

## Executive Board meeting minutes

Meeting held on 23 November 2022 by Microsoft Teams

### Present:

|                    |   |
|--------------------|---|
| John Logue (Chair) | Crown Agent                             |
| Stephen McGowan    | Deputy Crown Agent, Specialist Casework |
| Anthony McGeehan   | Deputy Crown Agent, Operational Support |
| Jennifer Harrower  | Deputy Crown Agent, Local Court         |
| Keith Dargie       | Head of Business Services               |
| Sarah Carter       | Director of Human Resources             |
| Marlene Anderson   | Director of Finance and Procurement     |
| David Watt         | Non-executive director                  |
| Fiona McLean       | Non-executive director                  |
| Vanessa Davies     | Non-executive director                  |

### In attendance:

|                     |             |
|---------------------|-------------|
| Ann Marie Henderson | Secretariat |
| Mairi Boyle         | Secretariat |

### Apologies:

|                    |                        |
|--------------------|------------------------|
| Annie Gunner Logan | Non-executive director |
| Rob Tinlin         | Non-executive director |

## Agenda Item 1 – Welcome and Apologies

1. The Crown Agent opened the meeting and welcomed all colleagues, particularly Jennifer Harrower attending for the first time in her role as DCA Local Court. Apologies were noted from Annie Gunner Logan and Rob Tinlin. The Crown Agent also noted his thanks to David Harvie, who departed since the last Board meeting, for all he did in his time as Crown Agent and in his long service in COPFS.

## Agenda Item 2 - Minutes of previous meeting

2. The minutes of the meeting held on 14 September 2022 were approved and can be published. The Crown Agent observed that the customer service study referred to at agenda item 8 had gone ahead as planned. David Watt advised of a personal connection to one matter mentioned in the papers for this meeting. There were no other conflicts of interests.

### Action tracker

3. Items 1 and 2 – DCA Serious Casework advised the Board that he and the Crown Agent had met with DCC Crime and Operational Support and that he would write to the DCC about COPFS and Police Scotland engaging in a process to learn lessons from this case and in the wider context of dealing with large and complex cases, particularly those with an economic element. The Inspectorate have an interest in this work. The DCA will provide an update to the Board in February 2023 when the process will have begun and a series of more detailed actions developed.

4. Item 3 – DCA Local Court will provide an update at the February meeting.

## Agenda Item 3 - Finance Update

### Finance Update

5. The Director of Finance and Procurement introduced paper EB22/23(40). She advised that financial statements had laid before the parliament and published on the COPFS website. Forecasts for the 2022/23 budget, adjusted to reflect agreed actions and drawdown, suggest we will be on budget. There has been an increase to non-staff costs due to inflation, but all spend continues to be scrutinised. Business process reviews continue but will result in better quality of service rather than savings. On staffing, we have secured SG support for the pay parity element of the budget. On risk, the staff vacancy rate realised is not sufficient to produce the required saving, but this is being monitored.

6. There was some discussion of the 2023/24 budget process, budgetary thematic issues and the challenging outlook for the rest of the RSR period. The Crown Agent referred to his appearance before the Criminal Justice Committee earlier in the month to discuss the 2023/24 budget. He intends to make contact with individual Committee members and offer to meet with them to discuss COPFS work.

7. There was discussion about the work of CDIT, recruitment of staff in response to the successful funding bid, and the likely timescales for CDIT work. Scottish Government provided funding on the basis that staff had to be recruited on a temporary basis. There have been issues with doing so in the current legal jobs market. There is a current recruitment campaign but it is likely that, on conclusion of this, Resources Committee will have to consider recruitment challenges and the best way of raising these with SG.

## Overtime Update

8. The Board noted paper EB22/23(41).

## Agenda Item 4 – Future Ways of Working

9. Head of Business Services introduced paper EB22/23(42), invited the Board to note progress to date and drew their attention to particular initiatives supporting agile and flexible working policies.

10. Head of Business Services will produce a paper for the February Board meeting marking the FWOW project coming to an end around the end of the FY. This will assess the benefits realised by the project, what has been learned and how FWOW/agile working will become embedded in policy and practice. The Board is keen that benefits are articulated in a detailed and measurable way, and that the report addresses how embedding the work of FWOW is managed and measured.

11. Director of HR gave an update on work exploring location neutral working. A further update will be provided to the Board in due course.

12. The Board noted that the COPFS response rate to the Civil Service People Survey represented a slight increase on last year. We expect to have initial headlines on the survey results in early December.

## Agenda Item 5 – Function Update – Operational Support

13. DCA Operational Support introduced paper EB22/23(43). He drew out a thematic picture emerging across Operational Support work, relating to cross-sector work on improving the experience of female victims in the criminal justice system; the possible resource implications of this; and how structural improvements may help us meet the challenge involved. There was discussion about the aspirations of Law Officers in this space; what is deliverable within the funding envelope allocated to COPFS; work ongoing in COPFS to improve standards of service; and COPFS contributions to cross-sector and government action, including on implementation of the recommendations made by Lady Dorrian in her sexual offences review.

14. In relation to structural improvement the DCA advised the Board of a recent, positive meeting with Police Scotland executive at which it was agreed that there would be a strategic leadership group with representatives of both organisations to meet quarterly. This will be a way of delivering on a shared set of priorities, including on meeting expectations of a shared improved level of service and the resourcing challenge of this. The Board welcomed this encouraging development.

## Agenda Item 6 – Function Update – Local Court

15. DCA Local Court introduced paper EB22/23(44). She highlighted early indications that the summary case management pilots, and the work COPFS and partner organisations were putting into this, was having good results. The DCA also noted progress on backlog recovery in summary business, with the projection now being that business will return to pre-pandemic levels by March 2024. Modelling suggests it will take an additional two years to achieve this in sheriff and jury business and as a result the additional summary trials courts will come to an end and additional sheriff and jury trials courts will begin. This will be a challenge for Local Court, and will likely be a challenge for other parts of the system. The Board thanked the DCA for a clear and informative report. A further update on the pilots will be provided in February.

## Agenda Item 7 – Function Update – Serious Casework

16. DCA Serious Casework introduced paper EB22/23(45) and he noted this also touched on the themes already drawn out by the DCA Operational Support. He noted plans for additional High Court recovery courts and the challenges and resource implications of servicing these courts. We are monitoring the use of trial court time and the reasons why the full extent of court capacity is not used and the Lord Advocate will discuss this with the Lord President.

17. The Crown Agent and DCA will consider the format and detail of SCG updates to the Board.

## Agenda Item 8 – Committee Updates – Resources

18. The Board noted paper EB22/23(46).

## Agenda Item 9 – Committee Updates – Business Improvement

19. The Board noted paper EB22/23(47).

## Agenda Item 10 – Committee Updates – Operational Performance

20. The Board noted paper EB22/23(48).

## Any other business

21. Director of HR gave an update on notification by PCS of the result of the ballot of their members on industrial action. PSC have taken a public sector-wide approach and have not asked COPFS as an employer to meet to discuss.

November 2022

**EXECUTIVE BOARD**  
**NOVEMBER 22 MEETING**  
**FINANCE UPDATE**

## Purpose

1. This paper provides the Resources Committee with an update on:
  - The annual accounts for 2021-22.
  - Budget considerations for 2022-23.
  - Resource Spending Review.

## Finance update 2021-22

2. The Financial Statements have now been laid before Parliament, published and sent to the design company for professional presentation.

## Budget 2022-23

3. The latest forecast for 2022-23 has been completed (Appendix A). The forecast reflects a current residual underspend of £4k which has moved from £111k forecast underspend for October 22 forecasts. The forecasts have been adjusted to reflect agreed actions and controls that have been implemented as well as known funding drawdown.
4. The following proactive measures implemented are:
  - There have been increased non-staff costs as a result of inflation and increased demand. The Finance Business Partners and HOBMs continue to scrutinise all non-staff costs for any options of savings to offset inflation driven pressures.
  - Business process reviews are continuing to be carried out by the transformation teams and individual directorates and are now reflected within business plans and workforce plans. Head of MAP will continue to discuss with Heads of Business Management to identify any savings from as these projects are analysed further, but it is to be noted that not all transformation results in savings, but indeed to improve service;
  - Overtime continues to be scrutinised and controlled. The recruitment gaps have increased demand on overtime which is included in the staffing forecast. These pressures are being managed to ensure there is no additional pressure to the overall COPFS budget.
5. Our budgeted FTE in 2021-22 was 2,397.33. The proposed baseline FTE is now 2,511 due to reconfiguration of posts and additional funding for CDIT. The above actions may result in a fluctuation in FTE to address restructures and redesign of processes..

6. A bid for additional funding for the additional pressure faced for pay awards to ensure pay parity was submitted to Scottish Government and in year funding has been approved.

**Risks:**

- Staff vacancy rate realised is insufficient to produce required savings to balance the budget;
- Toxicology – the transition to SPA for toxicology is currently on track. If any deviation from planned transition occurs, this would have a financial impact for COPFS where using extended contracts;
- Non staff cost increases continue to materialise out-with expectations.

## Resource Spending Review (RSR) and Budget Planning

10. As a reminder, the RSR was published at the end of May with COPFS results as follows:

|          | 2022-23 | 2023-24 | 2024-25 | 2025-26 | 2026-27           | Total |
|----------|---------|---------|---------|---------|-------------------|-------|
| Resource | 169.8   | 170.0   | 170.0   | 170.0   | 170.0             | 849.8 |
| Capital  | 5.3     | 11.3    | 9.3     | 6.3     | Not yet allocated | 32.2  |
| Total    | 175.1   | 181.3   | 179.3   | 176.3   | 170.0             | 882.0 |

Note: The above table shows cash resource and capital, and does not include the non-cash ring fenced allocation for depreciation and audit fees.

11. The RSR allocations show flat cash until 2026-27. It is to be noted that this is not our final budget allocations as the allocations will go through the annual budgeting process to determine our final allocations each year.
12. The uncertainty of funding levels for Scottish Government from UK Government increases the volatility of possible RSR outcomes and work is ongoing to model and scrutinise options available across all portfolios.

## Conclusion

- 13. The Executive Board is asked to note the publication of the 2021-22 Annual Accounts.**
- 14. The Executive Board is invited to note, and if it wishes, comment on the 2022-23 forecast position.**
- 15. The Executive Board is asked to note, and if it wishes, comment on the RSR budget planning process.**

Finance Directorate

16 November 2022

NOT RELEASABLE UNDER FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

OFFICIAL SENSITIVE

**APPENDIX A**

[REDACTED]

[REDACTED]

[REDACTED]

**EXECUTIVE BOARD**  
**FUTURE WAYS OF WORKING (FWOW) PROGRAMME**  
**AGILE WORKING POLICIES AND NEW WAYS OF WORKING**  
**NOVEMBER 2022 UPDATE**

**Purpose**

1. To provide the Executive Board with an update on the progress of the Future Ways of Working (FWoW) Programme and implementation of COPFS' agile working policies and new hybrid ways of working.

**Update**

2. The FWoW Programme Board last met on 16 November 2022 and is next scheduled to meet on 22 February 2023. This paper gives an update on the implementation of the Agile Working Policy and related deliverables and activities.

