



CROWN OFFICE
& PROCURATOR
FISCAL SERVICE

SCOTLAND'S PROSECUTION SERVICE

Financial Strategy 2020-2023

Disclaimer

This file may not be suitable for users of assistive technology.

Request this file in an accessible format

If you use a type of assistive technology like a screen reader and need a version of this document in a more accessible format, contact us on the details below. Please let us know what format you require. It may also help us if you say what assistive technology you use.

Email: diversityteam@copfs.gov.uk

Call: 0300 020 3000

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

Purpose

The COPFS Financial Strategy is designed to explain how COPFS plans to put in place sufficient resources (staffing/non-staff/capital) to deliver the COPFS Strategic Plan 2020-23 and, in doing so, the delivery of our corporate objectives.

Summary

Our Corporate Financial Strategy can be summed up as that we will be seeking funding that is sufficient to allow us to provide services which, as a minimum, meet reasonable public expectations with regard to the scope, quality and timeliness of the services that we provide.

Related Documents

The Financial Strategy and the COPFS Medium Term Financial Plan (MTFP) (which analyses possible financial scenarios under which COPFS may be required to deliver its Strategic Plan), take account of the [Scottish Government's Medium Term Financial Strategy](#).

The Financial Strategy also complements, and dovetails with, the other COPFS corporate strategies: People, Learning and Development, Wellbeing, Digital, Estates, and Procurement – all of which can be found on the COPFS internet site: [Business and Strategy plans](#) and [Procurement Information](#).

The COPFS Digital and Estates investments plans are critical components of the COPFS Financial Strategy and MTFP, our Spending Review submissions (including capital reviews) and our Annual Business Planning Rounds.

The COPFS' Annual Business Plans will outline what we will be doing each year to implement the long-term strategic priorities in the Financial Strategy and will identify the financial consequences of our decisions and plans.

This version of the Financial Strategy recognises that there will be very significant economic consequences following the resolution of the COVID-19 pandemic and potentially from the ending of the transition period following United Kingdom's withdrawal from the European Union.

It is therefore obvious that the Financial Strategy and our Medium Term Financial Plan will continue to be dynamic documents which will require periodic revision and refresh.

Strategic Context

COPFS is already making a major contribution, in many ways, to delivering the Scottish Government's national outcomes particularly in three key priority areas identified by the Government:

Improve Wellbeing

Prosecuting, effectively, serious sexual crime, homicide and other major crime including domestic abuse and investigating criminal breaches of health and safety law and sudden and unexpected deaths quickly and thoroughly supports national wellbeing;

Providing sensitive, appropriate and timely support to victims of, and witnesses to, crime in line with the priority. This area is being given consideration through the Victims Taskforce established by the Justice Secretary.

Grow the Economy

Effective prosecution of economic crime and recovery of more of the proceeds of crime helps to send a message that Scotland is a country which supports business.

Tackle Climate Change

Effective prosecution of environmental crime helps towards tackling climate change.

We expect to realise significant carbon savings from our relocation of our datacentres to offsite provisions estimated at a reduction of 1.3 million kg of CO₂ from our use of IT.

Continuing to modernise the criminal justice system is also a high priority for the Government and for all of the organisations in the justice sector despite the impact of the Covid-19 pandemic. COPFS is working with justice partners to improve the efficiency of the court system and the experience of all parties involved, especially for victims and witnesses. Implementation of the Evidence & Procedure Review recommendations was interrupted by the pandemic and will resume as the courts return to normal levels of business. It offers significant scope to free up resource by focusing on resolution of summary cases at the earliest opportunity.

COPFS is a “demand-led” organisation. Activity across COPFS is determined, and, to a large extent dictated by the volume and profile of crime reported by the police and other agencies; decisions by SCTS about the court programme; legislation passed by the Parliament; recommendations by the Inspectorate of Prosecution and other scrutiny and review bodies; and, ultimately, by public expectation and scrutiny.

For example, in recent years COPFS has had to take into account:

- a significant increase in the number of more serious and complex cases;
 - an increase in sexual offences being reported, with the Lord Advocate setting the objective of indicting all High Court sexual offence cases within eight months;
 - increased reporting of more complex criminal casework, including unprecedented organised and economic crime cases which require dedicated teams working exclusively on each case rather than preparing a range of cases;

- a reduction in caseload in the Justice of the Peace and Sheriff Summary courts; and
- the need to respond quickly to increased public expectations of a reasonable level of service, improved quality of investigations and reduced journey times for complex death and health and safety investigations.

