KPI is to take 90% of initial decisions within 8 weeks (**94%**)
- Our KPI is to take 95% of initial decisions within 12 weeks (**97%**)

The above performance is for FY22/23 and has consistently exceeded the KPI

### 2. REPORTING PRODUCTIVITY

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

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

This represented a **10%** increase in the level of reporting over the last reporting year compared with an **0.3%** rise the previous FY. We have also seen a very encouraging **112%** rise in the reporting of pre-petition cases. We do however recognise the need to further improve productivity if we are to make the necessary inroads on our age profile and this is a key objective for the function. We had hoped for a greater increase by now however we were impacted by a delay in filling vacant legal and case preparer posts. The situation was exacerbated by maternity leave in small, specialist units which cannot easily absorb the impact especially when combined with the impact of training up inexperienced staff and responding to the ongoing demands of an increased and aging caseload.

### 3. SERVICE OF INDICTMENTS

Our target is to serve 80% of indictments within 9 months of CFE

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

In FY22/23 SCG achieved **39%** collectively

The current relevancy of this longstanding internal “target” is questionable when balanced against the imperative of indicting out of target cases to reduce our ageing profile of cases. For FY 22/23 a key objective was to reduce the proportion of our petitions aged 10 months (from CFE) and 12 months (from receipt) which made this target counterproductive.

#### **4. INDICTING PRODUCTIVY**

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

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

This represents a **25%** increase in the level of indicting. We recently filled the last vacant post in this unit but this has now been offset by a maternity leave vacancy and the level transfer of another depute so the position remains unstable and we are struggling to find appropriate replacements. There will certainly be a need for greater indicting capacity if we are to succeed in our aim to indict all cases over 10 months old whilst also concurrently indicting custodies and child witness cases however it is recognised that this would place increased pressure on our PH cycles. Failing to indict would however put at risk our efforts to decrease our reliance on the extension to the timebar (a safeguard which could be removed in 2025) and it is also important to highlight that SCTS were advised that we aspired to indict 100 cases per month to assist with recovery and this cannot be achieved unless COPFS works collectively to ensure that vacant posts are filled with suitably experienced staff.

#### **5. s76 INDICTMENTS (including other SCG disciplines)**

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

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

This represents a **95%** increase in the level of accelerated pleas by s76.

Our level of outstanding trials is the highest it has been since the additional 4 trial courts were added in September 2021. We now have 977 outstanding compared with 390 pre-pandemic. This is a **8%** rise on our position this time last year and a **151%** rise since the onset of the pandemic.

#### **6. INPUT**

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

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

This was an increase of **12 %** in the overall level of new petitions however the rise in sexual offences petitions was an even more concerning **18%**.

#### **7. AGE PROFILE**

Age of casework is a particular concern when considering the profile of our victims, the age of some of the offences we are investigating (and the age of the accused) and our current reliance on time-bar extensions. Our objectives for 22/23 were to reduce the levels of petitions over 10 months from the 21/22 level of **20%** down to 5% and to reduce the overall age profile of unindicted SPRs over 1 year old which sat at **22%**, down to 10%. While we have managed a marginal reduction in the level of petitions over 10 months down to **19%** and the overall age profile over 1 year down to **20%** but we have not yet managed to achieve the level of progress we would have liked and early signs for FY23/24 show us to be heading in reverse. The most significant pressure has been in Sexual Offences where we recognised the need for a strengthened senior legal management team and welcomed an additional Band G legal manager in the autumn. We also strengthened our SCAI team to better address these challenging investigations which have increased as the Enquiry has been ongoing. We have however been beset with late referrals from other functions due to legislative changes to the way we prosecute domestic abuse cases which include allegations of rape. We have also required to address pockets of long term sickness absence which has resulted in cross-country reallocation of casework.

## 8. KPIs

Our KPIs were reviewed and reissued in August. Only 19% of HC cases met their KPI for journey times in FY22/23 and we have been unable to either achieve or improve that performance this year. We have however improved our performance, and are meeting all KPIs, for initial decision making and on the age profile of our unallocated petitions. We have also seen a welcome improvement in our interim marking where we have seen a reduction in the age of outstanding SPRs over 1 year old from **54%** to **22%** over the last FY.

HC had been operating a different standard from LC in terms of some of its measurements of journey times for sexual offences and it was recognised that this was not sustainable. As a consequence, the Sexual Offences Strategic Group was set up in March 22 to bring together both functions involved in this casework. The group has met regularly and have reached a clear consensus around joint KPIs. It is acknowledged that reducing age profile has to take priority over reducing individual journey times albeit there is a clear desire to provide a focused improvement in journey times for young child witnesses. The group also successfully undertook an audit of sexual offences reports across both functions to assess the quality of police reports submitted and this has since been forwarded to Police Scotland for consideration by the Sexual Offences Board.

One of the unique HC challenges over journey times is the indicting process. While LC can indict their own cases with a quick turnaround the HC indicting process adds an extra layer of quality assurance which requires the input of

Crown Counsel. The aforementioned vacancies in the Indicting team, the challenge of maintaining the AD cohort at an effective level and the pressure not to overload PH sittings means the Indicting team face competing priorities and the reality is that they require to focus their resource on custodies and bail timebars. This reality required to be addressed in terms of HC objectives for 22/23 and our focus for 22/23 has therefore been on the following:

- Initial decision making within 4, 8 and 12 weeks (achieved)
- Significant reduction in interim marking over 10 months (achieved)
- Significant increase in pre-petition reporting (achieved)
- Increased productivity of case preparation teams and indicting teams(achieved)
- Improved performance on journey times for child witnesses under 12
- Reporting cases to agreed timescales and to agreed minimum standards
- Significant reduction in petitions over 10 months (CFE) 12 months (SPR)

Clearly much is still to be done in respect of some of these objectives and a priority for the coming year is to undertake urgent resource modelling to ensure that we have the right people and processes in place to provide us with a realistic prospect of reducing our age profile to allow us to comply with any changes to the current extensions on statutory time limits which will expire in 2025.

**Ruth McQuaid 9.5.23**

## **Function Update for Executive Board: Operational Support – May 2023**

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

### Policy and Engagement Update

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

P&E have a staffing complement of 80.41FTE staff (of 95.01 budgeted FTE). This includes 27.34 FTE Enquiry Point staff (of 37.55 budgeted FTE). Within P&E there is a staff complement of 20.42FTE (of 20.42 budgeted FTE) legally qualified members of staff.

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

### COVID-19

#### Emergency Legislation and Prosecution Policy

At the beginning of the pandemic, Policy contributed to the urgent development, drafting and Parliamentary passage of emergency legislation. Policy developed consequential prosecution policy, guidance for prosecutors and Lord Advocate's Guidelines on Liberation for police.

The relevant legislative framework makes provision in relation to:

- Electronic signatures and transmission of documents;
- Electronic search warrants & apprehension warrants;
- Attendance of parties by electronic means;
- Revalorisation of Fiscal Fines;
- Ability to call custody cases in any Sheriff Court;
- Extension of time limits;
- Continuation of Undertaking conditions following a failure to appear at court – provision which enables the court to prevent the expiry of an undertaking given under section 25(2) (a) of the Criminal Justice (Scotland) Act 2016 (“the 2016 Act”);

The Coronavirus (Recovery and Reform) (Scotland) Act 2022 came into force on 1 October 2022 and continues the relevant provision (with some amendments) to November 2023 (with provision for consideration of further extension). Policy Division have updated relevant guidance for staff.

The Scottish Government are reviewing the requirement for the provisions to be extended. Policy Division are providing input in relation to that review.

### Other Coronavirus Related Policy

Temporary Lord Advocate's Guidelines (LAGs) on Liberation by Police during the pandemic were in place. These have now been withdrawn and revised LAGs have been issued, following engagement with Police Scotland.

Prosecution Policy has been published to enable the wider supply of naloxone – an opiate overdose remedy – in the context of the current public health situation. Policy officials are engaged with Police Scotland and SG in relation to a more permanent solution.

## LEGISLATION

### Age of Criminal Responsibility (Scotland) Act 2019

This Act raised the age of criminal responsibility to 12 years and was fully implemented as of 17 December 2021. An Advisory Group has been convened to report on implementation of the Act and consider whether the age of criminal responsibility should be further raised. Policy officials are the COPFS representatives to the group and members of a subgroup on the operational implications of any further increase. Policy officials are also members of the Data and Research Subgroup, working with key partners to collate information relevant to these considerations.

A Scottish Government commissioned SCRA report, looking at children aged 12-15 years who are involved in offending behaviour, to provide- an evidence base to inform future discussions and policies in potentially raising the age of criminal responsibility beyond 12 years, has now been published.

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

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

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

Policy and operational staff have formed an implementation group in connection with the second phase, relating to Sheriff and Jury cases, and have started preparations for a significant change in the way evidence is taken from child witnesses. Scottish Government have not yet identified the planned date of implementation in Sheriff and Jury cases. COPFS have proposed that the next phase of implementation should only take place when the necessary infrastructure, e.g. venues in appropriate locations, has been put in place by SCTS.

The recommendations made by the Lord Justice Clerk regarding routine use of pre-recorded evidence for adult complainers in sexual offences cases requires to be considered alongside planned Sheriff and Jury implementation.

### Hate Crime and Public Order (Scotland) Act 2021

This Act was passed by the Scottish Parliament on 11 March 2021 and received Royal Assent on 23 April 2021. The Scottish Government's Act modernises, consolidates and extends Hate Crime legislation.

The Act adds age and variations in sex characteristics to the list of protected characteristics, with provision to add gender at a later stage if required. The Act creates statutory aggravations for the 7 protected characteristics and creates a number of offences, in particular the stirring up of hatred. The Act also creates freedom of expression provisions covering all of the protected characteristics with the exception of race. Policy Division are drafting guidance for prosecutors which will be published on implementation. Government officials have confirmed publicly that IT issues are preventing implementation of the Act and that justice partners are working towards a commencement date in early 2024.

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

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

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

It is envisaged that Court Rules similar to those in Chapter 40 of the Act of Adjournal (Criminal Procedure Rules) 1996, will be created to support the primary legislation. Policy continues to work with the Scottish Government in that regard.