**Key Policy and New Ways of Working Updates**

3. The majority of COPFS staff are now working under a hybrid model - some days from an office and some days from home - as dictated by business needs and the agile working principles set out within their teams.
4. All functions have implemented the agile working policy and line managers are considering agile working requests from staff based on local business delivery and team needs.
5. Post-implementation review of the agile working policy and procedure is underway by the FWOW programme, informed by recent surveys issued to staff in each function. Staff and managers have been invited to provide views and feedback on how the policy is working for them and their teams. The Programme Board discussed initial feedback at its meeting on 16<sup>th</sup> November and identified key aspects of the policy or procedure to be considered or developed. A paper summarising the review analysis and policy actions will be discussed at the next FWOW meeting in February 2023 and a summary will be provided to the Executive Board for awareness.
6. High level principles around location neutral working (location neutral posts) have been drafted and reviewed by the Programme Board. The FWOW sub-group is considering the impact of location neutral working on associated travel and subsistence policies and how this links to and complements the new agile and alternative working policies and principles.
7. The new Desk Booking Corporate Application is ready to be piloted in Kilmarnock, Inverness and Glasgow Ballater Street offices, following initial user acceptance testing and ISD's completion of a system health-check. Communications and user guidance will be issued as part of the delivery plan. The pilot will start at the turn of the year (factoring festive and related change freeze period arrangements) and will last for a 6 week period, with the wider roll out to other offices anticipated to follow soon after and be complete by March



EB22/23(42)

2023. Precise delivery timescales will be confirmed in the communications. In line with other associated FWOV estates principles, planning is also underway by the programme to roll-out and gain feedback on the use of lockers in offices at the same time as roll out of the Corporate App Desk Booking solution.

8. Planning continues on next steps for the Glasgow Estates Transformation project, pending the decision on funding from Scottish Government. Progress also continues on the re-scoping of the Edinburgh project, with the business case being revisited and revised design plans and costs currently under consultation with internal stakeholders. Other appropriate COPFS offices have been identified with a view to some cosmetic re-design in line with the FWOV estates principles. The Programme Board approved more detailed scoping and costs analysis for further consideration.
9. Programme communications continue and a focussed message reiterating the FWOV vision, confirming what the programme has delivered to date, and the key priorities and deliverables expected by completion of the programme in March/April 2023 is being produced.
10. A draft Target Operating Model has been developed and discussed at the programme board meeting on 16<sup>th</sup> November. It is aligned to the FWOV Vision and Maturity Matrix, that describes what working in COPFS will be like once the FWOV programme is delivered. It will describe the capabilities - processes, data, people and systems - that will be in place to achieve the aims of the programme. An associated Benefits Plan has also been drafted which will link to the agreed Target Operating Model. These have been developed factoring recommendations in the FWOV programme's internal audit report. Final comments from the Programme Board are expected by the end of November to enable the model and planning work to be progressed in advance of the next board meeting in February.
11. The response to the above and remaining recommendations from the internal audit review (which relate to corporate and FWOV specific programme management) will be presented to the Executive Board in due course.

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

12. The Executive Board are invited to note progress and comment as appropriate on the delivery of the FWOV programme and implementation of COPFS' agile working policies and new hybrid ways of working.

**Keith Dargie**

Head of Business Services

**17 November 2022**

## Function Update for Executive Board: Operational Support 23 November 2022

Operational Support brings together a range of central services which enable COPFS to deliver its objectives. The function currently has 398.32 budgeted FTE staff (including all 64 trainee solicitors) divided into two broad teams: Policy and Engagement and Business Services. Its budget for 2022-23 is £41.2m which includes £21.1m of centrally managed expenditure (e.g. BSS, estates and ISD budgets) and £5.6m capital.

### 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 94.07 FTE staff (this includes 43.07 FTE Enquiry Point staff). Within P&E there is a staff complement of 19.35 legally qualified members of staff. Promotions and the need to fill Justice Recovery posts resulted in several PFDs transferring to Local Court and SCG. There continues to be difficulties in filling PFD vacancies and work continues with HoBMs in this regard.

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”);

In June 2022 the Scottish Government passed the Coronavirus (Recovery and Reform) (Scotland) Act 2022 which continues the relevant provision (with some amendments) to November 2023. The Act came into force on 1 October 2022.

Policy Division have updated relevant guidance for staff.

### Other Coronavirus Related Policy

Lord Advocate's Guidelines on Liberation by Police during the pandemic are in place. Policy officials continue to engage with Police Scotland regarding appropriate amendment to the guidelines.

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

Prosecution guidance has been provided to enable the forensic examination of sexual offences victims in the context of the current public health restrictions.

## **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 Scottish Government have completed a consultation on their proposed Children's Care and Justice Bill. One of the key elements of the Bill is raising the maximum age of referral to the children's reporter, 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 have begun work on understanding how the Lord Advocate's Guidelines and Framework on Early and Effective Intervention may be amended.

### 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.

#### 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 exact date of implementation are unknown.

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. Sub-groups have been set up to (a) examine policies and process for engaging and communicating with child victims and witnesses, (b) examine business processes for prioritising the preparation of cases involving accused aged under 18 and (c) support the training of staff.

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.

#### 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. A further “walkthrough” is to take place on 24 November 2022 in advance of the implementation group reconvening on 29 November 2022 for its next meeting.

#### 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 it is clear that there are no firm plans at this time.

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

The Act received Royal Assent in April 2022 and contains various provisions relating to the criminal justice system which aim to afford greater protection to the police when carrying out duties, including provisions which would amend the definition of dangerous and careless driving for police officers driving in the course of work. The relevant provisions in respect of changes to applicable driving standard for police officers will come in force on 30 November 2022. Relevant guidance for prosecutors has been updated.

The Act also includes other road traffic provisions which are still to come into force including extending the ability to offer fixed penalty notices under s54 of the RTOA 1988 to Scotland, removal of the requirement to surrender driving licences to the

court and enabling police cost recovery for speed awareness courses. Policy officials are engaging with officials from the UKG, SG, and criminal justice partners on the provisions which extend to Scotland.

It is anticipated that the road traffic provisions relating to the removal of the requirement to surrender driving licences will be implemented on 30 November 2022 and work is ongoing to update the relevant citation kits and associated Driver Penalty Notes. The introduction of Fixed Penalty Notices is likely to commence in the Spring 2023. Policy Division are updating LAGs which will be published on implementation. 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.

The data extraction provisions will not come into force until the statutory Code of Practice is ready for publication. The public consultation on the Code has just concluded.

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. COPFS Policy officials continue to engage with the Service Prosecution Authority to draft a Protocol between the Lord Advocate and the Director of Service Prosecutions. Discussions between COPFS Policy officials and the Director of Service Prosecutions are ongoing. Prior to the Protocol being published, a consultation is required from relevant individuals. It is anticipated that this consultation will begin in Autumn / Winter 2022.

#### 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 1.

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.

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 ICRIR 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.

Fireworks (Scotland) Act

The Scottish Parliament passed the Fireworks and Pyrotechnic Articles (Scotland) Act on 29 June 2022. The Act sets out a number of new offences in relation to fireworks and pyrotechnics, including the offence of possessing a pyrotechnic at a sporting or other event and selling fireworks and pyrotechnics to children. Policy officials will work towards implementation of the Act. Relevant guidance for prosecutors has been updated.

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 applicable to service providers for failing to respond to certain Notices served by Ofcom. The Bill also introduces new communication offences and Policy officials are engaging with UK Government and SG officials in connection with these offences. Policy will ensure that relevant guidance is updated. A date for implementation has not yet been fixed. The Bill is currently at Report Stage in the House of Commons but has been subject to timetabling pressures.

Abusive Behaviour and Sexual Harm (Scotland) Act 2016

Work has been on-going by Scottish Government to commence sections 10 to 40 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016, this will introduce Sexual Harm Prevention Orders and Sexual Risk Orders in Scotland. The original intention by Scottish Government was that these will take effect in September/October 2022, however, at the current time no final implementation timetable has been confirmed by Scottish Government. Policy Officials have been liaising with Scottish Government officials on implementation and will undertake work to prepare the necessary information and guidance for COPFS staff in relation to the orders.

## 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. Discussions are to be held with Police Scotland in relation to the continued recording of statements in the former pilot areas whilst the evaluations are ongoing.

### 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 planned for October 2022. If those are successful it is anticipated that section 6 can be implemented in early 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.

### 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 been asked to review that threshold given feedback received by VIA that many of those referred do not require nor want VIA input.

### 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 is reviewing 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 are three pilot projects ongoing to test a new interviewing model. Policy has created an evaluation process to measure changes in quality of JIIs. The first two pilots are taking place in North Strathclyde and Lanarkshire a third pilot in Glasgow has commenced. Policy is



working with the High Court Unit to implement an evaluation model for JIIs falling outside of the pilot projects. 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 2025. 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 are working with these bodies to ensure the development of these standards are 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 February 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 will reconvene in late November to consider changes to the draft standards in light of feedback from the consultation. The Bairns' Hoose Standards 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 have 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. Policy Officials are in the process of preparing a minute for the Law Officers consideration in relation to this request.

### Drugs Death Taskforce

The Scottish Government formed a Drugs Death Taskforce to lead a response to the high level of drug related deaths in Scotland. COPFS are members of the Taskforce.

The Taskforce published its report in July 2022.

Policy officials are working towards implementation of the recommendations of the Taskforce which are relevant to COPFS.

#### NES Trauma Informed Knowledge and Skills Framework

Dr Caroline Bruce in NES has prepared a Scottish Government funded draft knowledge and skills framework for justice sector professionals to enable the recognition of trauma and how to address it. Policy officials met with Dr Bruce to discuss the development of the framework and provided the necessary input into this work. The draft framework was reviewed by the Prosecution College and a minute was submitted to the Senior Executive Team, with input from Policy officials. The Prosecution College submitted formal feedback on the framework to SG and NES and this will now be taken forward by the Victims Taskforce.

#### 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 have 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. The next meeting of the working group is scheduled for Autumn 2022. This piece of legislation is no longer a high priority for UKG. As a result, it has been postponed indefinitely.

#### Review of the Investigatory Powers Act 2016

The UKG are conducting a review of the Investigatory Powers Act 2016 and Policy officials are working with the Home Office in particular in relation to reviewing data extraction/ interception provisions in relation to both routine forensic analysis but also obtaining information from external servers/ the cloud.

#### 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 will be supporting 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. A meeting of the combined group has not yet been scheduled.

#### 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 will 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 2019. Policy officials are involved with this work.

#### 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 the 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.

**National Enquiry Point (NEP)**

The number of Enquiry Point operators working in the office increased following changes to health and safety guidance on social distancing. The increase in both telephone calls and email requests following the re-opening of courts has continued.

## BUSINESS SERVICES UPDATE

At the end of October 2022, the number of staff in post (SIP) in Business Services was 340.52 FTE. There are currently 32 FTE vacancies.

The Business Plan for 2022-23 sets out the delivery priorities for each of the units which comprise Business Services.