In November 2017, the Inspectorate of Prosecution in Scotland reported on the Investigation and Prosecution of sexual crimes and made a number of important recommendations regarding improving and changing processes and procedures. These reports and the associated recommendations have been accepted but their implementation has significant resource consequences for COPFS.

Recent and forthcoming changes in legislation (please see Appendix B) are likely to place extra demands on COPFS staff over the next few years.

The workload associated with Criminal Allegations against the Police has increased in recent years due to the number and nature of high-profile cases already in the system and the intense scrutiny associated with them. 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 three recommendations that directly relate to the work of COPFS – centring on issues of improved accessibility for complaints – there are many other recommendations that will significantly impact on the work of other criminal justice stakeholders, and CCOPFS continues to be significantly involved in the further consideration, and implementation, of many of the recommendations.

COPFS must balance all the various demands for its services against available resources. The Lord Advocate has committed to seeking to make improvements in the Service's performance as we try to meet demand. COPFS has developed a plan to introduce the targets outlined in Appendix A, to reflect the standards that the public should be entitled to expect.

Methodology

Core Assumptions

It is assumed that COPFS will remain an independent organisation and that decision to prosecute will continue to be made in the public interest regardless of cost. Shared services with other organisations are perfectly possible, but merger with another organisation is assumed to be out of the question.

Levels of crime

Based on a Scottish Government analysis we are assuming that, while there have been and are likely to continue to be shifts in patterns of crime, particularly between age-groups, over the next 5-10 years the demand for criminal justice services in overall terms is unlikely to fall significantly. As discussed later on, however, there is significant scope for COPFS at its own hand and working with Criminal Justice (CJ)

partners to manage the delivery of criminal justice in a way which reduces the overall demand on the public purse by focusing on outcomes.

Major cases

COPFS has been allocated, additional in-year funding in each of the last 6 years. This will continue to be needed as significant costs are incurred defending and settling litigation and staff related cases. We have assumed, for the purposes of the Medium Term Financial Plan (MTFP) that the Scottish Government will continue to provide additional ring fenced funding to cover the cost of major cases.

Prosecution Policy

COPFS must take into account changes in statute and wider criminal justice policy, but the Lord Advocate also has significant independent scope to make decisions about how and when to prosecute and about the guidance to be given to the police about the reporting of crime to COPFS.

Targets and Key Performance Indicators

Similarly, while there are some statutory targets which COPFS must meet there is significant scope for COPFS to set other targets and Key Performance Indicators (KPIs) taking into account, among other matters, the capacity of the organisation to meet them.

Modernising our processes

There has been significant investment in IT systems and development of new business processes in recent years. Work is being accelerated to ensure that existing processes are used more effectively and produce efficiencies, that new systems are delivered and implemented to a high standard, and that work continues to analyse the scope for further efficiency, including through shared services with other organisations.

Financial governance

COPFS has significant discretion to establish financial governance arrangements which suit its circumstances within the parameters of the Scottish Public Finance Manual. In recent years budget management and resource monitoring has been complicated by a lack of clarity about key data such as late budget announcements, significant duplication of effort due to lack of funding for speedy infrastructure improvements, volatility in forecasts especially late in the financial year due to the demand led nature of COPFS business.

Income

The key working assumption for “income” is that following on from 3 years of significant increases in Running Costs funding, income streams for the rest of the MTFP period will be flat cash (no increases for inflation) at best. It is recognised that

the COVID-19 outbreak will have significant and wide ranging economic consequences, which may significantly impact COPFS's funding.

We have assumed that no other significant sources of revenue income will be available to COPFS.

Staff related costs

Scottish Government pay policy

For Staff costs (which represent 75-80% of COPFS costs) the key assumption is that salaries will increase each year in line with current Scottish Government pay policy – i.e. progression to be paid where there is a legal obligation to do so plus a percentage inflationary increase with an underpin for staff on low incomes. Progression costs will decrease as more staff reach the grade maximum (or the base cost will be reduced where there is staff turnover (as generally, leavers tend to be on higher incremental points than the staff that replace them)).