The legislation will require COPFS to review prosecution policies and processes relating to prosecution and the investigation of deaths which are both directly and indirectly associated with children (as accused and witnesses) to ensure that they are compatible with the UNCRC. A working group comprising representatives from Policy, SFIU and other specialised operational divisions is overseeing the review of relevant policies and processes. A sub-group to examine policies and process for engaging and communicating with child victims and witnesses has now completed its work and the Law Officers have approved changes to the policy on communication with children, developed by the group. That policy will be brought into effect following an exercise to commission the drafting of child –friendly letters by a specialist organisation. A second subgroup continues to) examine business processes for prioritising the preparation of cases involving accused aged under 18.

An e-learning module for all COPFS staff on the UNCRC principles with an introductory video by the Crown Agent was published on 21 September 2022 and

Policy Division are monitoring staff completion of the module, through the Prosecution College.

#### Domestic Abuse (Protective Orders) Act 2021

The Act was passed by Parliament on 17 March 2021 and received Royal Assent on 5 May 2021. The Act creates protective orders for people at risk of domestic abuse to enable the removal of a suspected perpetrator of abuse from the home of the person at risk. Policy Officials are members of a SLWG created by Police Scotland and Bill Officials in relation to the Act and provide regular input to this working group. Policy Officials are also members on the Scottish Government Implementation Board which involves key partners and is to oversee the work required for implementation. Policy will continue to work with the relevant stakeholders in relation to the implementation of the Act following Royal Assent and will prepare and issue appropriate guidance to staff. Scottish Government officials have advised that they still intended to implement the Act but there are a number of issues that need to be worked through. This includes the obtaining of court rules which it is anticipated may extend the period before implementation can take place. Policy officials attended a “walk through” of the Act at an in-person event on 3 November. This will involve the police and SCTS going through each of the provisions of the act to try to identify all of the potential issues, including what action to take in the event of a breach. Two further walkthrough meetings have been attended by policy officials and it is anticipated that further meetings will be held in the future. The last meeting was 23 March 2023.

#### FGM (Protection and Guidance) (Scotland) Act 2019

The purpose of the Act is to strengthen statutory protections for women and girls at risk of female genital mutilation (FGM). The Bill creates a new FGM Protection Order, a form of civil order which can impose conditions or requirements upon a person for the purpose of protecting a person or persons from FGM, safeguarding them from harm if FGM has already occurred, or for the general purpose of reducing the likelihood the FGM offences will occur. Breach of this order will be a criminal offence. The substantive provisions of the Act are not yet in force. Policy Division has sought updates from Scottish Government regarding the planned implementation timetable but there are no firm plans at this time.

#### Police, Crime, Sentencing and Courts Act 2022

Police Scotland, SCTS and DVLA require to implement technological updates to their IT systems before FPNs can be utilised and these updates will take some months therefore the introduction of Fixed Penalty Notices is likely to commence in the Spring (potentially June) 2023. Policy Division are in the process of drafting revised LAGs for Fixed Penalty Offences which will be published when FPNs become operative in Scotland.

The Act further includes provisions in relation to the extraction of data from electronic devices (see “Draft Digital Device Guidance” below) and Policy officials are reviewing a code of practice on this area.

A statutory Code of Practice has been published in relation to these powers and Policy officials are working with Police Scotland to ensure compliance with the Code and clear messaging for COPFS staff.

It was anticipated that UKG would publish guidance in relation to road traffic diversionary courses (RTDC) by 31 October 2022. This guidance would form the basis of the guidance which would be carried forward into Scotland. On 26 October 2022 COPFS Policy officials were informed that UKG lawyers have raised issues surrounding the complexities of road traffic offences. It is now anticipated that draft guidance will be available in Spring 2023.

### Armed Forces Act 2021

The Armed Forces Act 2021 received Royal Assent on 15 December 2021. The Act amends and updates the Armed Forces Act 2006. The Act creates a statutory responsibility on the Lord Advocate and the Director of Service Prosecutions to create a joint protocol in relation to cases which have concurrent jurisdiction. Policy officials continue to engage with officials from the Ministry of Defence, the Scottish Government and with the Service Prosecuting Authority and other prosecution authorities across the United Kingdom. A draft Protocol has been agreed with the Service Prosecution Authority and approved by the Law Officers. A consultation with relevant individuals has been undertaken

### Bail and Release from Custody Bill

SG published a bill relating to bail and release from custody in June 2022. Policy officials have provided relevant advice to the Law Officers and are engaged with SG regarding the passage of the Bill. The Bill is at Stage 2.

The Procurator Fiscal, Policy and Engagement provided written evidence in support of Parliamentary consideration of the Bill at Stage 1 to the Criminal Justice Committee on 8 September 2022 and provided oral evidence to the Committee on 25 January 2023.

### Children's Care and Justice Bill

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

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

### Northern Ireland Troubles (Legacy and Reconciliation) Bill

The Bill has been published and received its second reading in the UK Parliament.

The broad proposals to be delivered by the Bill are as follows:

- establish a new Independent Commission for Reconciliation and Information Recovery (ICRIR) to enable individuals and family members to seek and receive information about Troubles-related deaths and serious injuries, and to produce an historical record of what is known in relation to every death that occurred during the Troubles;

- introduce a model of conditional immunity from prosecution, for those who provide the ICIR with a genuine account of their involvement in deaths and serious injuries arising from the Troubles in NI from 1 January 1966 to 10 April 1998; and
- provide for the delivery of an oral history and the memorialisation of the Troubles. This will involve securing the long-term preservation of existing oral history collections, with new physical and digital resources to maximise public engagement with different narratives and Troubles-related stories.

Policy officials are engaged with SG and Northern Ireland Office (UKG) in relation to the Bill and have provided relevant advice to the Law Officers.

### Online Safety Bill

The UK Government introduced the Online Safety Bill to Parliament on 17 March 2022. It empowers Ofcom to regulate internet services. This includes the creation of a civil enforcement regime for Ofcom and a number of new criminal offences including those applicable to service providers for failing to respond to certain Notices served by Ofcom. Policy officials are engaging with UK Government and SG officials in connection with the new proposed offences. Policy will ensure that relevant guidance is updated. A date for implementation has not yet been fixed.

### Abusive Behaviour and Sexual Harm (Scotland) Act 2016

Chapters 3 – 6 of the Act came into force on 31 March 2023 thus giving courts powers to create Sexual Harm Prevention Orders (SHPO) and Sexual Risk Orders (SRO). The Act repealed the powers of courts to impose Sexual Offences Prevention Orders (SOPOs), Risk of Sexual Harm Orders (RoSHOs) and Foreign Travel Orders (FTOs). The Act creates offences to breach SHPOs, SROs and foreign (intra UK) equivalent orders. Guidance was issued to staff within Operational Instruction 3 of 2023 on 6<sup>th</sup> April 2023. Policy Division is currently drafting CMIs in relation to these new offences. Work is ongoing to update other guidance with consequential changes as appropriate.

### Economic Crime and Corporate Transparency Bill

The UK Government introduced the Economic Crime and Transparency Bill to Parliament on 22 September 2022. The Bill's principal objective is to strengthen powers to tackle "economic crime and corporate transparency; to make further provision about companies, limited partnerships and other kinds of corporate entity; and to make provision about the registration of overseas entities". It is wide ranging, covering reform of Companies House, reform of limited partnerships, including winding up Scottish Limited Partnerships and the register of corporate entities. The justice related elements include strengthening the Proceeds of Crime Act 2002 at Part 3 (criminal confiscation), Part 5 (civil recovery) and Part 8 (investigations). It provides law enforcement agencies with additional powers to search for, detain, seize and forfeit crypto assets and crypto assets-related items, that are the proceeds of criminal activity, or which are intended for use in such activity. It also seeks to strengthen Anti-Money Laundering (AML) powers to facilitate information sharing within the private sector and between the private sector and law enforcement, so reducing the regulatory burden on the AML sector when making Suspicious Activity Reporting (SARs). It is recognised that the 2002 Act is a complex mix of reserved and devolved matters. The SG are working closely with UK counterparts on these sections of the bill. SG have been in contact with Policy officials and working closely

with colleagues in POCU about the proposed changes in the prosecution of economic crime. The Bill has had its first, second reading and committee stage and is currently at the report stage in the House of Commons.

#### Victims, Witnesses, and Justice Reform (Scotland) Bill

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

Policy Division is working closely with SG in relation to the significant changes introduced by the Bill.

#### Other Significant Policy Work

##### Pilot on Visually Recording the Statements of Complainers in Rape Cases

The Lord Advocate approved the implementation of a pilot project to test the effectiveness of visually recording the statements of complainers in rape cases. The pilot is taking place in three Police Scotland Divisions – Edinburgh City, Dumfries and Highland and Islands and commenced on 1 November 2019. The formal reporting of cases from the pilot area to COPFS ended on 1 May 2022. Scottish Government has commenced an interim assessment of the recordings evaluated by COPFS to date and is currently at the stage of finalising the evaluation report. Significant work is in progress to ensure that appropriate evaluation takes place prior to potential national roll-out. Police Scotland are continuing to utilise visual recorded statements where appropriate in the former pilot areas and COPFS are in the process of evaluating the existing pilot cases as they proceed through the Criminal Justice system.

##### Simplified Notification Process

Section 6 of the Vulnerable Witnesses (Criminal Evidence) (Scotland) Act 2019 will, when implemented, facilitate a swifter, automated means of submitting Vulnerable Witness Notices for child and deemed vulnerable witnesses seeking only standard special measures to the courts. Policy Division has been working with VIA, ISD and SCTS to facilitate this new process. A pilot in Local Court has been completed and a High Court pilot is currently underway. If those are successful it is anticipated that section 6 can be implemented in 2023. Changes to the Act of Adjournal are necessary to facilitate the implementation of the automated process. SCTS are leading on that piece of work and have commenced work with the LPPO in the development of the required rules.