Below are some of the main Business Services 2022-23 delivery activities to date. Detailed deliverables and schedules for 2022-23 are included in the published Business Plan:

- Annual audit and completion of COPFS' 2021-22 accounts, which are in the process of being laid before the Scottish Parliament;
- Management and monitoring of 2022-23 budgets and court recovery funding and capital investment;
- Supporting Resource Spending Review (RSR) and Capital Spending Review (CSR) processes;
- Working as part of a Pay & Grading Project to review and implement pay parity agreements;
- Managing 2022-23 pay negotiations;
- Leading and supporting Wellbeing, Inclusion and Diversity via working as part of a focussed team;
- Launching the new COPFS and KLTR websites;
- Deploying a new version of the CMiC App for use in Sheriff and Jury cases;
- Case management legislative systems changes implemented (incl. COVID related legislation);
- Ongoing PV installation across sites including Airdrie, Falkirk, Hamilton, Glasgow, Paisley;
- Successfully bidding to Scottish Government for grant funding towards decarbonisation of COPFS' Elgin office to achieve Net Zero Carbon, supporting the Scottish Government's national 2038 target;
- Implementing a new HR digital system and services, with *MyHR* delivering a range of improved online services;
- Designing, planning and implementing the cross-Justice Digital Evidence Sharing Capability (DESC), supporting a pilot commencing in Dundee in January as part of phased evaluation and national rollout from spring 2023;
- Implementation of the first of COPFS' new offsite datacentres to deliver improved resiliency and reduce COPFS' carbon footprint from its use of IT;
- Deploying integrated Teams telephony solutions for corporate and National Enquiry Point use;
- Preparing for upgrading the P2P system in December to introduce enhanced features and streamlined processes;
- Implementing and supporting new agile working policies and Digital Workplace facilities to facilitate Future Ways of Working strategic business aims;
- Launching the new ISD Service Desk Portal and Service Management customer solutions;

- Extending ISD's hours of Service Desk support from 06:00 - 22:00hrs Mon to Fri to support COPFS' extended flexible working hours;
- Launch of the Scottish Prosecution College Prospectus and continuing to work with stakeholders to plan and develop COPFS' learning and development curriculum; introduction of a 'Becoming Trauma Informed' mandatory e-learning course to support COPFS' commitment to being a 'trauma informed' organisation;
- Corporate App: Pay Claims digital application deployed for evaluation ahead of corporate release (replacing paper based and manual processes);
- Ongoing engagement with staff and stakeholders on Estates transformation and managing business case investment proposals;
- Implementation of Digital Meetings solutions in all offices to provide innovative and integrated Microsoft Teams meetings and collaboration facilities for staff working in the office, home or from any connected location;
- Successful independent SQA qualifications processes and procedures review;
- Holding a series of Senior Leaders events to support strategic planning and business delivery and for further developing leadership capabilities, with events planned monthly through to end-March 2023;
- Working as part of the VIA Modernisation Programme and providing project management and support;
- Deployment of further Microsoft O365 products to aid colleagues in managing their workloads, accessing information (including VIVA Insights digital productivity and wellbeing facilities);
- Development of an Electronic Reporting to Crown Counsel digital casework solution for Serious Casework Group (user acceptance testing underway with full implementation anticipated by end 2022 subject to successful test outcomes);
- Analysis of an Advocate Depute Rota and Capacity Management solution.

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 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. [REDACTED]

The detailed Business Services priorities for 2022-23 are published in the Business plan and delivery progress will be reported in line with corporate governance processes.

**Keith Dargie**  
Head of Business Services

**14 November 2022**

**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 2022/23. 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**

**Nov 2022**

**ANNEX A**

**1. Current Priorities**

- We are continuing to implement our Business Plan for 2022-23. The Business Plan was intentionally ambitious and aspirational in its objectives. Our Implementation Plan, which supplements the LC Business Plan is allowing us to monitor progress. We are now focusing on realising the tangible measurable items within the plan that we can deliver by 22/23 whilst also continuing work on progressing the plan as a whole.
- 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 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. This has proved to work very well with over 1000 productions being received electronically into the case management system [Egress] since the pilots commenced. Local Implementation Groups continue to be held with engagement from all parties. Initial engagement in the pilot from the defence has been lacking and patchy in areas but positive outcomes are being seen with those who are engaging with the pilot. Early indication has also shown an overall decrease in witness citations being issued for the pilot sites summary trials.
- 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 1<sup>st</sup> Nov 2022 there were 1,102 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 have completed the transfer of legacy PFD resource.
- 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 2021/22 (marking 75% of cases within 28 days of receipt) was 73.5%. The current performance this year is 74.9%.
- The number of unmarked cases as at 5<sup>th</sup> Nov 2022 was 16,592. This equates to 6 weeks' worth of work.



**ANNEX A**

- As the unit continues to focus on the older interim marked cases there is progress to report. The number of interim marked cases has reduced from 2482 (as at 8.8.22) to 2289 (as at 10.10.2). The interim marked cases reported before 2022 have reduced from 923 to 610 in the last quarter. Steps are being taken to build capacity and capability in NICP and priority continues to be given to reducing the age profile of cases. Second year trainees continue to undertake a period of secondment into NICP and resource is being transferred from LC offices to NICP to accommodate the transfer of undertaking marking for the SCM pilot offices.
- NICP have a significant 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.

**4. Solemn Casework**

- Performance against the main solemn KPI (indicting 75% of cases within 8 months of first appearance) is currently sitting at 53% 2022-2023.
- The solemn workload has continued to increase as a result of a further 6.39% increase in new petitions in 2021/22 (compared with 20.3% increase in 2020/21). However, the projection for 2022-2023 is currently a decrease of 1.64%. The number of cases being prepared for indictment has increased by a further 33.6% since 1 April 2021, in part due to delays in obtaining forensic evidence. There has been a further increase of 6.3% so far for the FY 2022-2023. As at 14 April 2022, the number of cases indicted to court but still to go to trial has increased by a further 6% since 1 April 2021 (compared to the 153.1% increase in 2020/2021). This figure has fallen slightly in 2022-2023 by -3.8%
- Performance against the age profile KPI for cases being investigated (no more than 5% of the cases over 8 months old) is now at 16% due to the consequences of the pandemic. We have recently increased the number of Investigative Assistants in one Sheriffdom to address particular age-profile concerns and will, as part of the business planning, consider what further steps are required to improve performance against this KPI.
- Sexual offences teams are working well in the preparation of cases for trial – performance exceeds the KPIs for initial decision making and we are seeing steady improvement in our reporting for indictment. A review of the KPIs for sexual offences is ongoing.
- Overall, our performance in respect of taking initial decisions in solemn level offending is strong - 85% within 28 days of receipt of report but the challenge is to progress this work with delays in obtaining cyber evidence presenting a particular concern.

**5. Sheriff Summary Work**

- At end of FY 2021-22 there were 30,520 outstanding summary trials. There are currently 24,700 outstanding summary trials. This represents a reduction of approximately 5.8k trials since April 2022.
- There has been some improvement in the domestic abuse case journey time. Most courts are just over the 10-week target.

**ANNEX A**

**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 being undertaken to estimate the resource impact of introducing a right for children to have their evidence taken by commissioner in Sheriff and Jury trials.
- Work is also being undertaken to assess the resource impact of rolling out the High Court Victim Strategy to solemn sexual offences in Local Court following a pilot in Glasgow.

**7. Conclusion**

Local Court staff continue to attend offices and courts as implementation of the agile working policy progresses. Local Court management remains in dialogue with SCTS about a revised recovery court model to address the increased number and age-profile of outstanding trials and to deliver a high-quality service. Following discussion with SCTS we have agreed a reduction in the number of summary trials courts and an increase of 6 additional sheriff & jury courts from 3 April 2023. This will allow for a greater focus on reducing the number of outstanding solemn cases with a projection of a return to pre-pandemic numbers by 2026.

**Jennifer Harrower  
Deputy Crown Agent  
Local Court**

**Nov 2022**

## 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 last 6 months have seen an 18% increase compared to the first six months of FY 21/22. The reduced level of home working is potentially part of the reason for the increase in productivity however the function has also been assisted by the gradual growth in experience levels and by long vacant posts finally being filled.

The function has been focusing on addressing the other factors have inhibited increased productivity which include:

- 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
- 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 have prioritised the following in FY22/23:

- The introduction, from 1 August, of a 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 will be implemented gradually between January and March 2023 and will increase VIA specialism and improve line management.
- New KPIs and objectives, introduced in August which are focused primarily on clearing outstanding cases over 10 months old, improving compliance with current KPIs on reporting dates for custodies and child witnesses (under 12 years) cases

**EB/22/23 (45)**

- The introduction of a more user-friendly fully electronic model of reporting which is currently undergoing final user acceptance testing prior to a pilot 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 will be introduced by end Nov.
- Responding to the Inspectorate report on s275 applications which we have pro-actively anticipated by conducting an advanced review of our training
- Improving our process for identifying and facilitating level transfers from Local Court to ensure vacancies are 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 (**87%**)
- Our KPI is to take 90% of initial decisions within 8 weeks (**93%**)
- Our KPI is to take 95% of initial decisions within 12 weeks (**97%**)

All current KPIs are being met and performance has improved on all categories from FY 21/22.

### 2. REPORTING PRODUCTIVITY

We reported **871** cases to Crown office for FY 20/21

We reported **874** cases to Crown Office for FY 21/22

This represented a **0.3%** increase in the level of reporting over the last reporting year. We are encouraged by an **18%** increase in productivity in the first half of 22/23 compared with the same period in 21/22 but recognise the need to significantly improve productivity, and this is an objective for the function. We had hoped for a greater increase by now however we are feeling the impact of the ongoing delay in filling vacant legal and case preparer posts .The situation has been 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

**EB/22/23 (45)**

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

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

In FY22/23 SCG are currently achieving **38%** 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 is to reduce the proportion of our petitions aged 10 months (from CFE) and 12 months (from receipt) which makes this target counterproductive.

#### **4. INDICTING PRODUCTIVITY**

We issued **759** indictments from April-Jan in 20/21

We issued **760** indictments from April-Jan 21/22

This represented a **0.13%** increase in the level of indicting. We have subsequently experienced a **47%** rise in productivity of indicting in the first 6 months of FY22/23 .We recently filled the last vacant post in this unit but this will be offset by an anticipated maternity leave. 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 however it is recognised that this would place increased pressure on our PH cycles.

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

We issued **58** s76 indictments in FY 20/21

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

This represented a **39%** reduction in the level of accelerated pleas by s76. This was disappointing but given that 70% of our business is sexual offending which does not naturally result in early resolution, and levels of outstanding HC trials are 140 % higher than pre-pandemic levels it is perhaps not surprising that we struggle to obtain early resolution. We have however seen a very positive increase of **39%** in this FY which is hopefully a sign of a turnaround.

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 981 outstanding as at 4 November compared with 390 pre-pandemic.

#### **6. INPUT**

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

**EB/22/23 (45)**

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

This was a reduction of **10.4 %** in the level of new petitions which is welcomed but figures from the first quarter of FY22/23 shows a very slight increase of increase of **0.09 %**.

## **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 are to reduce the levels of petitions over 10 months from the current level of **17%** down to 5% and to reduce the overall age profile of unindicted SPRs over 1 year old which sits at **22%**, down to 10%. We have not yet managed to significantly progress this objective in the first quarter. The most significant pressure is in Sexual Offences where we recognised the need for a strengthened senior legal management team and recently welcomed an additional Band G legal manager.

## **8. KPIs**

Our KPIs have recently been reviewed. 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 in the first half of the year. We have however improved our performance, and are meeting all KPIs, for initial decision making and are making progress on reducing the age profile of unallocated petitions and also on interim marking where we have seen a reduction in the age of outstanding SPRs over 1 year old from **54%** to **18%**.

HC had been operating a difference 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. There is a clear consensus that joint KPIs around initial decision-making should continue but KPIs for reporting and indicting require further review by the group before it can report to DCAs and ultimately to OPC on any proposed changes. 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.