Costs may increase, for instance, due to further changes in Employer's Pension and Employer's National Insurance Contributions, but these have not been factored in as they are, as yet, unknown. Employer's contributions to the Superannuation fund are subject to review at no more than 4 yearly intervals. The Effective Date of the first actuarial review was 31st March 2010. The date of the last review was 1 April 2018 and this led to a significant increase in employer's contributions (circa £3.8m for COPFS). A further review will be effective from 1 April 2022.

Longer term, as the impact of later retirement ages and, more significantly, the move to career average salaries based pensions, employer's contribution rates should fall, but at this time the impact cannot be quantified.

No Compulsory Redundancy Policy

The Scottish Government currently has a No Compulsory Redundancies policy. It is assumed that this policy will continue throughout the period.

Staff Turnover / Natural Wastage

COPFS currently has around 250 staff that are currently aged 55 or over. Although there is no compulsory retirement age, we are assuming that virtually all of them will retire within the next 10 years, with the majority retiring within 5 years.

An average of 8 staff left COPFS each month during 2019-20 and an average of 6 each month during from February 2020 to January 2021. This is lower than the historic average. It has been assumed that between 50 and 80 permanent staff per year will leave the organisation for a variety of reasons other than retirement. The precise number and grades of people leaving each year will vary depending on a number of factors including the buoyancy of the economy, the impact of the UK's withdrawal from the European Union, the COVID-19 outbreak etc.

We are also assuming that, apart from trainees, there will be virtually no staff on fixed term contracts going forward. The only temporary staff in COPFS will be those with specialist skills required for short-term pieces of work and specific projects.

On the basis of the above assumptions around 100 permanent staff might be expected to leave COPFS each year yielding around £3m in full year savings if none of them were replaced although it is recognised that this is likely to impact our ability to deliver our work.

The average salary in COPFS including on costs is £44,000. The precise aggregate saving would clearly depend on the mix of grades and part/full time staff who leave in any year.

Non-Staff costs

Inflation

It is assumed that non-staff costs (including estates-related costs) will increase in line with the Consumer Price Index (CPI).

Some of our non-staff costs are difficult to reduce quickly because of long-term contract provisions, but there is significant scope to reduce others through:

- more efficient use of technology (printing and postage costs);
- changes in case-related practice (witness costs); and
- procurement and contract management.

Estates

COPFS will continue to need offices across Scotland but there is scope to adjust the footprint, including by looking at sharing accommodation with other bodies and introducing an agile working policy to reduce the running costs of offices. COPFS' response to COVID-19 has demonstrated our ability to work remotely and still be effective. This offers scope for a significant reduction in the office space that is required but COPFS will need to determine whether, and to what degree, this is sustainable.

Compensation Cases

As with any organisation, COPFS is subject to compensation claims from staff or ex-staff for a variety of reasons. We have not factored these costs into our long-term budget planning.

Financial Context

Up until 2017-18 there had been a decade-long, very significant real-terms, decline in COPFS resource and capital funding. This had a correspondingly significant impact on COPFS' ability to meet reasonable public expectations.

Capital funding was cut from £7.2m to £2.7m in 2010-11 followed by a slight increase to £3.6m in 2011-12, but it has stayed at that level in cash terms since with future increases assured albeit not to the same level as 2009-10. As a result, COPFS has been unable to make the necessary investment in digital infrastructure and accommodation to enable ways of working and systems to be modernised. The positive move forward now agreed will enable COPFS to progress the digital and estates investment required to modernise the COPFS infrastructure to not only meet demand, but to provide more efficient and effective ways working.

As discussed below, following approval of a business case submitted to the Scottish Government in 2018, COPFS had sufficient resource funding in 2019-20 to be able to deliver a reasonable public service taking into account all the demands for its services, albeit that the target staff in post figure of around 1,850 FTE was not reached in that year.