##### Review of Older Persons Policy

Witnesses aged 60 and older and automatically referred to VIA in terms of the COPFS Older Persons policy. Policy Division has carried out a review of that

threshold as part of the Older Persons Policy given feedback received by VIA that many of those referred do not require nor want VIA input. A minute setting out the outcome of that review has now been submitted to OPC for consideration.

#### Guidance regarding Extra-Territorial Jurisdiction (ETJ)

In the past 5 years various pieces of legislation have created ETJ for the Scottish Courts in respect of various different offences, Policy Division is reviewing published guidance and also drafting new guidance for NICP in relation to summary cases which involve relevant offences committed outside of Scotland.

#### Information Commissioner's Opinion

On 31 May 2022 the IC published an opinion regarding the processing of victims' personal data in rape and serious sexual offences investigations. Policy Division have reviewed relevant policy to ensure that it is in line with the opinion and will then liaise with People and Learning Division regarding the creation of training for COPFS staff.

#### Joint Investigative Interviews (JIIs)

Policy is working with Police Scotland and Social Work Scotland to improve the quality of JIIs capturing the evidence of child witnesses. There were three pilot projects to test a new interviewing model. Policy has created an evaluation process to measure changes in quality of JIIs. The pilots took place in North Strathclyde, Lanarkshire and Glasgow. The submission of cases for evaluation from the pilot areas concluded in November 2022 and COPFS is undertaking the ongoing evaluation of the submitted cases. Separately Policy is working with the High Court Unit to implement an evaluation model for both JIIs and VRIs which will be used in all High Court cases where pre-recorded evidence is used. Policy is also working with operational staff in areas out with the initial pilot areas to assist as the new model is rolled out nationally to ensure nationwide consistency of application.

#### Barnahus

Policy are involved in work around the potential for a Barnahus (Children's House) in Scotland. The Scottish Government have a manifesto commitment to developing 'Bairns' Hoose' and they envisage that all eligible children who are victims or witnesses to abuse or violence will have access to a 'Bairns' Hoose' by 2028. Children below the age of criminal responsibility, whose behaviour has caused harm, will also have access to the services it will provide.

Heath Improvement Scotland and the Care Inspectorate have been jointly commissioned by the Scottish Government to develop Bairns' Hoose Standards together with key agencies which includes COPFS. Policy worked with these bodies to ensure the development of these standards was cognisant of the adversarial system in Scotland and the role of the Lord Advocate as head of investigation and prosecution of crime. The intention of the Scottish Government is to publish 'Bairns' Hoose' Standards by late May 2023. Work on the standards commenced in February 2022 and COPFS are represented on the group. Consultation on the standards commenced on 15 August 2022 and closed on 4 November 2022. The group reconvened in late November 2022 to consider changes to the draft standards in light of feedback from the consultation. All suggested changes to the draft standards were finalised in February 2023. The Bairns' Hoose standards will be reviewed by

an editorial panel in May 2023 and will be considered and approved by the Law Officers before final publication.

### Nurse Sexual Offence Examiners

The former Lord Advocate approved a pilot project to test the viability of Nurse Sexual Offence Examiners (NSOEs) in the Scottish criminal justice system. Two NSOEs were identified and began performing supervised forensic medical examinations of complainers in cases involving rape/attempted rape/sexual assault at Archway Glasgow in February 2021. COPFS Policy and People and Learning Division provided training about the Scottish criminal justice system to the two successful candidates. Policy Division is monitoring relevant cases to assess the viability of the role. The original two NSOEs have left their posts and the pilot project is currently paused. A cadre of nurses have undertaken a degree course in Forensic Medicine at Queen Margaret University with a view to implementation of the new role should the pilot be successful. COPFS Policy Division and People and Learning Division have provided input and training. Scottish Government sought Law Officers approval for an expansion of the Pilot areas involved in the NSOE pilot and the Law Officers have confirmed that they are content with that proposal. The pilot has been extended into NHS Lothian and NHS Highland during October 2022 and this should result in further cases being reported to COPFS as part of the pilot in due course. Scottish Government officials subsequently contacted COPFS seeking Law Officers approval to enable NSOE to undertake examinations in cases resulting from self-referral under the Forensic Medical Services (Victims of Sexual Offences) (Scotland) Act 2021 and the Law Officers approved this request. The pilots ran until 31<sup>st</sup> March 2023 in HNS Lothian and NHS Highland with the aim of sufficient examinations being undertaken by NSOEs to enable a full evaluation of the pilots to be undertaken.

At the conclusion of the Pilots only approximately 36 examinations had been undertaken and the Law Officers authorised an extension of three months for the pilots to continue to run in NHS Highland and NHS Lothian.

At a meeting with the CMO on 21 April the Law Officers stressed the importance of a proper evaluation being undertaken of the pilot and consideration is to be given by SG as to whether the pilot can be further expanded geographically to increase the number of examinations undertaken.

### NES Trauma Informed Knowledge and Skills Framework

Dr Caroline Bruce in NES has prepared a Scottish Government funded knowledge and skills framework for justice sector professionals to enable the recognition of trauma and how to address it. Policy officials and the Prosecution College provided extensive comments during development of the framework and the Prosecution College submitted formal feedback on the framework to SG and NES. The Victims Taskforce approved the final version of the framework in December 2023 and the "Trauma Informed Justice; Knowledge and Skills Framework for working with Victims and Witnesses" was formally launched on 3 May 2023. Further, longer-term, work will be required to implement the framework and develop the necessary detailed training for COPFS staff. This will be taken forward by the Prosecution College.

### Victim Impact Statements

Following a Scottish Government consultation on “widening the scope of the current victim statement scheme” policy officials met with Scottish Government colleagues in relation to the Scottish Government’s proposed “next steps.” As a consequence of these discussions the Senior Executive Team instructed the creation of an internal COPFS short life working group to explore the proposed changes to the scheme and provide Scottish Government with appropriate information on the necessary process changes and resource implications for COPFS in relation to the proposals. Policy Division is a member of this working group and are continuing to liaise with Scottish Government.

### UK Data Protection and Digital Information Bill

The UKG introduced the Data Protection and Digital Information Bill to Parliament on 18 July 2022. The purpose of the Bill is to create “post-Brexit freedoms to create an independent data protection framework.” The Bill amends the Data Protection Act 2018 and simplifies the data protection regime in the UK.

A working group consisting of law enforcement agencies across the UK was established to consider the reforms to Law Enforcement Processing. Policy officials continue to participate in discussions and meetings. This piece of legislation is no longer a high priority for UKG. As a result, it has been postponed indefinitely.

### Body Worn Cameras

Police Scotland are in the process of providing body worn video cameras to armed police officers across Scotland. Police Scotland is also progressing its plans to introduce body worn video (BWV) cameras to more police officers and staff across Scotland. This development has the potential to significantly impact on the way that evidence is gathered, and the processes involved in the revelation, disclosure and presentation of that evidence. Policy officials support the work of a new working group looking at the impact on COPFS and the criminal justice system. It is anticipated that this working group will combine with a working group in relation to the use of mobile devices to capture initial evidence.

### Electronic Monitoring of Bail

The provisions of Part 1 of the Management of Offenders (Scotland) Act 2019 which facilitate electronic monitoring of bail are now in force and internal guidance has been published for COPFS staff. COPFS Policy officials continue to engage with SG and other officials to monitor progress on the practical implementation of the provisions and ensure that accurate and up to date guidance is available to prosecutors.

### Bail Supervision

Scottish Government officials are examining the landscape of bail supervision, including a review of the current Bail Supervision Guidance, which was published in May 2022. This work is ongoing and Policy officials are contributing to a SLWG recently formed by SG.

### Restorative Justice

Scottish Government are leading on the development of policy in relation to Restorative Justice. Community Justice Scotland are responsible for implementation.

Policy officials continue to work with both agencies, and Police Scotland in relation to the implementation of Restorative Justice in Scotland.

### Drones

The Air Traffic Management and Unmanned Aircraft Act 2021 received Royal Assent on 29 April 2021.

Schedules 8, 9 and 10 of the Act create the offence provisions, stop and search powers for the police and the powers for police constables to issue Fixed Penalties for certain offences relating to unmanned aircraft. Schedule 9 came into force on 29 June 2021. Schedule 10 of the Act provides that the Secretary of State may, by regulations, prescribe the offences as fixed penalty offences for the purpose of this Schedule. As of 26 October 2022 these Regulations have not been laid yet.

### Joint Protocol between COPFS and HMRC regarding approach to criminal allegations against HMRC employees in the course of their duties

Policy officials are engaged with HMRC Internal Investigations in order to update the terms of the existing draft protocol (2009) to better reflect contemporary context and structures within both organisations. A proposed draft has been considered by CAAPD and shared with HMRC for further consideration.

### Diversion from Prosecution

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

### Domestic Homicide Reviews

SG has a taskforce to lead the development of a national multi-agency Domestic Homicide Review model, with members including COPFS policy and operational officials, Police, and representatives from justice agencies, Local Government, Health, academia, and victims organisations. The taskforce arises from a longstanding commitment through the Equally Safe Strategy to develop multi agency domestic homicide reviews, with the aim of working with relevant agencies where a victim and/ or perpetrator have come into contact with services, to learn from the circumstances of domestic abuse related homicides. It is intended that reviews will aim to identify and respond to the risks associated with abuse and homicide and find areas for improvement to prevent further deaths. The taskforce met for the first time on 8 December 2022, with an initial focus of agreeing the terms of reference and how best to engage and involve the range of organisations with an interest in this work. It will continue to meet throughout 2023.

## **National Enquiry Point (NEP)**

The National Enquiry Point (NEP) changed its opening hours as of Wednesday 1 February due to staffing issues. The new opening hours are:

Monday – Thursday: 08:30 – 12:30 and 13:30 – 16:30

Fridays: 08:30 – 12:30 and 13:30 – 16:00

NEP are currently experiencing high call volumes, increasing pressure on the department as they deal with staffing issues.

Initial identified issues with the newly installed telephony system have been resolved and development of further supporting applications are underway. Management continue working closely with ISD. Nine new staff were recruited from the advert which was published on Friday 3<sup>rd</sup> and they will be in post by the end of June.