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

**EB/22/23 (45)**

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 6 months
- Significant reduction in pre-petitions over 9 months
- 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)

**Ruth McQuaid 17.11.22**

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

**CONSOLIDATED PERFORMANCE INFORMATION**

**SOCU**

- 105** live cases (↑1) (spanning 135 SPRS) inc 19 operations (31 SPRS)
  - 31** cases pre-petition (-)
  - 32** cases accused appeared on petition (↓3)
  - 9** cases where there are petition warrants (↑2)
  - 20** cases (spanning 31 SPRS) indicted High Court (↑3)
  - 10** cases (spanning 15 SPRS) indicted Sheriff and Jury (-)
  - 1** case trial fixed in a summary court (-)
  - 2** cases where a marking decision is pending (-)

**POCU**

**22021-2022**

- 197 confiscation orders totalling £4,856,156.49
- 19 restraint orders obtained £8,258,876.21

**2022- To date**

- 99 (↑14) confiscation orders totalling £1,098,952.14 (↑302,454,98)
- 11 restraint orders obtained for £4,549,243.22 (↑325,599.64)

**ICU Jan – Aug 2022**

**Extradition**

- 57** (↑1) new extradition requests (51 EUMS and 6 ROW)
- 49** (↑2) arrests made
- 23** (↑2) surrenders made from Scotland (23 EUMS)
- 62** (↑1) incoming TACA warrants
- 15** (↑3) outgoing requests made
- 17** (↑4) arrests abroad
- 9** (↑2) returned to Scotland to face trial

**Mutual Legal Assistance**

- 238** (↑20) requests for assistance (incoming) (197 EUMS and 41 ROW)
- 136** (↑20) requests for assistance (outgoing)
- 42** (↑4) requests issued (22 EUMS and 20 ROW)

**CAAPD**

**End Sep 2022**

- 85%** investigations completed of complaints of criminal conduct by police officers and complainer advised of outcome within 6 months of the report to the PF (Target 75%)



**SFIU**

**Death cases received**

Full Reporting Year 2021/2022

- **15,313**

Reporting Year to date

- **7,456 (total deaths**

**across all deaths**

**investigation teams as at**

**21<sup>st</sup> October 2021.**

**Death Investigations**

**8220 - Active deaths investigations (↓67 from last month)**

**144** cases (+2 years old) managed by CMP

**41** death in custody cases within SFIU (Total +2 years is 8 ↑ 1 from last month)

**Court**

**33 FAIS** (23 mandatory and 10 discretionary) with scheduled dates

**6** further discretionary FAIS instructed for which FN to be lodged

**Post Mortem Reports**

**356** outstanding PM reports to be processed (↓200 from last month)

**CDIT**

| COVID DEATHS INVESTIGATION TEAM STATS |  |                            |                                  |   |  |                                  |                                    |                            |
|---------------------------------------|--|----------------------------|----------------------------------|---|--|----------------------------------|------------------------------------|----------------------------|
| Stats as at Monday 24th October 2022  |  | New Care Home Deaths       | New Worker Deaths                | Retrospective Care Home Deaths (pre 21/05/2020) | Retrospective Worker Deaths (pre 21/05/2020) | Deaths in Custody                | Other Deaths                       | Total                      |
|                                       | Overall total number of deaths now with the COVID Team | <b>2531</b><br>(+5 deaths) | <b>27</b><br>(Same as last week) | <b>1777</b><br>(Same as last week)              | <b>10</b><br>(Same as last week)             | <b>15</b><br>(Same as last week) | <b>1143</b><br>(Same as last week) | <b>5503</b><br>(+5 deaths) |

**HSIU**

**157** reported cases (**down 3** from last month).

**40** deaths investigations directed by HSIU not yet reported (**up 6** from last month)

**35** unallocated cases (**down 11** from last month).

**86** cases (+2 years old) managed by CMP (66 fatalities/20 IP or off)  
**(up 3** from last month)

**In addition**

**90** ambulance response cases under consideration by HSIU having been referred from SFIU.

**41 HSIU FAIs (up 3 from last month).**

**36** cases pending (no First Notice lodged)

**1** case expected to lodge FN by 31.12.22

**4** Scheduled Dates

**WECU**

**75** Criminal Cases

**34** wildlife offences

**14** environmental offences reported by SEPA

**2** environmental offences reported by PSOS/Local Authority

**25** animal welfare cases

**CDU**

**64** cases accepted by pilot (↑11)

**3** (↓6) cases under consideration

**32** cases considered by CDU and returned to SFIU (↑15)

**15** unallocated cases (↑7)

**CRU**

**£ 3,092,564** remitted to SCF to week ending 23.10.22

**Sheriff Court Team**

**16** account forfeiture cases (AFOs)

**37** listed asset cases

**Asset Recovery Team**

**9** cases with active Prohibitory Property Orders (freezing orders)

## **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 **104** (**↑8**) live SOCU cases (spanning 133 (**↑11**) SPRS), there are currently **19** operations (comprising **31** SPRs) on the lengthy and complex case list.

There have been **89** 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 **27** 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. These relate to **6** accused. Proceedings are ongoing in relation to these cases.

There have been **8** Trafficking and Exploitation Prevention Orders (TEPOs) granted in Scotland to date. A further 4 TEPOs are being sought in respect of a case which recently concluded, and a hearing has been fixed for consideration of the orders.

**1** TEPO is currently live (the subject having been released following the conclusion of a custodial sentence).

### i) Notable Convictions

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

### ii) Ongoing cases:

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

- **8** (**↑6**) cases (spanning **9** 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
- **31** (**↓2**) cases (spanning **35** SPRs) are being prepared as pre-petition
- **32** (**↓4**) cases (spanning **38** SPRs) where the accused have appeared on petition, **16** (**↑3**) of which are currently utilising the covid extensions.

- **19** (**13**) cases (spanning **32** SPRs) have been indicted for High Court proceedings
- **10** cases (spanning **15** SPRs) have been indicted for Sheriff and Jury proceedings, **9** of which will be prosecuted by SOCU deputes
- **1** summary complaint (spanning **1** SPR) where a trial has been fixed which will be prosecuted by a SOCU depute and **1** case (spanning **1** SPR) where a reduction to summary complaint is in progress

Additionally, the Unit has oversight of **28** (**12**) large/complex cases being worked on by reporting agencies and not yet formally reported to COPFS.

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

iii) High Court prosecutions

SOCU has **19** (**13**) cases now indicted to the High Court, **8** of which are at PH stage, **9** are awaiting trial, 1 trial is currently ongoing, and **1** is at deferred sentence stage. A further **24** (**17**) on petition where High Court proceedings are anticipated.

iv) Sheriff & Jury prosecutions

The Unit currently has **10** (**11**) cases indicted for Sheriff and Jury proceedings, and a further **8** (**14**) on petition where Sheriff & Jury proceedings are anticipated. Many are long and complex cases, and they are spread across the country. SOCU trial deputes have been assigned to most of them (**9**). The Local Court function is also providing a depute to conduct a trial at Inverness where the case is not particularly long or complex.

v) Other Matters of Interest:

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

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

**Independent Reviewer of Terrorism Legislation** – SOCU has now commenced engagement with the IRTL in relation to his 2021 annual report, which will have a focus on the 'online' aspects of terrorism and law enforcement. Various information has been requested by the IRTL and there will be further consultation in due course. 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)**

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 26.10.2022, 99 orders totalling £1,098,952.14 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 current 22/23 year to date, 11 restraint orders have been obtained restraining £4,549,243.22 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 to 26.10.2022,23 extensions have been obtained securing £1,661,022.05.

## **3. Appeals**

*Senior AD/Appeals liaison meetings*

Commencing on 06.10.2022, monthly meetings are scheduled to discuss any trends or issues arising in appeals and for discussion of any information passed to PCC from the bench. Available senior ADs will attend with DPF, APF and an appeals PD on rotation. Law Officer attendance is to be anticipated occasionally. The first of these meetings took place on 6.10.2022 when it was confirmed that current arrangements are working well.

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

*International Criminality Cooperation Board (ICCB)*

ICCB provides a broader scope of strategic oversight of the UK's approach to international law enforcement and criminal justice cooperation. There is restricted operational representation on the Board but the Head of MLA and the Head of Extradition are members in addition to the Head of ICU, The last meeting took place on 20 October 2022. Much of the focus in the October meeting was in relation to the development of the MOU with Belgium to supplement the TACA arrangements.

*Lord Advocate's Visit to Brussels and The Hague*

*Case volume*

Outgoing MLA in 2021 was at an all time high. The current trend in 2022 for outgoing MLA requests again reflects an increase on that pre pandemic. The number of incoming MLA cases was within the expected range of 400-500.

There continues to be a much higher number of outgoing TV link requests compared to pre-pandemic figures.

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

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

The new key CAAPD target is to:

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

As at the end of September 2022 the CAAPD Year to Date Performance for 2021-22 against the new target was 85%.

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

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

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

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

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

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

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

i) Other matters of interest

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

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

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

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

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

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

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

The Scottish Government public consultation in respect of those recommendations that require legislative change recently commenced on 24 May 2022 and ran until 16 August 2022. A total of 56 responses were received. SG officials met with operational partners, diversity staff associations and staff associations throughout the consultation period to consider views and help inform policy proposals. SG also hosted three events in August 2022 aimed at those with a wider interest in policing including organisations representing victims of crime, justice groups, voluntary sector organisations and community groups. An external contractor is now analysing the responses with the intention of publishing the SG response to the consultation by the end of **November 2022**.

The consultation will help inform how the changes that Dame Elish recommended can be implemented as preparations for legislation continue.

The unit remains involved in the ongoing triage of "excessive force" complaints, categorised by the police as 'non-criminal', to provide reassurance that all cases involving an inference of criminality are being reported to CAAPD. Advice and guidance is also regularly provided to the police as required. A good number of inquiries from the police relate to whether the case should be referred to PIRC for further investigation at an early stage or whether the investigation, depending on

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the circumstances, should be treated as an on duty or off duty investigation. In future it is anticipated that PIRC will assume an enhanced audit function with regards the work of PSD in accordance with their statutory responsibilities. In addition, from October 2021 there is a standing instruction that all assault allegations, appearing to engage Art 3 rights, are now automatically referred to PIRC for investigation.

Finally, HM Inspectorate of Prosecution in Scotland has completed her review of how COPFS manages criminal complaints against the police. CAAPD fully engaged with the review as it progressed. The final version of the report was published on 9 September 2021. CAAPD/COPFS has now commenced work on formulating a formal response to HM Inspectorate, setting out a detailed plan for managing implementation of the recommendations and confirming the arrangements for the governance and assurance of that process. The latest meeting of the COPFS "HMIPS working group" took place on 22 September 2022 and all recommendations have been allocated to a nominated lead official for progression.

The next meeting has been scheduled for 29 November 2022. Updates on progress are being routinely provided to the COPFS Audit and Risk Committee (ARC).

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

### **Death cases received**

|                               |  |
|-------------------------------|--|
| Full Reporting Year 2021/2022 | - <b>15,313</b>  |
| Reporting Year to date        | - <b>7,456 (total deaths across all deaths investigation teams as at 21<sup>st</sup> October 2021.</b> |

### **Death Investigations**

**8220 - Active deaths investigations (↓67 from last month)**

**144** cases (+2 years old) managed by CMP

**41** death in custody cases within SFIU (Total +2 years is 8 ↑ 1 from last month)

### **Court**

**33 FAIS** (23 mandatory and 10 discretionary) with scheduled dates

**6** further discretionary FAIS instructed for which FN to be lodged

### **Post Mortem Reports**

**356** outstanding PM reports to be processed (↓200 from last month)

### **New Deaths**



Details of the total numbers of deaths received as at 21 October 2022 (all deaths reported to COPFS) can be found in the table below:

| SFIU WEEKLY SNAPSHOT OF WORKLOAD / PERFORMANCE  |  |
|---|--|
| <p><b>Death Cases Received as at 21 October 2022</b></p> <p><i>(including SFIU, HSIU, CDU, CDIT, HSIU, Homicide &amp; RTFIU deaths – ie all deaths reported to COPFS)</i></p> | <p>Full Reporting Year 2019/2020 – <b>10,896</b></p> <p>Full Reporting Year 2020/2021 – <b>15,712</b></p> <p>Full Reporting Year 2021/2022 – <b>15,313</b></p><br><p>Reporting Year to Date from 01 April 2022 – <b>7456</b></p> |

#### Active Death Investigations

As at 3 October 2022, there were **8220** active death investigations across all death investigation units within COPFS. This is down **76** from **8283** from 5 August 2022.

#### Fatal Accident Inquiries

As at 24 October 2022:

- There were **33 FAIs** (23 mandatory and 10 discretionary) in SFIU with scheduled court dates.
- Crown Counsel have issued instructions for discretionary FAI in a further **6** cases for which first notices will be lodged in due course.

The quarterly letters to the Sheriff Principals, which provide information on current and forthcoming FAIs, were issued by the Head of SFIU on 7 October 2022. SFIU has intimated that it expects to lodge **8 further First Notices for FAIs** by 31 December 2022.