The 2020 business case submitted and discussed in the Spending Review 2020 was successful in securing funding to:

- Meet the reasonable public expectations of a public prosecution and death investigation service;
- Respond effectively to the increasing complexity of serious crime and changing patterns of crime during the Covid-19 pandemic;
- Investigate certain categories of deaths related to the Covid-19 pandemic;
- Pursue international investigations and prosecutions across the EU following the UK's withdrawal;
- Continue to make progress in modernising the criminal justice system.
- Respond to the significant increase in sexual offence reports whilst reducing the journey time for these cases and cases involving children and vulnerable adults;
- “Front load” the preparation of the largest and most complex cases;
- Increase the resources available to the Scottish Fatalities Investigation Unit with a view to reducing the duration of death investigations and respond to the increasing volume of death investigations.

The COVID-19 pandemic resulted in court closures and a significant backlog of cases which could not be brought to trial in 2020-21. This has delayed the delivery of justice for accused and victims and has increased the workload of staff in COPFS who have continued to work in courts throughout the restrictions. This funding for 2021-22 provides a basis for further Covid-19 consequential funding in-year to allow additional courts to be established to reduce the backlog over the coming years.

It is uncertain how the future recovery from COVID-19 will progress, the vastness of the impact on the UK economy and how long the restrictions will last. Due to this uncertainty, COPFS recognises the need to continually monitor the recovery and possible waves that impact on activity and the related financial consequences, and

have taken the recovery programme forward with Justice Partners. The subsequent impacts will be assessed at Justice Partner level and the recovery programme is anticipated for at least 5 years, to be reviewed periodically.

The 2020 Spending Review resulted in the following funding allocation with previous year comparatives:

Allocation	2019-20 Baseline £m	2020-21 Baseline £m	2021-22 Baseline £m
Running Costs	113.4	124.9	146.8
Capital	3.6	4.3	4.8
Non Cash	3.7	4.6	5.1
Total	120.7	133.8	156.7

In addition to the funding allocation for 2021-22, COPFS has secured in year funding from Scottish Government to address pay coherence over a three-year period. This was a result of negotiations over multiple years now concluded positively. This will ensure COPFS staff retention is maximised and recruitment attracts an appropriate pool of candidates.

It is worth reflecting that the uncertainty relating to “BREXIT” and the COVID-19 pandemic will likely have significant economic repercussions. Due to restrictions and resultant reduced court activity, backlogs of cases have been continually increasing. COPFS along with Justice partners are working together to develop and deliver a long-term Court Recovery Programme with Scottish Government support.

Each main element of COPFS costs (staff pay; non-staff expenditure; capital) and the factors driving these costs are discussed below. The COPFS 2021-22 budget is as follows:

Budget	2021-22
Staffing	113.9700
Non Staffing Expenditure	32.8300
Total Resource budget	146.800
Non Cash	5.100
Capital	4.800
Total budget allocation from SG	156.700

It is further recognised that the economic impact of the COVID pandemic is likely to be so great that it will be felt throughout the lifetime of this strategy (and possibly beyond).

Staff Complement

The Lord Advocate's successful submission for Spending Review 2020 identified a need for a further 147 staff and 13 Advocate Deputes to maintain public confidence, address additional pressures in caseload and progress the modernisation of COPFS infrastructure therefore addressing the structural deficit in the COPFS budget where COPFS had deferred costs but could no longer sustain this.

It is expected that the public sector pay policy will continue to add 1-2% to staff-related costs each year, in addition to the cost of progression.

Senior managers in COPFS have continued to look very closely at the scope for reducing staffing levels. It is, however, very difficult to project (and then deliver with any certainty) particular levels of complement reduction whilst protecting service delivery standards because of the demand-led nature of COPFS activity, changes in legislation and/or further increases in caseload volume/change of profile, which could quickly outweigh any efficiency savings.

Staff Pay

Under the terms of delegated pay and grading, which was introduced in 1996, COPFS is a separate pay bargaining unit. The cumulative effect of decisions taken by COPFS and other separate bargaining units is a substantial gap in pay between COPFS and the SG and other comparator public sector bodies (including the judiciary) for both legal and administrative grades.

This gap is causing COPFS practical difficulties; it is becoming more difficult to recruit and retain staff at all levels and this is having an impact on service delivery. A significant number of staff who have left COPFS in recent years have done so to join other government departments.

COPFS management and unions have been successful in securing funding from Scottish Government to address pay coherence over a three-year period beginning April 2021.