## **Response and Information Unit update**

### **Victim Right to Review**

RIU officials are revising Chapter 9 of the Victims and Witnesses Manual to update guidance on Victim Right to Review including the articulation of the reasonableness test and eligibility and exclusions to the review scheme. Revised VRR Rules will accompany this work.

[Redacted]

- [REDACTED]
- [REDACTED]
- [REDACTED]

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- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

[REDACTED]

## BUSINESS SERVICES UPDATE

At the end of April 2023, the number of staff in post (SIP) in Business Services was 210.94 FTE against 228.27 FTE staff complement.

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

The detailed Business Services priorities for 2023-24 are published in the Business Plan and delivery progress will be reported in line with corporate governance processes. Below are some of the main Business Services delivery priorities for 2023-24:

- Managing COPFS' corporate budgets and financial resources and compliance, supporting resource and capital spending reviews and budget bids and allocation processes;
- Creating appropriate resources and workforce management models to support COPFS' strategic and business needs effectively and efficiently within available resources;
- Publishing a new People Strategy, creating the strategic framework for supporting our people to deliver excellence by working together and putting people at the centre;
- Publish COPFS' next Digital Strategy, setting out an ambitious vision for further maximising the use of digital technology and data to transform, innovate and improve continuously the way the organisation works and delivers services to stakeholders and citizens in the digital age;
- Publish and implement COPFS' first Information and Data Strategy, innovating our use of data and analytics to take data driven decisions and to enhance performance, delivery and information management and compliance;
- Working to decarbonise COPFS' Falkirk, Elgin and Crown Office locations, supporting the Scottish Government's national 2038 environmental targets;
- Developing a feasibility study to optimise the COPFS estates footprint in the West of Scotland and maximising our office and estates assets to support and enhance business delivery;
- Strengthening the role of the Climate Change Working Group to assess all facilities and operational activities to reduce their effect on climate change;
- Implementing improvements and new ways of working to COPFS' corporate portfolio, programme and project management support, monitoring and reporting capabilities;
- Monitor and action the COPFS Procurement contracts and investments plan to deliver business requirements, continuously driving cost savings and efficiencies and supporting strategically aligned service delivery improvements, rationalisation and transformation initiatives;
- Delivering the pay parity agreement;

- Continue to improve the COPFS external website for service users;
- Further development of our HR digital systems and online services, including implementing improvements and new capabilities to data analytics and reporting;
- Delivering further improvements to COPFS' IT datacentres, systems resiliency, and support capabilities, and further testing our cybersecurity and business resiliency plans and preparedness;
- Working as part of the VIA Modernisation Programme and providing project management and support;
- Delivering the Scottish Prosecution College (SPC) year 2 transformation programme involving a series of interconnected projects and new impactful products ensuring incremental improvements to how education and learning is managed across COPFS, whether by the College, our functions, or our partners;
- Continue to improve our working lives, our workplaces and our technology as part of the Future Ways of Working strategic corporate delivery aims;
- Delivering programme of Health and Safety audits, maintenance and refurbishment of our estate to ensure our working environment is safe and fit for purpose, including leading the work of the Corporate Health and Wellbeing Committee to support our people;
- Committing to provide a healthy working environment that promotes and protects the physical and mental wellbeing of our employees;
- Holding a series of Senior Leaders events to support strategic planning and business delivery and for further developing leadership capabilities;
- Holding a series of Business Services Webinars to profile, communicate and update colleagues on BS corporate projects and initiatives;

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

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**Keith Dargie**  
Head of Business Services

**12 May 2023**









CROWN OFFICE  
& PROCURATOR  
FISCAL SERVICE

SCOTLAND'S PROSECUTION SERVICE

## Resources Committee

### Minutes of meeting held on 04 May 2023 (via Microsoft Teams)

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

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British Sign Language users should text on 07825 280346, specifying if you would prefer your reply by SMS, text or email.

## Present

### Members

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

Marlene Anderson, Director of Finance and Procurement

Thomas Lindie, Head of Business Management (Serious Casework)

Graham Kerr, Head of Business Management (Local Court)

Elaine Hales, Head of Business Management (Operational Support)

Jonathan Shebioba, Director of Support Services

Sharon Davies, Head of Management Accounting and Planning

Doreen Crawford, Head of Resourcing and Workforce Planning

### Secretariat

Sharon Davies, Head of Management Accounting and Planning

## Apologies

Keith Dargie, Head of Business Services & Chief Digital Officer (Co-Chair)

Ian Palmer, Finance and Procurement Executive Assistant

### 1. Welcome and Apologies

The Chair welcomed the group and apologies were noted.

### 2. Minutes from meeting held 16 March 2023

The Committee approved the minutes as accurate.

### 3. Action Log Tracker

An update was provided in relation to action point 7 (2023). Working Group members confirmed. Further update to be provided after the first meeting.

**Decision: Item 7 – SD will provide a further update at June meeting**

## 4 Finance Update - Budget 2022/23

- MA provided a brief overview of 2022/2023 position
- Progress on Annual Report and Accounts – draft being worked on with a view to being sent to NXDs by 17<sup>th</sup> May. Interim audit is almost complete and positive so far.

## 4 Finance Paper 2023/24

- MA gave an overview in relation to funding. The budget allocation was approved by Exec Board at the March 2023 meeting and has saving targets across all functions in staffing and NSE to achieve a balanced position.
- Discussions are continuing with SG on funding for 2023-24. MA will keep Resources Committee updated.
- Scenario planning is being worked on to allow senior managers to make decisions going forward. Further discussions will be held with senior leaders throughout May

### Action

Modelling papers to be shared with HoBMs at an early stage to support decision making.

## 5. Estates Update

- JS provided an update on overall financial position. A condition survey has identified essential maintenance required across the estate. Taking the NZC contributions we have committed to, it is clear that further SG capital funding is required for future years.
- EJC project is now business critical in terms of the business case to be submitted. SCTS have their case ready for submission to SG and COPFS are working to finalise its case.
- West of Scotland office review is ongoing. Dundee estate requirements currently being explored.

## 6. Function Workforce Plans and Function Business Plans for 2023/24

- The meeting noted that the SG recently provided guidance on their business plan process that might inform our future approach.

### Action

AM agreed to share the document with HoBMs.

Resources Committee agreed to consider Workforce Plans at a later date, informed by current budgetary modelling. This will be discussed at a future meeting.

## 7. AOB

- 22/23 supplementary pay offer has been agreed by PCS. The final detail is being worked through but is likely to be paid in June.
- COPFS will introduce a pilot wellbeing hour as part of the pay settlement.
- MA reminded all budget holders of the dEPM process and budget responsibility. Dates for CFR submissions to be circulated and agreed with HoBMS.

### Action

**SD to circulate the dEPM approval routes and draft dates for CFR submissions.**

## 8. Next Meeting

The Committee will next meet on 8 June 2023 at 10.30 am (MS Teams)

**EXECUTIVE BOARD**  
**BUSINESS PROCESS IMPROVEMENT COMMITTEE**  
**MAY 2023 UPDATE**

**Purpose**

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

**Priority**

2. Routine.

**Update**

3. BPIC last met on 9 February 2023 and is next scheduled to meet on 15 June 2023. A key focus for the next BPIC meeting is to discuss and approve the business process improvement priorities and digital transformation projects for 2023-24. The transformation programme will reflect and deliver the corporate priorities defined in the COPFS Corporate Plan for 2023-27 published in April 2023. BPIC will confirm the delivery priorities for 2023-24 at its next meeting and make recommendations to the Executive Board.
4. This update provides an overview on the delivered business improvements and digital transformation projects for 2022-23 and the ongoing or planned business priorities over Q1 2023-24.

**Delivery Updates and Business Improvements and Digital Transformation Initiatives**

**Completed/Implemented over 2022/23:**

- New COPFS website launched;
- New KLTR website launched;
- Release of a new version of the CMiC App for use in Sheriff and Jury cases;
- Implementation of a new digital casework system for Serious Casework Group to enable the electronic reporting of casework to Crown Counsel (full deployment to all SCG staff scheduled for Q1 2023/24);
- Successful implementation of the Digital Evidence Sharing Capability (DESC) pilot (launched in Dundee on 24 January 2023);
- Vulnerable Witness Notices Pilot (automated sharing with SCTS and VSS);
- Hate Crime Bill Aggravators: impact assessment and solutions agreed with Justice Partners;
- Case management legislative changes implemented;
- Implementation of a new HR digital system and products (with further releases planned);
- New Pay Claims and Desk Booking Corporate Apps implemented or released for evaluation;
- Digital Meeting Rooms technologies installed and available in all main offices to deliver the Digital Strategy vision and support new Agile working policies and ways of working;
- Digital Workplace Exchange Online migrations;
- New ISD Service Desk solution and services launched;

EB23/24(07)

- ISD hours of support extended to 06:00 – 22:00hrs Monday to Friday;
- Improved remote access IT infrastructure and continuous application and infrastructure upgrades to improve COPFS' digital systems and services;
- Implementation of the first of COPFS' new offsite datacentres;
- Migration to Exchange Online (latest O365 email and collaboration solutions);
- Deployment of further Microsoft O365 products to aid colleagues in managing their workloads, accessing information (including VIVA Insights digital facilities);
- Implementation of integrated Microsoft Teams corporate telephony solutions and modernisation of National Enquiry Point customer telephony services.

**Being delivered or in progress over Q1 2023-24:**

- Further development of DESC and readiness for full implementation on successful conclusion of the DESC pilot in summer 2023;
  - CMiC High Court application analysis completed with recommendations presented to BPIC at its next meeting for development of a solution to expand the use of CMiC for all cases;
  - Evaluation of a new Witness Gateway digital portal to improve services to victims and witnesses for evaluation from June 2023 ahead of a phased national release over 2023 as part of the Vision for Justice in Scotland delivery plan;
  - Defence Agent Service digital solution and platform (replacement for current Secure Disclosure Service) for evaluation from Summer 2023 (coordinated with the DESC programme implementation);
  - VIA Modernisation programme management and analysis;
  - Hate Crime Bill Aggravator: collaborative solutions analysis with justice sector partners;
  - Development of an Advocate Depute Rota (digital enabled transformation);
  - Enhancing the PIDM app capabilities;
  - CMiC App upgrades;
  - Upgrades to Travel & Subsistence and Vehicle Pool Corporate Apps;
  - Publishing an Information Strategy and delivery plan;
  - Consultation and planning for the development of COPFS' Next Generation Casework Systems, due to commence formally from Q1 2023/24 in line with availability of Scottish Government funding.
5. The BPIC business improvement Key Projects Summary and Dashboards for 2022-23 is available at **Annex A** (updates as at 31 March 2023).
6. BPIC will discuss and approve the business process improvement priorities and digital transformation projects for 2023-24 at its meeting in early June 2023, making recommendations to the Executive Board.