As has been seen as an emerging trend over the last year, the year 2022/2023 so far has continued to see a rise in the number of cases for which Crown Counsel has instructed a discretionary FAI.

The increase in the number of discretionary FAIs, and the resource implications for court continues to be closely monitored. There are a number of cases where instructions have been received to conjoin FAI's with common identifiable themes, or where Crown Counsel have indicated that they are considering same.

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The impact of these is also being closely monitored as is the attitude of SCTS when the relevant First Notices are lodged. Such conjoined FAI's pose challenges for both COPFS and SCTS in terms of access to the Inquiries by next of kin and also the likely increased length of these inquiries puts additional pressure on the court estate.

Details of the discretionary FAI cases are referred to in the annex.

### SFIU Continuous Improvement

Members of staff from SFIU are due to provide inputs at a number of training events involving external partner agencies over the coming weeks.

On 2 November 2022, an input will be provided to the NHS Blood and Transplant Organ Donation Seminar in Glasgow on the role of the Procurator Fiscal in organ donation matters.

On 14 November an input will be provided to the Event Command Course at the Police College, Tulliallan, on the role of the Procurator Fiscal in Fatal Accident Inquiries.

### Pathology

#### Post Mortem Reports

The reduced number of temporary administrative staff continue to process post-mortem reports. Their contracts were due to terminate at the end of October 2022. Confirmation has now been received that the contracts of the remaining two members of admin staff have been extended to 31 March 2023.

Following on from the success of the post-mortem marking initiative in Summer 2022, a limited overtime budget has continued to be made available to legal staff to mark post-mortem reports, however, longer-term solutions to continuing to process this work timeously are being discussed and put in place.

As at 20 October 2022 the details of the outstanding PM reports which had been received by COPFS and required to be processed were as follows:

2020: **0**  
2021: **7**  
2022: **349**  
Total: **356**

This compares very favourably with the position over the last 11 months and even earlier this month:

- 23 December 2021 – 2126 reports to be processed.
- 20 January 2022 – 1541 reports to be processed.
- 24 February 2022- 1108 reports to be processed.

- 24 March 2022 – 914 reports to be processed.
- 28 April 2022- 772 reports to be processed.
- 26 May 2022 – 521 reports to be processed.
- 6 October 2022 – 474 reports to be processed.

#### Case Management Panels

As at 13 October, there were **144 cases** in SFIU over 2 years old

It is still of note that SFIU experienced a significant increase in the number of death reports in 2020/2021 and 2021/2022 as compared with the year 2019/2020, pre-COVID. This will have implications for the number of cases that may enter the CMP process at future points, particularly as the complexity of the cases being investigated continue to be of greater complexity and the number of discretionary FAI's, including conjoined FAI's continues to increase also.

#### Briefing to Law Officers

On 29 July 2022 the Head of SFIU provided a comprehensive minute to Law Officers in relation to proposed improvements to the system of deaths investigation. The minute detailed the ongoing work across the specialist casework teams and identifies areas for improvements in public confidence, efficiency and for bereaved relatives.

On 13 October 2022, a meeting was held between the Deputy Head of SFIU and the Head of SFIU, with the Deputy Crown Agent for Serious Casework, the Solicitor General and the Lord Advocate to discuss the content of the minute. The Law Officers were receptive to the recommendations and endorsed them all. SFIU will continue to progress the recommendations contained within the minute.

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

### **Staffing**

The legal and case preparer staffing levels are at current compliment although a recent resourcing bid to Scottish Government for additional funding for CDIT has been approved and a number of additional posts are in the process of being created in the team. Some staff have taken up appointment during October 2022 and others are due to join in November 2022.

### **Case Load Update on CDIT** *(stats below up to date as at 24.10.22)*

COVID DEATHS INVESTIGATION TEAM STATS

Report from Specialist Casework for Executive Board Meeting in November 2022

| Stats as at<br>Monday 24th<br>October 2022 |  | New<br>Care<br>Home<br>Deaths | New<br>Worker<br>Deaths                | Retrospective<br>Care Home<br>Deaths (pre<br>21/05/2020) | Retrospective<br>Worker Deaths<br>(pre<br>21/05/2020) | EB22/23(45)                            |  | Total                         |
|--|--|-------------------------------|--|--|---|--|--|-------------------------------|
|  |  |                               |  |  |   | Deaths<br>in<br>Custody                | Other<br>Deaths                          |                               |
|  | Overall total<br>number of<br>deaths now<br>with the<br>COVID Team | <b>2531</b><br>(+5<br>deaths) | <b>27</b><br>(Same<br>as last<br>week) | <b>1777</b><br>(Same as last<br>week)                    | <b>10</b><br>(Same as last<br>week)                   | <b>15</b><br>(Same<br>as last<br>week) | <b>1143</b><br>(Same<br>as last<br>week) | <b>5503</b><br>(+5<br>deaths) |

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.

The unit has a number of complete packages in respect of care home deaths, where we have all of the individual death reports and the associated briefing paper. Work continues to finalise some aspects of the allocation process and associated material but in the meantime packages have been allocated out to the team to review.

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

There are currently **157** live reported cases and **40** death cases under investigation but not yet reported being considered and directed by HSIU. These include complicated multiple accused health and safety cases.

The number of unallocated cases currently sits at **35**. Principal Depute work to allocate cases is on-going.

The CMP process continues to expedite cases more than 2 years old. There are currently **86** cases for CMP (63 involving a fatality, 20 with injured parties or regulatory offences).

HSIU is also considering 90 ambulance delay cases referred by SFIU. The Principal Depute is in the process of preparing a minute to the DCA in respect of the approach and strategy in connection with prosecution.

### **Staffing**

The new APF with responsibilities for HSIU, WECU and CDU took up post on 3 October 2022.

A very experienced HSIU PPFd retired in September 2022. This post is not being filled at PPFd level. A second very experienced HSIU PPFd has intimated his intention to retire with his final working days anticipated to be in January 2023.

An experienced HSIU PPFd will transfer to CDIT on 14 November 2022. She is being replaced by a HSIU PFD who was successful at the recent PPFd board.

### **HSIU Fatal Accident Inquiries**

Pending (no First Notice lodged) – 36

Pending (cases where we expected to lodge First Notice by 31.12.22) – 1

Scheduled Dates – 4

Total – 41

*See Annex for Casework Highlights*

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

WECU has a total of 75 cases. Of these, 34 cases relate to wildlife offences, 14 cases were reported principally by the Scottish Environment Protection Agency (SEPA), 2 other environmental cases were reported by Police Scotland/ Local Authorities, and there are 25 animal welfare cases. (From Monthly Statistics 21.9.2022 to 18.10.2022).

Of WECU cases calling in court during this period: 3 cases called for Pleading Diet, 3 were continued without plea, 5 cases called for Intermediate Diet, 4 cases called for Trial Diet and 4 for sentence deferred.

WECU dealt with 8 search warrant requests. An additional 5 cases were considered by WECU but were not taken by WECU due to the particular circumstances of the cases and in 7 advice and guidance provided to reporting agencies.

**Current Priorities include:**

**Staffing –**

The Head of WECU is due to return to her WECU role on 1 November 2022. She will be working with WECU on a part time basis as she is also engaged in another key piece of work which was the reason for her initial extraction from the Unit when her post was filled on a temporary basis.

A part time PFD has increased her hours on a temporary basis to full time (budgetary provision has been made for this until end December 2022), a new part time PFD (0.7) has joined the team to replace a full time member of staff who was promoted. The unit currently has 1 PT PFD and 2.7 legal members of staff.

**10. Civil Recovery Unit (CRU)**

i) Sheriff Court Team (SCT)

The Unit has 16 account forfeiture cases (shared between the SCT and asset recovery team) and 37 listed asset cases.

ii) Asset Recovery Team (ART)

The ART has 9 cases with active Prohibitory Property Orders (freezing orders) and one case where a recovery order has been granted.

Court business continues to be predominantly dealt with remotely by the sheriff courts and the Court of Session.

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

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 are continuing to engage in providing comments on the provisions and proposed amendments to SG Justice policy colleagues and SGLD.

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 30.10.22 amounted to £3,093,779.

vi) Staffing

CRU has recently completed a recruitment exercise for a newly created Sheriff Court Team Leader post. There is a hybrid system of home and office working within the Unit.

## **11. CUSTODY DEATHS UNIT**

### Staffing

1 PPF  
4 PFDs  
1 Case Preparer

A further PFD joined the team on 24 October 2022 and another is expected to join on a date to be confirmed between December 2022 and January 2023.

The exercise to transfer SFIU legacy cases to CDU is ongoing. CDU is now takes all new deaths following a death in legal custody occurring in all Scotland. In terms of legacy SFIU deaths, CDU have received transfers of applicable legacy deaths from SFIU North and East and will begin a transfer exercise in SFIU West between 7 November and 2 December 2022. It is anticipated that a further 9 SFIU West deaths in custody will transfer to CDU as part of that exercise.

### Caseload

64 Accepted by pilot (Up 11 from September 2022)  
3 Remain under consideration by pilot (Down 6 from September 2022)  
37 Considered by pilot and returned to SFIU

15 Unallocated cases (Oldest case: 01.06.2021 which was accepted to CDU on 27.10.2022)

### Scottish Government Working Group

Scottish Government have set up a working group: Prison Custody – Key Recommendation – working group. The Deputy PF Specialist Casework /Head of SFIU, and CDU PPF continue to represent COPFS in this group.



CROWN OFFICE  
& PROCURATOR  
FISCAL SERVICE

SCOTLAND'S PROSECUTION SERVICE

## Resources Committee

### Minutes of meeting held on 25 October 2022 (via Microsoft Teams)

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

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## **Present**

### **Members**

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

Keith Dargie, Head of Business Services & Chief Digital Officer

Sarah Carter, HR Director

Graham Kerr, Head of Business Management (Local Court)

Thomas Lindie, Head of Business Management (Serious Casework)

Jonathan Shebioba, Director of Support Services

Lorraine Beveridge, Head of Workforce Planning

Sharon Davies, Head of Management Accounting and Planning

Doreen Crawford, Head of Workforce Planning and Reward

Elaine Hales, Head of Business Management (Operational Support)

Fiona McLean, Non-Executive Director

### **In attendance**

Ali Caddis, Transformation Manager (Secretariat)

### **Apologies**

Marlene Anderson, Director of Finance and Procurement

## 1. Welcome

The Chair welcomed the group and the apologies tendered were noted.

## 2. Minutes from meeting held on 2022

The Committee approved the minutes as accurate. Head of Management Accounting and Planning (HoMAP) reminded the Committee that the annual accounts are still subject to embargo.

The Chair noted that, subsequent to the last meeting, the Committee agreed a proposal to proceed with external recruitment by correspondence.

## 3. Action Log

The Committee noted no outstanding actions were required for discussion.

## 4. Finance Update Budget 2022/23

HoMAP presented the paper and highlighted

- Anticipating further SBR transfers resulting in a balanced position and a slight underspend.
- Additional funding has been received for the pay award however not yet signed off. It is unknown whether the reversal of the Employer's National Insurance contribution will remain in place and cannot be used at this point for other expenditure.
- Local Court non-staffing pressures in relation to agreed increase of witnesses expenses in line with SCTS and kennel costs, which continue to be a pressure. Within SCG there is a pressure relating to Junior Counsel and AD-HOC AD Support.
- VAT is a pressure in relation to non-staffing costs. A review had taken place on the VAT position and all available VAT has been recovered.
- The budget for 2023, this will be considered in January to set realistic budgets however will depend on budget envelope.

Head of Business Services & Chief Digital Officer (HoBS/CDO) highlighted the emergency budget review is imminent, with no changes expected. HoBS/CDO provided an update on the capital for 2023/24.