Non-Staff Expenditure

COPFS' Non-Staff Expenditure (NSE) has fallen from around 40% of COPFS' total spend to 28% over the last 5 years as a result of a deliberate strategy to invest as much of the available resource as possible in the staff complement and securing efficiencies in non-staffing expenditure.

COPFS have committed to try to reduce net NSE still further. This will, however, be challenging because the increase in staffing levels in COPFS – which need to be, at least, maintained – means that there will inevitably be increases in related non-staff

costs (training, accommodation-related costs, costs associated with occupational health and litigation, software and resource licenses). However, the advent of COVID-19 rapidly accelerated staff working from home and this has been factored into our Estates strategy with the expectation that less space will be needed in future as staff work from home for part or all of the time.

It is hoped, subject to break clauses in leases, that savings will off-set cost increases (for reasons outwith COPFS' control) such as increases in rates and rent, utility costs, and potentially Brexit-related, as well as general inflation. The short, medium and long term economic impact of the COVID19 outbreak may also be very significant.

There is a great deal of potential for small and medium level savings across many budgets – e.g. as a result of digitisation/Future Ways of Working and smarter procurement and contract management. The planned introduction of tablet devices in Sheriff and Jury and High Court casework (as well as in summary and JP), for example, should help to reduce stationary, printing and courier costs substantially.

Bigger savings are possible from reducing the COPFS estate footprint: reduction in paper storage requirements, more flexible ways of working, and co-location options with other Justice organisations which could mean that COPFS could occupy significantly fewer buildings; but savings cannot be predicted with any degree of certainty at this stage.

There is also a great deal of uncertainty about the most significant potential NSE saving – in the cost of pathology and mortuary contracts which account for around 7% of COPFS' total spend. Indeed the 2020-21 and 2021-22 budgets had to be increased to accommodate changes in the contracts and the transition from one supplier to another of a key service and is likely to require investment and parallel running for a short time. Another option which COPFS is considering with others is setting up a national Scottish pathology service within the NHS which could bring wider benefits and cost savings, but this would take time.

To sum up, COPFS management will continue to make every effort to reduce NSE in real and cash terms – and to recycle any cash savings into staff-related expenditure; but cannot commit to any specific level of saving over the next 4 years. Sufficient investment in HR, Estates, Digital and Procurement staffing will continue to be required to enable the maximum savings available to be secured.

Capital

COPFS' capital allocation from SG was £7.2m in 2010/11. It was reduced to £2.7m in 2011/12 and although increased by £0.9m in 2012/13, funding has remained at this level in cash terms since then. This has required COPFS to absorb a decade of inflationary increases and significant fluctuations in the exchange rate eg for IT equipment and services which are priced in US dollars.

It is evident that the near decade long suppression of capital funding has had a marked adverse impact on the Service – our estate and our digital capability.

A new baseline of at least £10m - based on reverting to the 2010/11 allocation of £7.2m adjusted for inflation over the last decade - would enable an appropriate level of investment in digital infrastructure and a more flexible estate, and would thus help to release efficiencies and contribute to the modernisation of the criminal justice system, particularly by enabling greater digital engagement with stakeholders (witnesses, defence, police and SCTS) and digitisation of productions.

The capital requirement in the 2019 Spending Review was £10 – 12m with £6.5m being identified as necessary just to maintain systems and accommodation. It was established, at that time, that a significantly higher level of capital funding will be required for the foreseeable future. In the event COPFS received £4.3m with an additional £2.9m being provided at the end of 2019-20. However, the COVID-19 outbreak meant that all of this money had to be used to equip all COPFS staff with mobile technology so that they could work from home during the health emergency. Therefore, while the additional funding proved to be an essential component in the response to COVID-19, it did not allow us to address the historic under-investment.

The settlements achieved to 2025-26 are as follows:

Capital (£m)	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	5-yr Total
COPFS Flat cash	4.3	4.3	4.3	4.3	4.3	4.3	21.5
Uplifts and carry forward		0.5	1	1	2	2	6.5
COPFS Total		4.8	5.3	5.3	6.3	6.3	28

Scenarios

A properly resourced and stable COPFS can make a major contribution to maintaining public confidence in the state in Scotland by ensuring that crime at all levels is prosecuted effectively and timeously and that the system of investigating sudden and unexpected deaths is effective and sensitive.