**Decisions/Actions required by Executive Board**

7. The Executive Board are invited to note delivery progress on BPIC's portfolio priorities.

**Jennifer Harrower**

Deputy Crown Agent - Local Court

**17 May 2023**



# COPFS Digital Improvements and Transformation Priorities

## Key Projects Summary

*Reporting Period: To 31 March 2023*

# Portfolio and Programme Summary

Q1

1 April 2022 – 31 March 2023

Q4

- Datacentre re-location – Phase 1 Edinburgh migration completed
- Summary Justice Process Automation and Digitisation
- Case Management Legislative Changes
- Hate Crime Bill Aggravators – impact assessment and solutions agreed with Justice Partners – Preparation and planning progressed to support Project Initial form Quarter 1 2023/2023
- Replacement Service Desk Solution - Implemented
- Extended ISD Support Services and Hours of Operation - Implemented
- CMiC Sherriff & Jury deployment - Implemented
- New Corporate Websites (COPFS & KLTR) - Implemented
- Exchange On-Line and Always on VPN - implemented
- Microsoft Wellbeing Tools (Viva)
- Improved Remote Access Facilities (New Telephony Systems and EP Service) - Implemented
- Meeting Room Innovation (Teams Rooms & collaboration technology) - Implemented
- Pay Claims (Overtime) Application – Pilot Complete and Phased Roll-out Commenced - Implemented
- HR System Replacement\* (supporting HR to achieve its strategic improvements) – Core Functionality Implemented
- Vulnerable Witness Legislation – Extended Pilot (automated sharing with SCTS) – In Progress
- Electronic Reporting to Crown Counsel – MVP build and Pilot Launched
- Digital Evidence Sharing Capabilities – Phase 1 Build and Pilot Launched
- Desk Booking App – Pilot Launched



## Portfolio and Programme Management Controls

- This document is intended to provide an overview/update of the current position and status of all **In-Flight** Projects / Initiatives within the COPFS ISD Portfolio and Digital Transformation Programme.
- Each Work Item / Project (as appropriate) adheres to the ISD Portfolio Project Management Delivery Framework to ensure and drive consistency across the portfolio. The project lifecycle is categorised into **5 Distinct Stages** from ideation through to delivery, implementation and closure with **Key Milestones** for project control, reporting and governance realigned to the Project Stages.

Project Delivery Lifecycle Stages	
<b>Stage 1</b>	Project Ideation / Solution Review (Concept / Ideation - Scoping and Solution Proposal)
<b>Stage 2</b>	Project Initiation / Planning & Design (Confirmation)
<b>Stage 3</b>	Solution Delivery (Build, Test, Evaluation, Acceptance)
<b>Stage 4</b>	Implementation & Transition (Pilot / Phased Release / Go-live)
<b>Stage 5</b>	Operational Monitoring & Closure (incl. Benefits Realisation)

Project Milestone Plan	
<b>Milestone 1</b>	Project Initiation / Kick-off
<b>Milestone 2</b>	Proceed to Solution Delivery
<b>Milestone 3</b>	<b>Milestone 3A:</b> Initial Build Complete - UAT Commence <b>Milestone 3B:</b> Solution Ready for Service
<b>Launch / Go-Live</b>	
<b>Milestone 4</b>	Solution Implemented / Delivery
<b>Milestone 5</b>	Stakeholder Sign-off / Transition to Service



## Portfolio and Programme Summary: End of January 2023 to 31 March 2023

Project	Scope		Delivery Schedule		Resources		Overall Project Risk		Priority
	Previous	Current	Previous	Current	Previous	Current	Previous	Current	
Witness Gateway	Green	Green	Green	Green	Green	Green	Green	Green	High
Defence Agent Service	Green	Yellow ↓	Green	Yellow ↓	Red	Green ↑	Red	Green ↑	High
DESC	Green	Green	Red	Yellow ↑	Red	Green ↑	Red	Green ↑	High
Electronic Reporting to Crown Counsel	Green	Green	Green	Green	Green	Green	Green	Green	High
CMIC: Sherriff & Jury & High Court	Green	Green	Green	Green	Green	Green	Green	Green	Medium
Summary Case Management	Green	Green	Green	Green	Green	Green	Green	Green	High
Vulnerable Witness Notices	Green	Green	Green	Green	Green	Green	Green	Green	High
Corporate Apps: Desk Booking App	Green	Green	Red	Yellow ↑	Green	Green	Yellow	Green ↑	Medium
Corporate Apps: Pay Claims App	Green	Green	Green	Green	Green	Green	Green	Green	Medium
Teams Telephony	Green	Green	Green	Green	Green	Green	Green	Green	Delivered
Enquiry Point Transformation (Customer digital enabled)services	Green	Green	Green	Green	Green	Green	Green	Green	Delivered

### Summary of RAG Movement

#### Defence Agent Service: Scope Dependency and Alignment with DAS delivery schedules

Significant discussions are continuing with the DAS working group on SDS requirements and refinements to try and achieve sign off on the requirements. A period of further development reflecting policy and legal requirements for COPFS and Defence Agents has been implemented. There is a requirement for DAS to be rolled out prior to full DESC rollout, however ISD require a board to be established to oversee governance, evaluation and delivery of the SDS module of DAS as well as agreeing the next set of products to move into development. ISD also had a requirement to comply with HR guidelines regarding the 48 month rule in that any contractor engaged by ISD must take an enforced period of leave before re-engaging with COPFS to continue their work. The programme manager for DAS and DESC was affected by this and was unavailable for a 3 week period during March 2023, a key delivery time for both projects. ISD managed the position by delegating activity amongst the Digital Portfolio team and prioritising delivery work.

#### DESC: DAS Dependency and Alignment – moved up from Red

DESC has been moved from RED to Amber for delivery schedule with National Rollout being anticipated late Summer. The DAS programme is pending security statements from its Cybersecurity team on its engagement with Axon on API policy and platform management policies, this a requirement prior to any integration work with DAS starting. This is essential given the data sets (disclosure) for the SDS module in DAS. As above, the Programme Manager was placed on enforced leave for a 3 week period during March to comply with HR policy but the Digital Portfolio team in her absence.

#### Desk Booking App: Delivery schedule – moved up from Red

Pilot of the Project Commenced on the 30 March with sign off of the DPIA and ORS for Pilot Phase and approval from FWOV Board on the Pilot Dates. The Project Manger overseeing this project's contract ended on 31 March. The Digital Portfolio team will oversee this project until a further Project Manager is aligned.

**Note: The above is not an exhaustive list of projects within the ISD digital transformation programme, but represents a cross section of priority inflight or ready to deliver solutions over**

## Portfolio View – 31 March 2023

Q3 2022/23			Q4 2022/23			Q1 2023/24		
October 2022	November 2022	December 2022	January 2023	February 2023	March 2023	April 2023	May 2023	June 2023
<b>Witness Gateway (Priority Programme)</b>								
		Final Design				Build and Test		Evaluation (Strategy TBC)
<b>Defence Agents Service and DESC (Priority Programme)</b>								
Phase 1 Disclosure MVP: Build and Test (TBC))								
	Phase 1: DESC Integration Build and Test		Pilot Commencement					
		Phase 2: Ideation for additional functionality			Phase 2: Build and Test			Evaluation (Strategy TBC)
				New Appointment Booking App: Build and Test (Assumptions on decisions to be made)				
<b>Electronic Reporting to Crown Counsel (Priority Project)</b>								
	Build and Test							
	Remediation	Implementation & Transition Prep	Remediation	Pilot Commencement , Operational Monitoring and Evaluation for full Release				
<b>CMIC</b>								
	Implementation & Transition – S&J							
	Operational Monitoring and Evaluation – S&J							
	Ideation: High Court Requirements and analysis		Business Case - options/solution discovery and scope					
<b>Summary Case Management</b>								
	Operational Monitoring and support							
<b>Vulnerable Witness Notices</b>								
	Pilot - Operational Monitoring							Implementation & Transition TBC



## Portfolio View – 31 March 2023



Q3 2022/23			Q4 2022/23			Q1 2023/24		
October 2022	November 2022	December 2022	January 2023	February 2023	March 2023	April 2023	May 2023	June 2023
<b>Corporate Applications: Desk Booking App</b>								
Build and Test		Remediation	Pilot Preparation and sign off			Pilot Operational Monitoring and Evaluation, KM, IN, GL		Implementation & Transition
						Operational Monitoring and Enhancement Build		
<b>Corporate Applications: Pay Claims Application</b>								
Pilot Operational Monitoring and Evaluation - Homicide								
Pilot Operational Monitoring and Evaluation - HR								
Pilot Operational Monitoring and Evaluation - ISD								
		Pilot Operational Monitoring and Evaluation - SCG		Implementation & Transition		Operational Monitoring and Enhancement Build		
<b>Corporate Teams Telephony</b>								
Implementation & Transition			Operational Monitoring					
<b>Enquiry Point Transformation</b>								
Implementation & Transition			Operational Monitoring					



## Portfolio View – 31 March 2023



Q3 2022/23			Q4 2022/23			Q1 2023/24		
October 2022	November 2022	December 2022	January 2023	February 2023	March 2023	April 2023	May 2023	June 2023
<b>Next Generation Case Management Systems</b>								
	Key Principles & Draft Strategy				Case Management Summit			Case Management Summit
					Project Delivery Team Establishment			
					Detailed Discovery and Stakeholder Engagement			
							Board Establishment	