The HR Director (HRD) provided an update on the pay award, advising discussions concluded with Trade Unions and awaiting a formal response. It is anticipated that pay increases will be applied within November salaries however this is yet to be agreed.

## 5. Function Procurement Report

Head of Business Management (Local Court) (HoBM)(LC) briefed the Committee on the paper, advising of saving made to date. He advised that procurement is now largely dealt with by the organisation with Scottish Government withdrawing support however new staff are due to start within the next three months.

## 6. Updates on Function Workforce & Business Plans

HoBM(SC) provided an update for Serious Casework Group noting

- Function Business Plan has been split between Specialist and High Court, considering the change of KPI's etc
- A plan has been developed by Central Operations to improve structure, process and change
- A witness assistance team has been implemented which has proved very successful
- Have implemented an interim approach for electronic reporting to Crown Counsel
- A resourcing model has been established
- Working with HR in relation to CDiT, considering if fixed term appointments are viable
- Continue to work closely with HoBM(LC)

HoBM(LC) provided an update for Local Court noting

- Good progress with all elements of the business plan
- Summary Case Management is proving successful within the three pilot areas
- NICEP – plan that no cases over 4 weeks old without an initial decision remain by 31<sup>st</sup> March 2023

- Local Court Transformation Team ensuring processes are fit for purpose
- Focusing on ensuring managers receive training in relation to absence management
- Working with HR on PFD recruitment

HRD advised HR able to draft a briefing paper, setting out a timeline regarding recruitment. Within a short period of time will understand if a fixed term approach is viable. If not, HR can consider alternative options.

**[ACTION] HRD/HR to draft briefing paper, setting out a timeline regarding recruitment for consideration by the Committee**

HoBM(OP) providing an update for Operational Support noting:-

- Business Plan incorporating a Delivery Plan broken down into separate units
- ISD continue to work on the Desk Booking App and DESC
- Corp Comms has published the new external COPFS website
- Yammer has been successful with more staff using the platform
- HR continue working on the Pay and Grading project
- New HR system MyHR is now in place
- National Enquiry Point will utilise the new Teams Telephony system shortly

## 7. **AoB**

HoMAP advised Finance work is ongoing with the Finance Strategy which will be dealt with urgently.

The Chair noted that the Crown Agent will appear before the Justice Committee in connection with RSR and future budget settlements.

HoMAP advised continued work ongoing discussions relating to EoC hearings, seeking to secure additional funding

## 8. **Date of Next Meeting**

29<sup>th</sup> November 2022 at 3 pm (via MS Teams)

**EXECUTIVE BOARD  
BUSINESS PROCESS IMPROVEMENT COMMITTEE  
NOVEMBER 2022 UPDATE**

**Purpose**

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

**Priority**

2. Routine.

**Update**

3. BPIC last met on 1 November and is next scheduled to meet on 9 February 2023. This update provides an overview on the business improvements and digital transformation priorities for 2022/23.
4. Jennifer Harrower, interim DCA - Local Court, assumes chair of BPIC reflecting recent senior management changes.

**Business Process Improvement and Digital Transformation Programme for 2022/23**

5. ISD continues delivering the comprehensive portfolio of digital strategy and business transformation and improvement priorities for 2022/23 approved by the Executive Board. The programme of work sets out a comprehensive and strategically aligned programme of business transformation and improvements for:
  - Supporting an agile and hybrid workforce;
  - Digital solutions underpinning the improvement of services and transforming ways of working;
  - Delivering Vision for Justice and Summary Reform transformation and legislative change priorities;
  - Further implementing the Digital Strategy delivery plan to maximise the use of digital technology to modernise, innovate and transform services and the way we work across all areas of our business.

**Delivery Updates**

6. Progress updates for key digital business solutions and improvements implemented over the corporate year to date or scheduled for the remainder of the year are outlined below (includes some ISD portfolio projects):

**Delivery completed over Q1 – 2**

- New COPFS and KLTR websites launched;
- Deployment of a new version of the CMiC App for Sheriff and Jury cases;
- Hate Crime Bill Aggravators solutions agreed with Justice Partners;
- Vulnerable Witness Notices Pilot (automated sharing with Scottish Courts and Tribunal Service and Victim Support Scotland);
- Implementation of new HR digital system and services;

EB22/23(47)

- Development of an Electronic Reporting to Crown Counsel digital casework solution for Serious Casework Group (user acceptance testing underway with full implementation scheduled by end 2022);
- Corporate App: Pay Claims digital application deployed for evaluation ahead of corporate release (replacing paper based and manual processes);
- 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;
- New ISD Service Desk Portal and Service Management services launched;
- ISD hours of support extended to 06:00 - 22:00hrs Monday to Friday to support extended hours of working;
- Implementation of the first of COPFS' new offsite datacentres to deliver improved resiliency and reduce COPFS' carbon footprint from its use of IT;
- Improved remote access IT infrastructure and corporate and casework systems resiliency;
- Migration to Exchange Online (latest O365 email and collaboration solutions) completed for all users;
- Case management legislative changes implemented (incl. COVID related legislation);
- Deployment of further Microsoft O365 products to aid colleagues in managing their workloads, accessing information (including VIVA Insights digital productivity and wellbeing facilities);
- Implementation of Microsoft Teams corporate telephony and modernised National Enquiry Point customer management digital services.

**Business improvements and digital transformation initiatives scheduled for delivery over Q3 - 4:**

- Launching a new Corporate App Desk Booking solution enabling staff to digitally book a desk to support agile working;
- Launching the Digital Evidence Sharing Capability (DESC) solution as part of a pilot commencing in Dundee in January ahead of national rollout in Spring 2023;
- Preparing for the release and evaluation of COPFS' new Witness Gateway and Defence Agent Service (DAS) digital solutions from Q4 to transform services to witnesses and defence agents and deliver COPFS' Vision for Justice priorities for 2022/23;
- Development of an Advocate Depute Rota and Capacity Management Tool (digital enabled transformation initiative by SCG and ISD);
- Development of a Defence Agents general appointments digital booking app to support Summary Justice Reform;
- Detailed scoping 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.

7. The BPIC business improvement portfolio dashboard for 2022/23 is available at **Annex A** (updates at end-September 2022, with October information published later this month). The dashboard focusses on key BPIC portfolio projects, with references to other ISD projects and delivery initiatives as appropriate. RAG status and key project and delivery status information is provided for each project.

8. An overview of the digital transformation programme for 2022/23 is available at **Annex B**.

**Decisions/Actions required by Executive Board**

9. The Executive Board are invited to note delivery progress and comment as appropriate on BPIC's portfolio priorities for 2022/23.

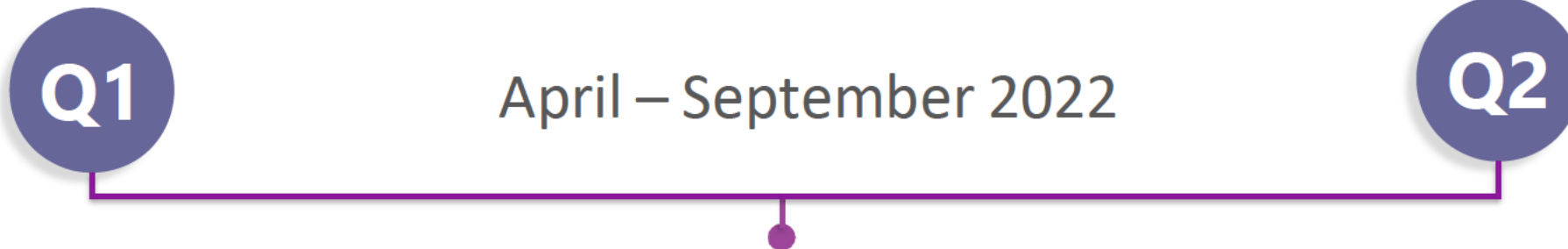
**Jennifer Harrower**

Deputy Crown Agent - Local Court

**14 November 2022**



## BPIC BUSINESS IMPROVEMENTS AND DIGITAL TRANSFORMATION DASHBOARD (End September 2022)



|  |
|--|
| Datacentre re-location   |
| Summary Justice Process Automation and Digitisation  |
| Case Management Legislative Changes  |
| Hate Crime Bill Aggravators – impact assessment and solutions agreed with Justice Partners |
| Replacement Service Desk Solution  |
| Extended ISD Support Services and Hours of Operation                                       |
| CMiC Sherriff & Jury deployment  |
| New Corporate Websites (COPFS & KLTR)  |
| Exchange On-Line implemented   |
| Microsoft Wellbeing Tools (Viva)   |
| Improved Remote Access Facilities  |
| Meeting Room Innovation (Teams Rooms & collaboration technology)                           |



Pay Claims (Overtime) Application – Pilot Version

HR System Replacement\* (supporting HR to achieve its strategic improvements)

Vulnerable Witness Legislation – Extended Pilot (automated sharing with SCTS and VSS)

## 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<br>(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<br>(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<br><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 View – End September 2022



End September 2022

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

**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 Q3/4 2022/23



# Portfolio View – End September 2022



| 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                                |  | Evaluation (Strategy 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 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   | Pilot Operational Monitoring and Evaluation for full Release |                           |                             |            |            |                           |           |
| <b>CMIC</b>   |   |  |                           |                             |            |            |                           |           |
| Implementation & Transition – S&J                               |   |  |                           |                             |            |            |                           |           |
| Operational Monitoring and Evaluation – S&J                     |   |  |                           |                             |            |            |                           |           |
| Ideation: High Court Requirements                               |   |  |                           |                             |            |            |                           |           |
| <b>Summary Case Management</b>                                  |   |  |                           |                             |            |            |                           |           |
| Operational Monitoring  |   |  |                           |                             |            |            |                           |           |
| <b>Vulnerable Witness Notices</b>                               |   |  |                           |                             |            |            |                           |           |
|   | Implementation & Transition   | OR   |                           | Implementation & Transition |            |            |                           |           |



# Portfolio View – End September 2022



| 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   |                             |  |                             |                        |            |            |          |           |
|   | Implementation & Transition | Pilot Operational Monitoring and Evaluation for full Release |                             |                        |            |            |          |           |
|   |                             | Full Application: Build and Test                             | Implementation & Transition | Operational Monitoring |            |            |          |           |
| <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            |                             |                        |            |            |          |           |
|   |                             | Implementation & Transition: Planning for Full Rollout       |                             |                        |            |            |          |           |
| <b>Corporate Teams Telephony</b>                      |                             |  |                             |                        |            |            |          |           |
|   |                             | Implementation & Transition                                  |                             | Operational Monitoring |            |            |          |           |
| <b>Enquiry Point Transformation</b>                   |                             |  |                             |                        |            |            |          |           |
|   |                             | Implementation & Transition TBC                              |                             |                        |            |            |          |           |



# Portfolio View – End September 2022



| 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              |
| Next Generation Case Management Systems |               |               |   |               |                        |            |          |                        |
| Key Principles & Draft Strategy         |               |               | Case Management Summit                        |               | Case Management Summit |            |          | Case Management Summit |
| Project Delivery Team Establishment     |               |               |   |               |                        |            |          |                        |
|   |               |               | Detailed Discovery and Stakeholder Engagement |               |                        |            |          |                        |
|   |               |               | Board Establishment                           |               |                        |            |          |                        |



| 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><b>Witness Availability</b> – completed first full build of this tool ready for ‘Alpha’ testing with COPFS stakeholders.</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.</p> <p><b>Detailed Product Descriptions</b> for first phase products – worked up in close collaboration with COPFS stakeholders to feed into the finished product builds.</p> | <p>Phase 1 : High level and low level core design underway. Phase 1 product set to be agreed. Witness availability product evaluation approach required (internal and external).</p> | <p><b>Issue: Identity &amp; Authentication:</b> Confirm the IDV solution we will use (likely the Scottish Government product) and build into Gateway</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> | Milestone                                   | Target Date     | Status   |
|   |  |  | 1. Re-Initiation                            | October 2022    | Complete |
|   |  |  | 2. Solution Delivery                        | December 2022   | On Track |
|   |  |  | 3A. Build Complete/UAT Start                | *Targeting Q1   | TBC      |
|   |  |  | 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 (replacement roles for attrition) and dedicated business analyst urgently required to manage current design and build activities and to engage with key stakeholders on product identification and business process improvements.