The base scenario is that COPFS' current staffing budget is at the very least be maintained in real terms – to enable compliance with the public sector pay policy, and that non-staff expenditure is maintained in real terms for the following broad reasons:

- there is absolutely no sign of a sustained reduction in levels of serious crime – in fact, in some respects, it is increasing;
- the additional in-year funding that has been made available to COPFS has enabled us to tackle a backlog of work which had built up during the previous

few years. As a result of the COVID-19 pandemic and related restrictions, further backlogs have accrued which will require a long term court recovery programme;

- new legislation, notably in respect of tackling domestic abuse and supporting victims and witnesses, is likely to lead to heightened workloads in COPFS.

There would be very real risks that public confidence in the criminal justice system would be undermined if COPFS had to reduce staffing levels from the 2021-22 level. It would be impossible to maintain service improvements, and as a result victims of crime would not be able to rely on trials happening within reasonable timescales and FAs would continue to be delayed for unconscionable periods of time.

If there is insufficient funding for the base scenario then COPFS would review its priorities with the Scottish Government and other partner agencies and make decisions about what work is slowed down, shelved or stopped. The decisions would depend crucially on the gap between the base scenario and the actual funding allocation.

In practical terms there will be constraints on the extent to which staffing levels could be reduced while the Scottish Government's no-compulsory redundancy commitment remains in place, particularly given COPFS' deliberate strategy of reducing temporary contracts to the absolute minimum and the trend towards an older retirement age. A full or partial recruitment freeze would, of course, have a major impact on service delivery.

Priorities

COPFS's priorities are to:

- Carry out annual financial scenario planning and options analysis, taking into account all factors, engaging with partners and taking into account demand;
- Continue to bear down on non-staff costs as far as possible in order to keep the percentage of our budget spent on payroll as high as possible;
- Continue to invest resource and capital in systems, the estate, HR policy and process changes which free up staff time;
- Recycle staff time saved to higher value-added activity;
- Deliver a step change in pay in order to address recruitment and retention difficulties;
- Contribute as much as possible to SG priorities and to system modernisation setting out clearly additional resources required by COPFS for these purposes.

Performance and Accountability

A new financial scheme of delegation has been put in place which balances the requirement to manage COPFS' resources corporately with a sufficient degree of local accountability and incentives. Setting targets for savings will not alter the position that decisions about prosecution in individual cases are made without reference to the financial consequences.

There are a series of relevant strategies and plans feeding in to the Financial Strategy. Owners, project executives and managers from across COPFS are responsible for taking each strand forward and delivering agreed benefits. Each owner is accountable ultimately to one of the three Committees of the Executive Board. The interdependencies between the various strategies and work-streams have been mapped to ensure that they are fully understood and are managed accordingly to ensure and underpin the delivery of our strategic financial targets.

In terms of corporate governance and accountability, the Resources Committee owns the overall Financial Strategy on behalf of the Executive Board (EB). The other two Committees of the Executive Board – the Business Improvement Committee (BIC) and the Operational Performance Committee (OPC) - will be required to take the Strategy into account in all their decisions as part of the overall Governance arrangements. The Risk Management Group will play a key role in monitoring risk with the Audit and Risk Committee having an oversight role.

Managing and Mitigating Risks

The key finance related risks that COPFS faces include:

- The inability to meet a reasonable level of public expectation in service delivery (because of unfunded new legislation, policy/process changes, or changes in volume/profile of crime);
- The inability to recruit and retain sufficient staff;
- The inability to release staff time for redeployment to high value-added activity;
- The inability to reduce Non-Staff Expenditure (NSE) further in real terms;
- Insufficient capital funding;
- Unaffordable costs as a result of litigation.

Appendix A

Service Improvement Targets (Source – Strategic Plan for 2020-2023)

This plan is built on an assumption that we will continue to be able to match our staffing resource to the demands of our work throughout that period. We recognise this assumption could become more challenging in light of the economic consequences of the Covid-19 pandemic but we remain committed, with this continued investment, to delivering a step change in the level of service we provide to the public by:

- concluding complex death and criminal investigations more quickly, particularly cases involving children and vulnerable witnesses;
- doing more case preparation at the earliest stages of cases so that the progress of cases can be better managed;
- providing meaningful, consistent and more frequent contact for bereaved relatives and victims to help reduce uncertainty during investigations and case preparation and throughout the prosecution process; and
- supporting children and vulnerable witnesses to have their evidence recorded at an earlier stage in the investigation for use in court.