## COPFS Digital Programme: 31 March Status Dashboard

RAG Status			
Scope	Delivery Schedule	Resource	Overall Risk

### Witness Gateway

Status & Scope	Schedule	Risks/Issues/Dependencies	Project Milestones																											
<p><b>Witness Gateway (incorporating Witness Availability and Scottish Government ID&amp;V Product)</b></p> <p>Project Reporting as <b>GREEN</b>.</p> <p><b>Witness Gateway</b> – Alpha will design and deliver the first iteration of an online portal that can be used by COPFS stakeholders. The Alpha phase is anticipated to deliver over a 3 month period ending in late Spring 2023.</p> <p>Version 2.1 of the content inventory has been completed and shared with further iterations to come out of workshop/discussions. Work has started on the detailed content feeding into design and front end development work, build is progressing with first iteration of key pages such as ‘Register Account Failure’, ‘Claim Case/ Witness Failure’ and ‘Witness Statement’ taking shape. A high level test plan is being iterated between COPFS and StormID.</p> <p><b>Architecture</b> – High-Level Design for connecting the Gateway to case management systems to safely and securely retrieve case details and serve to the correct witnesses.</p> <p><b>Security &amp; Identity Verification (IDV)</b> – detailed options, recommendation and high-level design for ensuring safe, secure use of the Gateway. – ToR between Digital Identity and ISD is in draft and with Heads of Boards to review</p>	<p>Phase 1 : High level and low level core design underway.</p> <p>Alpha Phase Build.</p> <p>Anticipated Deliver: <b>Late Spring 2023</b></p>	<p><b>Dependency: Business Consultation:</b> Workshops with COPFS stakeholders to understand and map the impacts and changes that the Gateway will bring and ensure full advantage of the improvements it will bring; Create and implement a Target Operating Model to support launch</p> <p><b>Dependency: User Consultation:</b> User Research and engagement to ensure we have fully understood our target audience and are providing the correct benefits to users. Dovetailing onto extensive User Research provided through SG.</p>	<table border="1"> <thead> <tr> <th>Milestone</th> <th>Target Date</th> <th>Status</th> </tr> </thead> <tbody> <tr> <td>1. Re-Initiation</td> <td>October 2022 – now end Feb 2023</td> <td>Complete</td> </tr> <tr> <td>2. Solution Delivery - commencement</td> <td>December 2022 – now March 2023</td> <td>On Track</td> </tr> <tr> <td>3A. Build Complete/UAT Start</td> <td>Late Spring 2023</td> <td>TBC – On Track</td> </tr> <tr> <td>3B. Ready for Service</td> <td>Targeting Q4-Q1</td> <td></td> </tr> <tr> <td>Launch Go/Live</td> <td>Targeting Q4-Q1</td> <td></td> </tr> <tr> <td>4. Implemented</td> <td></td> <td></td> </tr> <tr> <td>5. Stakeholder Signoff/Transition to Service</td> <td></td> <td></td> </tr> </tbody> </table>	Milestone	Target Date	Status	1. Re-Initiation	October 2022 – now end Feb 2023	Complete	2. Solution Delivery - commencement	December 2022 – now March 2023	On Track	3A. Build Complete/UAT Start	Late Spring 2023	TBC – On Track	3B. Ready for Service	Targeting Q4-Q1		Launch Go/Live	Targeting Q4-Q1		4. Implemented			5. Stakeholder Signoff/Transition to Service					
Milestone	Target Date	Status																												
1. Re-Initiation	October 2022 – now end Feb 2023	Complete																												
2. Solution Delivery - commencement	December 2022 – now March 2023	On Track																												
3A. Build Complete/UAT Start	Late Spring 2023	TBC – On Track																												
3B. Ready for Service	Targeting Q4-Q1																													
Launch Go/Live	Targeting Q4-Q1																													
4. Implemented																														
5. Stakeholder Signoff/Transition to Service																														
			*Dependent on agreement of Phase 1 products																											

### Resources

Programme, Project Manager, Morgan Reilly is on board and business analyst and developer resource time has been aligned.

### Key Date Movement

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## COPFS Digital Programme: 31 March Status Dashboard

RAG Status			
Scope	Delivery Schedule	Resource	Overall Risk

### Defence Agents Service (DAS) (incorporating Appointment App)

Status & Scope	Schedule	Risks/Issues/Dependencies	Project Milestones		
			Milestone	Target Date	Status
<p><b>Defence Agents Service (DAS) (incorporating General Appointment App)</b></p> <p>Currently reporting <b>GREEN</b></p> <p>High level requirements have ben defied and further analysis/stakeholder engagement is required to confirm the low level requirement.</p> <p>Workshops/meetings have been held to document Account Management, Roles and Logging Auditing. Further meeting scheduled with Stakeholders on 18 April to obtain sign off of the requirements.</p> <p>Next tranche of priority products for inclusion in Phase 2 to be discussed and agreed for commencement of discovery, design and build.</p>	<p>Phase 1 (SDS Replacement) Delivery: Go-Live / Launch: TBC</p> <p>Evaluation approach and strategy to be confirmed with COPFS and DA representatives.</p>	<p><b>Issue:</b> Agree DAS Delivery Approach; Currently progressing on phase approach (Phase 1: SDS Replacement (MVP) / Phase 2 New Functionality)</p> <p><b>Issue:</b> Design required between DESC and DAS for integration and sharing information.</p> <p><b>Issue:</b> COPFS strategic cloud account management for application access and use (for external COPFS users of cloud services)</p> <p><b>Dependency:</b> agreement on evaluation strategy for disclosure replacement required.</p> <p><b>Dependency:</b> agreement on product roadmap for next phases of design and build activities.</p>	1. Initiation	January 2022	Complete
			2. Solution Delivery	February 2022	Complete
			3A. Build Complete/UAT Start	Targeting Q1 2023/2024 – Now looking at Q2 delivery	Delayed – replanning and evaluation in progress –slippage into Q2 2023/24
			3B. Ready for Service	Targeting Q2	On Track
			Launch Go/Live	Targeting Q2	On Track
			4. Implemented		
			5. Stakeholder Signoff/Transition to Service		

### Resources

Resources were re-aligned from Q4 2022/2023, with further development resources from DESC allocated to work on both projects to take this forward in unison.

### Key Date Movement

Anticipated date for 'Ready for Service' and 'Launch/Go Live' Milestone Dates are expected to be later than previous noted due to re-alignment of project resources from other prioritised projects. Project resources have been redirected to this project and currently continuing to work with Key Business Stakeholders to define and obtain sign off on detail requirements in order to plan and progress build activities and confirm new anticipated timeline.



## COPFS Digital Programme: 31 March Status Dashboard

RAG Status			
Scope	Delivery Schedule	Resources	Overall Risk

DESC					
Status & Scope	Schedule	Risks/Issues/Dependencies	Project Milestones		
<p><b>Digital Evidence Sharing Capability (DESC)</b></p> <p>DESC Programme currently reporting <b>AMBER</b> .</p> <p>The Pilot in Dundee commenced on 24/01/2023 and is progressing well.</p> <p>Concerns have been raised around the progression of DAS and this needs to be in place to support the DESC National roll out but planning this will be dependant on the progression of DAS. DESC developers have been onboarded onto DAS for some of their time to promoted progression inter dependency.</p> <p>Meantime DESC Day 2 functionality is developed and ready for UAT. The following changes to be delivered:</p> <ul style="list-style-type: none"> <li>- Rollup/ Splits</li> <li>- Transfers</li> <li>- Sensitive Cases</li> </ul>	<p>Phase 1: Pilot –Launch Date: <b>24 Jan 2023</b></p> <p>Day 2 Sprint Delivery <del>01/05/2023</del> – TBC</p> <p>National Roll Out Commences: <b>TBC</b></p>	<p><b>Issue:</b> Outstanding Security requirements from contract Due Diligence, mainly BYOK; will stop progression to use of live data for pilot until ISO sign off achieved.</p> <p><b>Issue:</b> DAS integration will not be available for Pilot – Mitigating Action - DESC Pilot progressed using evidence.com.</p> <p><b>Risk</b> – Delivery 2 scope and design still to be fully agreed with Programme Partners</p> <p><b>Dependency</b> – Das requires to be in place to support DESC rollout – Project Team and resources to work together to progress DAS in line with DESC and review DAS delivery plan</p>	Milestone	Target Date	Status
			1. Initiation	January 2022	Complete
			2. Solution Delivery	February 2022	Complete
			3A. Build Complete/UAT Start	November 2022	Complete
			3B. Ready for Service	January 2023	Complete
			Launch Go/Live - Pilot	24 January 2023	Complete
			3A- Day 2 Delivery – Build Complete – UAT Commences	April - TBC	TBC
			3B – Day 2 Delivery – Solution Ready for Service	TBC	TBC
			Launch /Go Live – Day 2 Delivery	01/05/2023 - tbc	TBC
			Launch/Go Live – National Roll out		TBC
			4 Solution Implemented - Delivered	26/03/2024 - TBC	Scheduled – At Risk
			5. Stakeholder Signoff/Transition to Service	29/03/2024 - tbc	Scheduled – At Risk
<p><b>Resources</b></p> <p>Dedicated Resources have been allocated to DESC, and some DESC development resource and been partially shared with DAS to progress inter dependencies.</p>					
<p><b>Key Date Movement</b></p> <p>Programme are now working to review and plan timeline for further releases for DESC and looking at dependency for DAS to be delivered to support National roll out</p>					
<p><b>Path to Green</b></p> <p>Review and confirm plans for Next Phase of DESC solution delivery.</p>					