| RAG Status |                   |           |              |
|------------|-------------------|-----------|--------------|
| Scope      | Delivery Schedule | Resources | Overall Risk |
|            |                   |           |              |

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

| Status & Scope   | Schedule  | Risks/Issues/Dependencies   | Project Milestones                           |                 |                           |
|--|---|---|--|-----------------|---------------------------|
| <p><b>Defence Agents Service (DAS) (incorporating General Appointment App)</b></p> <p>Evaluation strategy for disclosure replacement to be discussed and agreed.</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:</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>Issue:</b> Resource constraints due to multiple case management projects, movement of data centre migrations and legislative changes required.</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> | Milestone                                    | Target Date     | Status                    |
|  |   |   | 1. Initiation                                | January 2022    | Complete                  |
|  |   |   | 2. Solution Delivery                         | February 2022   | Complete                  |
|  |   |   | 3A. Build Complete/UAT Start                 | TBC             | UAT Rescheduling Required |
|  |   |   | 3B. Ready for Service                        | Targeting Q4-Q1 |                           |
|  |   |   | Launch Go/Live                               | Targeting Q1-Q2 |                           |
|  |   |   | 4. Implemented                               |                 |                           |
|  |   |   | 5. Stakeholder Signoff/Transition to Service |                 |                           |

**Resources**

Resources have been allocated from DAS to other priority projects impacting Phase 1 SDS Replacement (including Account Management wrapper). Focus on DESC activities and integration opportunities due to delay in DESC pilot rollout have been focussed on.



| RAG Status |                   |           |              |
|------------|-------------------|-----------|--------------|
| Scope      | Delivery Schedule | Resources | Overall Risk |
|            |                   |           |              |

**DESC**

| Status & Scope   | Schedule                                       | Risks/Issues/Dependencies  | Project Milestones                           |                         |                     |
|--|--|--|--|-------------------------|---------------------|
|  |  |  | Milestone                                    | Target Date             | Status              |
| <p><b>Digital Evidence Sharing Capability (DESC)</b></p> <p>DESC Programme currently reporting RED overall, Programme Board made a decision on 13 Sept to move Pilot Start date from Oct 22 to Jan 2023.</p> <p>It was determined that functionality for Pilot will not be delivered and tested by the original date planned.</p> <p>Work to be taken forward on Security, Data Sovereignty issues and Data Protection activities and the Programme is re-planning schedules in line with the new Pilot Date</p> | <p>Phase 1: Pilot – Scheduled for Jan 2023</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 options with Evidence.com don't meet requirements without changes; impacting Pilot start date and work on DAS.</p> <p><b>Issue:</b> Integrations can't be promoted from TE into PP until IT Health Check completed and any remediation work undertaken.</p> <p><b>Risk:</b> MVP release cannot be delivered in time for pilot to proceed as planned; impacting Pilot start date</p> | 1. Initiation                                | January 2022            | Complete            |
|  |  |  | 2. Solution Delivery                         | February 2022           | Complete            |
|  |  |  | 3A. Build Complete/UAT Start                 | December 2022           | In Progress         |
|  |  |  | 3B. Ready for Service                        | Targeting December 2022 | Scheduled – At Risk |
|  |  |  | Launch Go/Live                               | Targeting January 2023  | Scheduled – At Risk |
|  |  |  | 4. Implemented                               |                         | Scheduled – At Risk |
|  |  |  | 5. Stakeholder Signoff/Transition to Service |                         | Scheduled – At Risk |

**Resources**

Resources have been allocated to DESC, however specialist case management requirements for integration with COPFS case management and DAS systems cause issues as the DESC delivery dates change and move. This has an impact on DAS and potentially Witness Gateway delivery activity moving forward. Other projects are also impacted if requiring case management specialists given these are developers that are experts in the legacy COPFS case management systems.





| RAG Status |                   |          |              |
|------------|-------------------|----------|--------------|
| Scope      | Delivery Schedule | Resource | Overall Risk |
|            |                   |          |              |

**Electronic Reporting to Crown Counsel**

| Status & Scope   | Schedule  | Risks/Issues/Dependencies   | Project Milestones                           |              |                  |
|--|---|---|--|--------------|------------------|
|  |   |   | Milestone                                    | Target Date  | Status           |
| <p><b>ETRCC</b></p> <p>Initial Build (MVP) and Phase 1 UAT complete.</p> <p>IT Health Check scheduled to commence week commencing 26 Sept.</p> <p>Phase 2 UAT will commence mid-Oct (following completion/remediation of the ITHC).</p> <p>Project Delivery Plan to be updated with anticipated dates until outcome of the ITHC is known.</p> <p><b>*October Update:</b> ITHC identified some remediation work for ISD development and infrastructure colleagues. Currently being assessed for remediation timescales.</p> | <p>Phase 1: Pilot – Scheduled for October/November 2022</p> | <p><b>Risk:</b> IT Health Check identifies remediation work taking longer than 1 working week to resolve and obtain necessary security assurance sign off.</p> <p><b>Dependency:</b> Identified IT HC remediation activities planned and implemented prior to proceeding to UAT. This work has been given Priority 1 in ISD with dedicated resources. Please note that identified remediations are non-critical and impact to the project will be slippage of UAT and launch dates by 2 to 3 weeks.</p> | 1. Initiation                                | January      | Complete         |
|  |   |   | 2. Solution Delivery                         | February     | Complete         |
|  |   |   | 3A. Build Complete/UAT Start                 | September    | Build Complete   |
|  |   |   |  |              | UAT Pending ITHC |
|  |   |   | 3B. Ready for Service                        | Late October | Date At Risk     |
|  |   |   | Launch Go/Live                               | Late October | Date At Risk     |
|  |   |   | 4. Implemented                               |              | Scheduled        |
|  |   |   | 5. Stakeholder Signoff/Transition to Service |              | Scheduled        |

**Resources**

No resource issues



| 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><br/>Issue identified during preparations to release CMiC S&amp;J has been resolved and situation monitored.</p> <p>Project Team are now planning to progress launch of the S&amp;J application. Release being planned for early October – full planning to be confirmed.<br/>Launch / Go-Live TBC</p> <p><b>CMiC App High Court</b><br/>A Business Analyst has now been aligned to commence analysis of requirements to progress CMiC App High Court.</p> <p>Discovery activities with key stakeholders underway. Full scheduled, risks and dependencies to be identified on conclusion of discovery activities.</p> <p>*October Update: S&amp;J App successfully launched early October.</p> | <p><b>S&amp;J: Complete</b><br/><b>HC: Initiation</b></p> | <p><b>Dependency:</b> High Court CMiC dependent upon the successful deployment of ERTCC solution prior to solution delivery activities commencing.</p> | Milestone                       | Target Date | Status   |
|  |   |  | 1. Initiation                   | December    | 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

No resource issues.



| RAG Status |                   |          |              |
|------------|-------------------|----------|--------------|
| Scope      | Delivery Schedule | Resource | Overall Risk |
|            |                   |          |              |

Summary Case Management

| Status & Scope   | Schedule  | Risks/Issues/Dependencies | Project Milestones (High Court) |                |          |
|--|---|---------------------------|---------------------------------|----------------|----------|
| <p>Summary Case Management Project currently reporting <b>GREEN</b>.</p> <p>Full E2E testing between COPFS and PSoS was completed successfully on 9 August 2022 and a UAT completed.</p> <p>Solution Ready for Service Late August 2022 and Launched / Go-live 5 September 2022.</p> <p>All agencies involved in daily catchups to monitor transition.</p> | <p>Project complete – operational monitoring in progress.</p> | <p>None.</p>              | 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-November 2022   | Monitoring in progress    |                                 |                |          |
|  |   |                           |                                 |                |          |

Resources

|              |
|--------------|
| <p>None.</p> |
|--------------|



| RAG Status |                   |          |              |
|------------|-------------------|----------|--------------|
| Scope      | Delivery Schedule | Resource | Overall Risk |
|            |                   |          |              |

### Vulnerable Witness Notices

| Status & Scope  | Schedule  | Risks/Issues/Dependencies   | Project Milestones (High Court)              |             |           |
|---|---|---|--|-------------|-----------|
|   |   |   | Milestone                                    | Target Date | Status    |
| <p><b>Vulnerable Witness Notices</b></p> <p>Currently reporting <b>GREEN</b></p> <p>Solution (Data Extract Framework) scheduled for delivery October 2022.</p> <p>Dual run of solution and hard copy notices in effect with High court until legislation goes live.</p> <p>Legislation launch has yet to be confirmed therefore Go Live dates have not been set.</p> <p>SG Parliament has indicated potential months of November 2022 or February 2023.</p> | <p>Anticipated Full Solution (Data Extract Framework) Go-Live: November 2022 or February 2023 (TBC)</p> | <p><b>Risk:</b> Increased hard copy load on the National Print Unit until DAS go live.</p> <p>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> | 1. Initiation                                |             | Complete  |
|   |   |   | 2. Solution Delivery                         |             | Complete  |
|   |   |   | 3A. Build Complete/UAT Start                 |             | Complete  |
|   |   |   | 3B. Ready for Service                        |             | Complete  |
|   |   |   | Launch Go/Live                               |             | TBC       |
|   |   |   | 4. Implemented                               |             | TBC       |
|   |   |   | 5. Stakeholder Signoff/Transition to Service |             | Scheduled |

### Resources

|       |
|-------|
| None. |
|-------|



| RAG Status |                   |          |              |
|------------|-------------------|----------|--------------|
| Scope      | Delivery Schedule | Resource | Overall Risk |
|            |                   |          |              |

### Corporate Applications: Desk Booking Application

| Status & Scope   | Schedule  | Risks/Issues/Dependencies   | Project Milestones (High Court) |                        |                  |
|--|---|---|---------------------------------|------------------------|------------------|
| <p><b>Desk Booking App</b></p> <p>Desk Booking App reporting <b>AMBER</b></p> <p>IT Health check requirements are still to be defined by IT Operations and Cybersecurity.</p> <p>UAT successfully undertaken.</p> <p>Pilot launch dates subject to IT HC.</p> <p>Fully application development for entire COPFS estate underway.</p> | <p>Anticipated Pilot Launch / Go-Live:<br/><b>October 2022</b><br/>(Potential Slippage)</p> | <p><b>Issue:</b> IT Health Check requirements to be defined and scoped with agreed scheduled. Dependency on IT Operations and Cybersecurity.</p> <p><b>Dependency:</b> Remainder of COPFS estates floor plans with seat numbering to be provided to ISD for further development of the application for the whole estate.</p> <p><b>Issue:</b> Date of February 2023 has been identified as to when full application required. Therefore the dependency listed above is essential to meet as soon as possible and is on critical path to delivery.</p> | Milestone                       | Target Date            | Status           |
|  |   |   | 1. Initiation                   |                        | Complete         |
|  |   |   | 2. Solution Delivery            | March 2022             | Complete         |
|  |   |   | 3A. Build Complete/UAT Start    | September 2022         | Complete         |
|  |   |   | 3B. Ready for Service           | September 2022         | Risk of Slippage |
|  |   |   | Launch Go/Live                  | October/ November 2022 | Risk of Slippage |
|  |   |   | 4. Implemented                  |                        |                  |
| 5. Stakeholder Signoff/Transition to Service   |   |   |                                 |                        |                  |

### Resources

Concerns regarding the provision of floor plans in adequate time to complete the full application in readiness for launch in January 2023.