To achieve this improved level of service we have set ourselves a number of operational objectives:

- earlier indicting of sexual offence cases in the High Court and Sheriff Court;
- providing victims, vulnerable witnesses and bereaved relatives with more regular updates which explain the progress of investigations and case preparation;
- shortening the time taken to conclude complex death investigations;
- supporting work across the justice system to implement new domestic abuse and vulnerable witness legislation; and
- working with the courts and criminal justice partners to resolve summary cases at a much earlier stage in order to reduce inconvenience to victims and witnesses.

Appendix B

Legislation

Legislation expected to come into effect in financial year 2021-22

- The Vulnerable Witnesses (Criminal Evidence) (Scotland) Act 2019 came into effect in High Court cases in January 2020. The key change is that it introduces a rule requiring that the evidence of many child witnesses is recorded in advance of trial. The rule was scheduled to come into effect in Sheriff and Jury cases in June 2021 but that has now been postponed to an as yet unidentified date, potentially in financial year 2022-23. There are likely to be significant additional costs, principally attributable to staff time, for COPFS as a consequence of Sheriff and Jury implementation. An estimate of likely additional costs is being prepared.
- The Female Genital Mutilation (Protection and Guidance) (Scotland) Act 2020 may come into effect during financial year 2021-22 although there is no known timescale at present. COPFS may incur some additional year-on-year costs (approx. £125,000 per annum) as a consequence of an increase in cases reported, investigated and prosecuted.
- The Forensic Medical Services (Victims of Sexual Offences) (Scotland) Act 2021 is likely to come into effect in Autumn 2021. It introduces a requirement on Health Boards to provide forensic medical services to victims of sexual offences without the need to report the offence to the police. This enables forensic evidence to be preserved until the victim chooses to report to the police. It is anticipated that COPFS will incur additional year-on-year costs (approx. £560,000 per annum) as a consequence of an increase in cases reported, investigated and prosecuted.
- The Redress for Survivors (Historical Child Abuse in Case) (Scotland) Bill is likely to come into effect in the first quarter of 2022. COPFS is likely to require to assess historical case records to provide relevant information to assist in determination of claims for compensation. COPFS is likely to incur some minimal additional costs (approx. £95,000 per annum) in the form of staff time. However, those costs are not likely to be felt in the financial year 2021-22 given the anticipated date of implementation.
- The Hate Crime and Public Order (Scotland) Bill is expected to come into effect in the first quarter of 2022. It consolidates existing offences whilst introducing some new 'protected characteristics' in the form of aggravations that will be added to existing offences. COPFS will incur additional costs (originally estimated at approx. £50,000) principally as a consequence of necessary IT changes. However, since that estimate was compiled a significant IT obstacle has been encountered which may incur greater costs.
- The Domestic Abuse Bill (UK Parliament) is expected to come into effect in summer 2021. The principle impact for COPFS is that the legislation will give

the Scottish courts jurisdiction over certain crimes committed outside of the UK. COPFS will likely incur additional year-on-year costs as a consequence of an increase in cases reported, investigated and prosecuted. An estimate of likely additional costs is being prepared, however, Scottish Government officials have stated that no additional funding will be provided to COPFS to meet the increased demands.

- The Protection of the Police and Public, Courts and Sentencing Bill (UK Parliament) may come into effect in financial year 2021-22. It had not initially been anticipated that COPFS would incur additional costs as a consequence of this Bill but that assessment may need to be revised.

The following piece of legislation came into effect in financial year 2020-21 but it will have a recurring cost implication for COPFS.

- The Children (Equal Protection from Assault) (Scotland) Act 2019 came into effect in November 2020. The primary effect is to remove the defence of reasonable chastisement, as it applied to the assault of children, from Scots Law. COPFS is likely to incur additional year-on-year costs as a consequence of an increase in cases reported, investigated and prosecuted.