## COPFS Digital Programme: 31 March Status Dashboard

RAG Status			
Scope	Delivery Schedule	Resources	Overall Risk

### Electronic Reporting to Crown Counsel

Status & Scope	Schedule	Risks/Issues/Dependencies	Project Milestones		
<p><b>Electronic Reporting to Crown Counsel (ETRCC)</b></p> <p>Project Reporting as <b>GREEN</b>.</p> <p>The Pilot commenced on 25 Jan 2023 and ISD continue to offer on-site / remote support to users as required.</p> <p>ISD and SCG have agreed to expand the Pilot with additional cases and user being added, with the additional users being added over a 3 month period to allow for training/awareness sessions. ISD are awaiting confirmation of the new users to be added.</p> <p>A further sprint is being added to the release containing the Blue Folder development which will focus on resilience and Disaster Recovery. ISD have commenced the planning of UAT focussed on the Blue Folder development.</p>	<p>Phase 1: Pilot – Target Date</p> <p><del>December 2022</del></p> <p><b>25 January 2023</b></p>	<p><b>Risk:</b> There is a risk that poor data quality/ integrity held in source system may impact on the quality of the final product – Mitigative actions have been taken forward.</p> <p><b>Risk:</b> There is a risk that large and complex cases with a large amount of productions may not perform optimally similarly to FOS/SOS-R. - UAT 2 was completed with a copy of the live data with cases selected by SCG staff to test performance. Going forward looking to ensure large cases are used as part of the Pilot and for this to be monitored.</p> <p><b>Risk:</b> There is a risk that a further IT Health Check may be required prior to full roll out – This may have an impact on the timelines noted.</p>	Milestone	Target Date	Status
			1. Initiation	January	Complete
			2. Solution Delivery	February	Complete
			3A. Build Complete/UAT Start	September	Complete
			3B. Ready for Service	November	Complete
			Launch Go/Live	25/01/2023	Complete
			4. Implemented	April 2023 July 2023	On Track
			5. Stakeholder Signoff/Transition to Service	May 2023 August 2023	On Track

### Resources

ERTCC Project Resource aligned as priority.

### Key Date Movement

Project Delivery Plan to be reviewed and may be pushed back if confirmation given that a further IT Health check will be required.



## COPFS Digital Programme: 31 March Status Dashboard

RAG Status			
Scope	Delivery Schedule	Resource	Risk

### CMiC - S&J and High Court

Status & Scope	Schedule	Risks/Issues/Dependencies	Project Milestones (High Court)		
<p><b>CMiC App S&amp;J (Sherriff &amp; Jury) / PSPDF</b> CMiC S&amp;J app was successfully launched on 6 October 2022 – an issue was raised involving access to PCS, a work around has been put in place and testing of the resolution developed to correct the issue identified further issues, these have been resolved with testing now nearing completing</p> <p>PSPDF Project is currently reporting <b>GREEN</b> development work has now been completed with the next steps being Sprint and regression testing. A deployment plan will be completed by the project team and the Transformation Team will consult with business users to identify a suitable date for implementation.</p> <p><b>CMiC App High Court</b> Gap analysis has been completed between CMiC S&amp;J and ERTCC and a report has been forwarded to the Head of Digital Portfolio and shared with Stakeholders</p> <p>Full scheduled, risks and dependencies to be identified on conclusion of discovery activities.</p>	<p><b>S&amp;J:</b> Complete <b>CMiC PSPDF Library Upgrade</b> – Anticipated Release Q1 2023 <b>HC:</b> Initiation</p>	<p><b>Dependency:</b> High Court CMiC dependent upon the successful deployment of ERTCC.</p>	Milestone	Target Date	Status
			1. Initiation	Quarter 4 2022/2023 – Quarter 1 2023/2024	On Track
			2. Solution Delivery		
			3A. Build Complete/UAT Start		
			3B. Ready for Service		
			Launch Go/Live		
4. Implemented					
5. Stakeholder Signoff/Transition to Service					

### Resources

We currently have 1 iOS developer working on these items

### Key Date Movement

Key Decisions – Release date for S&J fix and deployment of PSPDF Library

CMiC App High Court –Awaiting Feedback on solution recommendation paper and sign off for project initiation for the initiation of of the project Q1 2022/23 – Q2 2023/2024.



COPFS  
INFORMATION  
SERVICES  
DIVISION

## COPFS Digital Programme: 31 March Status Dashboard

RAG Status			
Scope	Delivery Schedule	Resource	Overall Risk

### Summary Case Management

Status & Scope	Schedule	Risks/Issues/Dependencies	Project Milestones (High Court)		
<p><b>Summary Case Management</b> Project currently reporting <b>GREEN</b>.</p> <p>Solution Ready for Service Late August 2022, and Launched / Go-live 5 September 2022 to support ongoing Pilot</p> <p>All agencies involved in catch-ups to monitor progression.</p>	Project complete	None.	Milestone	Target Date	Status
			1. Initiation	June 2022	Complete
			2. Solution Delivery	July 2022	Complete
			3A. Build Complete/UAT Start	August 2022	Complete
			3B. Ready for Service	August 2022	Complete
			Launch Go/Live	September 2022	Complete
			4. Implemented	September 2022	Complete
			5. Stakeholder Signoff/Transition to Service	October- 2022	Complete

### Resources

None.



## COPFS Digital Programme: 31 March Status Dashboard

RAG Status			
Scope	Delivery Schedule	Resource	Overall Risk

### Vulnerable Witness Measures

Status & Scope	Schedule	Risks/Issues/Dependencies	Project Milestones (High Court)		
<p><b>Vulnerable Witness Notices</b></p> <p>Currently reporting <b>GREEN</b></p> <p>Full Solution (Data Extract Framework) released for Pilot to LC, HC as SCTS on 25 October 2022. Dual run of solution and hard copy notices in effect until legislation goes live. Pilot end date is delayed as SCTS require implementation of their own solution to create notices for electronic data transfer and changes to their processes to support their requirements.</p> <p>Looking to add VSS to the pilot once data share agreement has been completed – provisional date now mid April dependant on availability of DPO</p> <p>Legislation go live date requires to be reviewed in line with SCTS changes and the success of the Pilot. Implementation can take 3-6 months</p>	<p>Anticipated Full Solution (Data Extract Framework) Go-Live: Target Date <del>1 April 2023</del> (TBC)</p>	<p><b>Risk:</b> Increased hard copy load on the National Print Unit until DAS go live. Defence Agents could potentially experience delays with being provided with witness information. Monitoring will be put in place to mitigate as much as possible.</p> <p><b>Issue:</b> Issue identified for SCTS during Pilot Standard Special Measures extracting when part of combined Standard/Non-Standard. This was previously agreed as not in the scope for this project but SCTS want to implement a fix at their end. – Pilot end date extended for fix to be implemented by SCTS and for this to be monitored.</p> <p><b>Risk:</b> Turnover in Policy Staff aligned to the Project may delay reporting to Parliament on project progression. – Policy have confirmed they are happy for SCTS to implement changes to ensure the successful of the pilot to support recommendation for implementation of legislation</p>	Milestone	Target Date	Status
			1. Initiation		Complete
			2. Solution Delivery		Complete
			3A. Build Complete/UAT Start – Full Solution	August 2022	Complete
			3B. Ready for Service	September 2022	Complete
			Launch Go/Live – Extended Pilot – Full Solution	October 2022	Complete
			Launch/Go Live – Extend Pilot to VSS	February 2023 – slippage tbc	Delayed
			Launch/ Go Live – Legislation Approved Go Live	April 2023 – expected slippage TBC	Delayed
			4. Implemented		TBC
			5. Stakeholder Signoff/Transition to Service		TBC

### Resources

Project Manager has now left the organisation and we await the recruitment of a replacement Project Manager to be able to re-align this project. Currently being overseen by other Portfolio Group Resources..

### Key Date Movement

Pilot extended to allow SCTS to implement changes into pilot for full test prior to Go Live. Timeline for pilot and reporting to Parliament to be reviewed., however Policy have confirmed that they are happy to support this extension to ensure the success of the Pilot. The extension to the Pilot will impact on the Go Live Launch timeline, taking into consideration the 3-6 months timeline for implementing the legislation after sign off..



## COPFS Digital Programme: 31 March Status Dashboard

RAG Status			
Scope	Delivery Schedule	Resources	Overall Risk

### Corporate Applications: Desk Booking Application

Status & Scope	Schedule	Risks/Issues/Dependencies	Project Milestones (High Court)		
			Milestone	Target Date	Status
<p><b>Desk Booking App</b></p> <p>Desk Booking App reporting <b>GREEN</b></p> <p>Pilot commenced in the Kilmarnock and Inverness offices on 30 March 2023. With plans progressing for Glasgow to go into Pilot w.e.f. 13 April 2023.</p> <p>Application Partners StormID have confirmed the ITHC remediation work has been completed in development and it has been agreed that these changes will be tested and released when the Pilot has been completed.</p> <p>DPIA and ITHC ORS were both signed off for Pilot. And it has been confirmed that a further ITHC will not be required for Roll out.</p> <p>ISD have completed the addition of all other PF office floorplans into the application in preparation for rollout and these are currently with OSMs to review.</p>	<p>Anticipated Pilot Launch / Go-Live: <del>December 2022</del> <del>January/February 2023</del> <b>Pilot Go Live – 30 March 2023 – Kilmarnock and Inverness</b></p> <p><b>Further Pilot Roll-Out – Glasgow 13 April 2023</b></p> <p>Anticipated National Roll out - <b>TBC</b></p>	<p><b>Risk:</b> Long term performance – this will eventually be rolled out to around 2,300 staff across 50 offices, it is unclear if this loading will impact on performance – Discussions with vendor on roll out planning and monitoring position to be taken forward.</p>	Milestone	Target Date	Status
			1. Initiation		Complete
			2. Solution Delivery	March 2022	Complete
			3A. Build Complete/UAT Start	September 2022	Complete
			Launch/ Go Live - Pilot	<del>Jan/Feb 23</del> 30 March 2023	Complete
			3B. Ready for Service – ITHC Remediation Complete	<del>February 2023</del> 31 March 23	Complete
			Launch Go/Live	TBC	TBC
			4. Implemented	TBC	TBC
			5. Stakeholder Signoff/Transition to Service	TBC	TBC

### Resources

The Project Manager aligned to this project left w.e.f. 31 March 2023, the project will be overseen by other Portfolio Group resources until another Project Manager is aligned.

### Key Date Movement

The project was delayed but has now obtained signed off of DPIA and ITHC ORS for moving into Pilot and project was able to move forward at pace due to preparation work carried out and is now in Pilot.



## COPFS Digital Programme: 31 March Status Dashboard

RAG Status			
Scope	Delivery Schedule	Resource	Overall Risk

### Corporate Applications: Pay Claims Application

Status & Scope	Schedule	Risks/Issues/Dependencies	Project Milestones (High Court)		
<p><b>Pay Claims (Overtime) App</b> reporting <b>GREEN</b>; Successful Homicide Pilot Launch / Go-Live 23 July 2022 with HR Go- Live completed on 1 Aug 2022. Second Pilot Phase with ISD - Commenced 1 October 2022. Third Pilot Phase to include SCG – Commenced 6 December 2022.</p> <p>The project progressed to Phased rollout with the rest of Operational Support going live on the 22 Feb 23. Local Court 1<sup>st</sup> phase went live on the 13 March 23 and the last phase of Roll out will see the app being rolled out to the remaining Local Court Staff on the 6 April 2023.</p> <p>A further enhancement to the app has been requested (the addition of a comment field) and is currently in development.</p>	<p>App successfully launched <b>23 July 2022</b> (Homicide Pilot); with HR Go-Live completed <b>1 August 2022</b>. 2<sup>nd</sup> Pilot – ISD Go Live completed <b>1 Oct 2022</b> 3<sup>rd</sup> Pilot – Remaining SCG Target Date <b>6 Dec 2022</b></p> <p><b>Full Rollout – Phase approach</b> Operational Support – <b>22/02/2023</b> Local Court Part 1 <b>13/03/2023</b> Local Court Part 2 <b>06/04/2023</b></p>	<p><b>Key Risk / Issue:</b> <b>Issue:</b> Appears that no DPIA in place for Corporate Apps. This has been initiated as a priority.</p>	Milestone	Target Date	Status
			1. Initiation		Complete
			2. Solution Delivery		Complete
			3A. Build Complete/UAT Start		Complete
			3B. Ready for Service		Complete
			Launch Go/Live – Pilot release but remaining live thereafter	Homicide - July	Homicide - Complete
				HR - August	HR - Complete
				ISD - October	ISD – Complete
			Launch / Go Live – Phase Roll out to the rest of the business	Remaining SCG - December	SCG - Complete
				Operational Support 22/02/23	Complete
LC Part 1 – 13/03/2023	Complete				
4. Solution Implemented/ Delivered to the business	LC Part 2 – 06/04/2023	On Track			
	06/04/2023	On Track			
	5. Stakeholder Signoff/Transition to Service	End of April 2023	On Track		

### Resources

Project Manager leading this project's contract ended on 31 March and this project is currently being overseen by other Portfolio Group resources to ensure the project progresses as planned.



## COPFS Digital Programme: 31 March Status Dashboard

RAG Status			
Scope	Delivery Schedule	Resource	Overall Risk

### Corporate Telephony Solution – Teams Telephony

Status & Scope	Schedule	Risks/Issues/Dependencies	Project Milestones (High Court)		
<p><b>Corporate Telephony Solution</b> Corporate Telephony is currently reporting <b>Green</b>:</p> <p>CloudUCX Calling Service is a hosted service that connects Microsoft Teams to the public switch telephony network (PSTN). It enables the organisation to leverage Microsoft Teams to make and receive external calls.</p> <ul style="list-style-type: none"> <li>Currently reporting <b>Green</b> - Implementation / Go-Live was launched on – 25/10/2022 – 25 November 2022</li> <li>Project Closure Report was taken to the Portfolio Management Board on 16 February 2023.</li> </ul>	<p><b>Implementation / Go-Live: Date - 25 October - 22 November.</b> Phased delivery.</p>		Milestone	Target Date	Status
			1. Initiation		Complete
			2. Solution Delivery		Complete
			3A. Build Complete/UAT Start	August	Complete
			3B. Ready for Service	October	Complete
			Launch Go/Live	October	Complete
			4. Implemented	November	Complete
5. Stakeholder Signoff/Transition to Service	End of January	Complete			

### Resources

No Issues



## COPFS Digital Programme: 31 March Status Dashboard

RAG Status			
Scope	Delivery Schedule	Resource	Overall Risk

### Enquiry Point Transformation Plan

Status & Scope	Schedule	Risks/Issues/Dependencies	Project Milestones (High Court)		
<p><b>Enquiry Point Services (Transformation Plan / Implémentation [Cirrus Contact Centre Pro &amp; Omni Email])</b></p> <p>Cirrus Contact Centre Pro is a fully managed, enterprise grade service hosted across their 3 data centres in the UK. Work to progress with 3<sup>rd</sup> party Cirrus (Gamma Partner) to deliver Cirrus solution to NEP which will include Omni Email. Cirrus is currently being used by the Service Desk.</p> <ul style="list-style-type: none"> <li>• Currently reporting <b>Green</b> - Implementation / Go-Live was launched on – 27/10/2022</li> <li>• Support documentation has been uploaded into SharePoint site.</li> <li>• Project Closure Report is included in the Corporate Telephony Report taken to Portfolio Management Board on 16 February 2023</li> </ul>	<p>Implementation / Go-Live: Date <b>27 October 2022 - Complete</b></p>	<p><b>Key Risks / Dependencies:</b></p>	Milestone	Target Date	Status
			1. Initiation		Complete
			2. Solution Delivery		Complete
			3A. Build Complete/UAT Start	August	Complete
			3B. Ready for Service	10/10/2022	Complete
			Launch Go/Live	27/10/2022	Complete
			4. Implemented	27/10/2022	Complete
5. Stakeholder Signoff/Transition to Service	End of January 2023	Complete			

### Resources

No Issues

# Operational Performance Committee

## Minutes of meeting held on 10 May 2023 by Microsoft Teams

### Present:

Stephen McGowan	Deputy Crown Agent – Litigation (Chair) (DCA)
Kenny Donnelly	Deputy Crown Agent, Specialist (KD)
Ruth McQuaid	Deputy Crown Agent, High Court (RMcQ)
Andrew Laing	Deputy Head of Local Court (AL)
Fiona Roberts	Head of Management Information Unit (FR)
Lana Thomas	PA DCA – Serious Casework (Secretariat) (LT)

### Apologies:

Laura Buchan	Procurator Fiscal, Policy and Engagement
Graham Kerr	Head of Business Management Local Court

## 1. Welcome and Apologies

The DCA welcomed everyone to the meeting, apologies were noted for Laura and Graham.

The DCA noted that Kenny and Ruth have taken up their new roles as DCA Specialist and High Court respectively and will be replaced at future OPC meetings by Andy Shanks and Andrew Richardson. The DCA thanked both for their contributions.

## 2. Minutes of previous meeting

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

## 3. Outstanding actions

Action 6/22: Recovery Mapping – ongoing

OPC  
10/05/2023

Action 7/22. Progress of Stats/KPI's- ongoing

Action 8/22. Clearance of minutes for approval- on going Kenny to produce paper

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

##### High Court

RMcQ discussed the HC paper and points of interest were-

- Concerns over age profile, progress made over the last year not great due to an increase in fresh petitions and late referrals at both marking and post-petition from other parts of the business combined with the impact of dealing with churn from ever increasing levels of indicted cases.
- 18 % rise in workload in Sexual Offences with 64 late DASA referrals recorded, which is a significant number to absorb.
- Budget and prioritisation concerns discussed. Ruth would welcome further discussion about these pressures.
- Initial decision making KPIs and achieving KPI on the age profile of unallocated petitions (4% over 6 months old). Interim marking age profile has significantly improved, shifting down from 54% to 24% over 1 year and getting closer to our objective of 10%.
- Staff have been issued with their revised KPIs and objectives for 22/23. Challenging task to determine, however, encouraged by the improvements in productivity of case-reporting, indicting, allocating and initial decision making.

##### Local Court

AL discussed the LC paper and points of interest were-

- ICP- In January there were 19,292 unmarked cases and currently sitting at 13,645- a great reduction. Caseload down, age profile down.
- SH & J – numbers have increased in new Petitions, 9k per year pre pandemic, now 11k post pandemic. Precs in Hand slightly down, unallocated cases down by roughly 1k.

OPC  
10/05/2023

- Summary- good progress being made, started last year with 30k outstanding trials and ended the year with 20k.
- JP cases back to pre-pandemic levels.
- Journey times discussed, AL plans to incorporate these into future OPC reports.

### Specialist Casework

KD Discussed the Specialist update and points of interest were-

- Journey times - Law Officers focussed on improvement in journey time.
- Appeals- (Bunce) complex appeal that is being worked on, KD will keep the group appraised.

### Policy & Engagement

LB absent, P & E update discussed, points of interest were-

- **Victims, Witnesses, and Justice Reform (Scotland) Bill** - The Bill was introduced to Parliament on 25 April 2023. There has been and will continue to be significant work for the Policy team in relation to Bill. We remain committed to supporting the bill. We have raised and will continue to raise with our SG colleagues concerns about a number of provisions including issues around case transfer, prosecutor's discretion in how to lead evidence and access to counsel for accused. The LA has written to the Cabinet Secretary and raised in person the resource implications related to pre-recording of evidence specifically evidence by commission and concerns about the current quality.
- The Law Officers met with the **Children's Commissioner for Scotland**. He wished to discuss a number of issues including UNCRC, Age of Criminal Responsibility, human trafficking and section 12 of the Children and Young Person Act. It was productive in terms of better understanding the practical arrangements for proposed interventions by the commissioner in criminal cases. Agreed that further discussions and meeting appropriate.

## 5. Minutes for OPC clearance

### 1. Older Persons Policy Review

The above minute was discussed. Conversations took place with the group generally content but strongly suggest/advise that this is taken into consideration and reviewed during the on-going VIA Review.

S & J KPI Paper discussed and approved- noting that this relates to SH & J Sexual Offences only.

## 6. A.o.b

A minute regarding Caveats in forensic reports was circulated to the board for clearance, this has gone back for some amends and tweaks to be made and will be added onto the agenda for discussion at the next OPC in June.

**Date of Next Meeting:** 15 June 2023