| RAG Status |                   |          |              |
|------------|-------------------|----------|--------------|
| Scope      | Delivery Schedule | Resource | Overall Risk |
|            |                   |          |              |

Corporate Applications: Pay Claims Application

| Status & Scope   | Schedule   | Risks/Issues/Dependencies   | Project Milestones (High Court)              |                 |                     |
|--|--|---|--|-----------------|---------------------|
|  |  |   | Milestone                                    | Target Date     | Status              |
| <p>Pay Claims (Overtime) App reporting <b>GREEN</b>;<br/>Successful Homicide Pilot Launch / Go-Live 23 July 2022 with HR Go- Live completed on 1 Aug 2022. Looking to progress second Pilot Phase with ISD - Target Date 1 October 2022<br/>Phased Roll-out to be scheduled and planned.<br/>Anticipated full roll-out complete November 2022.</p> | <p>App successfully launched <b>23 July 2022</b> (Homicide Pilot); with HR Go-Live completed <b>1 August 2022</b>.<br/><br/>2<sup>nd</sup> Pilot – ISD Target Date <b>1 Oct 2022</b></p> | <p>The Pay Claims App successfully launched on Saturday 23 July 2022 on the new Angular 2 components. Pilot extended due to holiday period and insufficient claims submitted for processing.<br/><br/><b>Key Risk / Issue:</b><br/><b>Issue:</b> Appears that no DPIA in place for Corporate Apps. This has been initiated as a priority.</p> | 1. Initiation                                |                 | Complete            |
|  |  |   | 2. Solution Delivery                         |                 | Complete            |
|  |  |   | 3A. Build Complete/UAT Start                 |                 | Complete            |
|  |  |   | 3B. Ready for Service                        |                 | Complete            |
|  |  |   | Launch Go/Live                               | Homicide - July | Homicide - Complete |
|  |  |   |  | HR - August     | HR - Complete       |
|  |  |   |  | ISD - October   | ISD – On track      |
|  |  |   | 4. Implemented                               |                 |                     |
|  |  |   | 5. Stakeholder Signoff/Transition to Service |                 |                     |
|  |  |   |  |                 |                     |

Resources

|  |
|--|
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| 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><br/>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>Work has been undertaken to collate staff information for the ranges of numbers and information on porting of number supplied to Gamma. Number porting will start on 25 Oct and complete on 16 Nov 2022.</li> <li>To align with these dates communications will commence from 12 October.</li> </ul> <p><b>Next Steps:</b></p> <ul style="list-style-type: none"> <li>Final clarification on fax number requirements.</li> <li>UAT continuing.</li> <li>Preparation work for Teams Telephony launch and communications finalised with view to start publishing on 12 October</li> </ul> | <p><b>Targeted Implementation / Go-Live:</b><br/>25 October - 16 November. Phased delivery.</p> | <p><b>Risk:</b> VMB requires 30 day's notice of the date to port numbers, if this date changes within the 30 days period charges may apply</p> <p><b>Dependency:</b> Understanding of solution for Fax numbers:</p> | Milestone                       | Target Date | Status   |
|   |   |   | 1. Initiation                   |             | Complete |
|   |   |   | 2. Solution Delivery            |             | Complete |
|   |   |   | 3A. Build Complete/UAT Start    | August      | Complete |
|   |   |   | 3B. Ready for Service           | October     | On Track |
|   |   |   | Launch Go/Live                  | October     | On Track |
|   |   |   | 4. Implemented                  | November    | On Track |
| 5. Stakeholder Signoff/Transition to Service  | November/December   | On Track  |                                 |             |          |

**Resources**

None.



## COPFS Digital Programme: September Status Dashboard

| RAG Status |                   |          |              |
|------------|-------------------|----------|--------------|
| Scope      | Delivery Schedule | Resource | Overall Risk |
|            |                   |          |              |

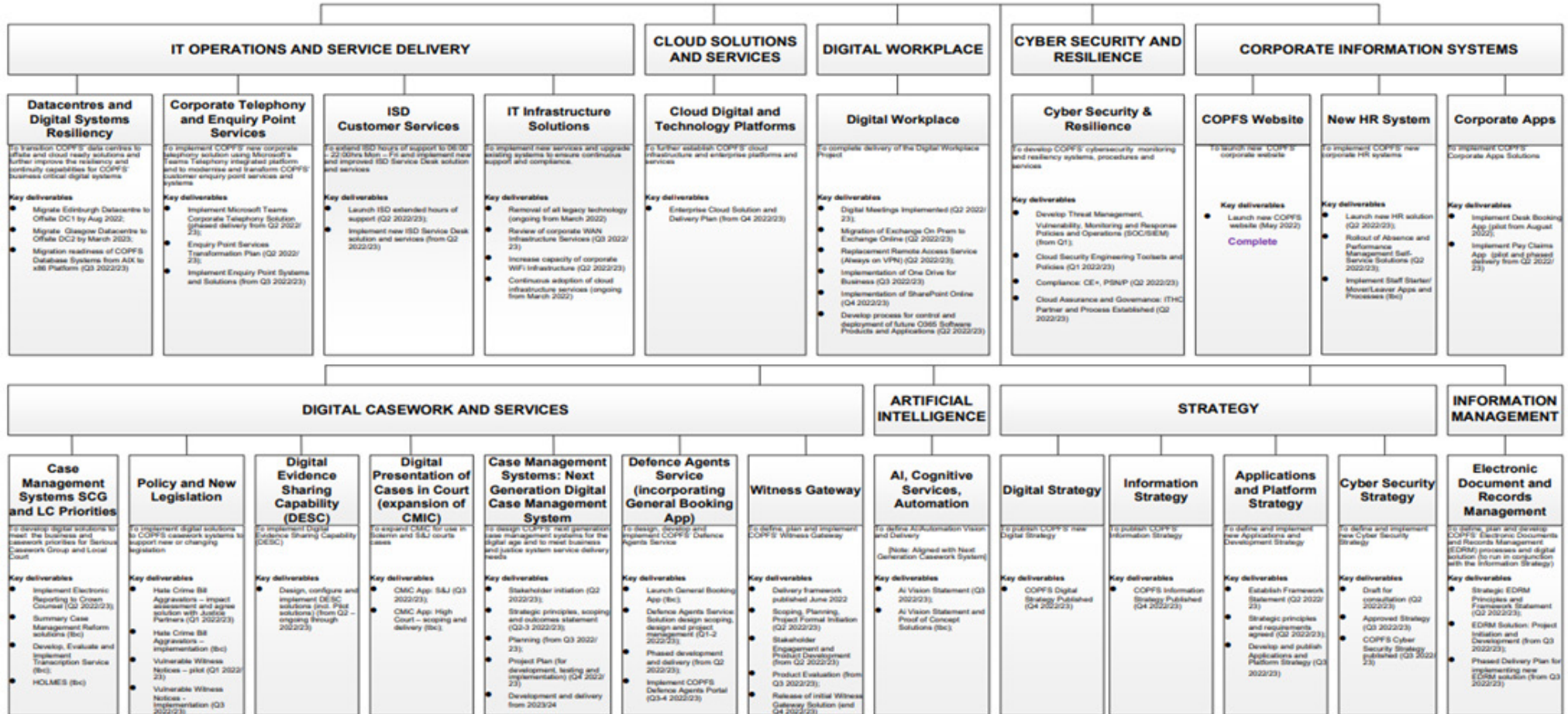
| Enquiry Point Transformation Plan   |             |  |  |   |           |             |        |               |  |          |                      |  |          |                              |        |          |                       |     |  |                |     |  |                |     |  |  |     |  |  |  |
|---|-------------|--|--|---|-----------|-------------|--------|---------------|--|----------|----------------------|--|----------|------------------------------|--------|----------|-----------------------|-----|--|----------------|-----|--|----------------|-----|--|--|-----|--|--|--|
| Status & Scope  |             | Schedule   | Risks/Issues/Dependencies  | Project Milestones (High Court)   |           |             |        |               |  |          |                      |  |          |                              |        |          |                       |     |  |                |     |  |                |     |  |  |     |  |  |  |
| <b>Enquiry Point Services (Transformation Plan / Implementation [Cirrus Contact Centre Pro &amp; Omni Email])</b><br><br>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. <ul style="list-style-type: none"> <li>Focus has been on Teams Telephony however Redbox work is completed.</li> <li>Currently reporting <b>Green</b> Targeted Implementation / Go-Live TBC.</li> </ul> <b>Next Steps:</b> <ul style="list-style-type: none"> <li>DR configuration for specific areas (SET, NEP, Service Desk, HOBMs)</li> <li>NEP to be engaged September.</li> </ul> |             | <b>Targeted Implementation / Go-Live:</b><br>TBC | <b>Key Risks / Dependencies:</b><br><br><b>Dependency:</b> Cloud call recording must be in place before go live. | <table border="1"> <thead> <tr> <th>Milestone</th> <th>Target Date</th> <th>Status</th> </tr> </thead> <tbody> <tr> <td>1. Initiation</td> <td></td> <td>Complete</td> </tr> <tr> <td>2. Solution Delivery</td> <td></td> <td>Complete</td> </tr> <tr> <td>3A. Build Complete/UAT Start</td> <td>August</td> <td>Complete</td> </tr> <tr> <td>3B. Ready for Service</td> <td>TBC</td> <td></td> </tr> <tr> <td>Launch Go/Live</td> <td>TBC</td> <td></td> </tr> <tr> <td>4. Implemented</td> <td>TBC</td> <td></td> </tr> <tr> <td>5. Stakeholder Signoff/Transition to Service</td> <td>TBC</td> <td></td> </tr> </tbody> </table> | Milestone | Target Date | Status | 1. Initiation |  | Complete | 2. Solution Delivery |  | Complete | 3A. Build Complete/UAT Start | August | Complete | 3B. Ready for Service | TBC |  | Launch Go/Live | TBC |  | 4. Implemented | TBC |  | 5. Stakeholder Signoff/Transition to Service | TBC |  |  |  |
| Milestone   | Target Date | Status   |  |   |           |             |        |               |  |          |                      |  |          |                              |        |          |                       |     |  |                |     |  |                |     |  |  |     |  |  |  |
| 1. Initiation   |             | Complete   |  |   |           |             |        |               |  |          |                      |  |          |                              |        |          |                       |     |  |                |     |  |                |     |  |  |     |  |  |  |
| 2. Solution Delivery  |             | Complete   |  |   |           |             |        |               |  |          |                      |  |          |                              |        |          |                       |     |  |                |     |  |                |     |  |  |     |  |  |  |
| 3A. Build Complete/UAT Start  | August      | Complete   |  |   |           |             |        |               |  |          |                      |  |          |                              |        |          |                       |     |  |                |     |  |                |     |  |  |     |  |  |  |
| 3B. Ready for Service   | TBC         |  |  |   |           |             |        |               |  |          |                      |  |          |                              |        |          |                       |     |  |                |     |  |                |     |  |  |     |  |  |  |
| Launch Go/Live  | TBC         |  |  |   |           |             |        |               |  |          |                      |  |          |                              |        |          |                       |     |  |                |     |  |                |     |  |  |     |  |  |  |
| 4. Implemented  | TBC         |  |  |   |           |             |        |               |  |          |                      |  |          |                              |        |          |                       |     |  |                |     |  |                |     |  |  |     |  |  |  |
| 5. Stakeholder Signoff/Transition to Service  | TBC         |  |  |   |           |             |        |               |  |          |                      |  |          |                              |        |          |                       |     |  |                |     |  |                |     |  |  |     |  |  |  |
| Resources   |             |  |  |   |           |             |        |               |  |          |                      |  |          |                              |        |          |                       |     |  |                |     |  |                |     |  |  |     |  |  |  |
| None.   |             |  |  |   |           |             |        |               |  |          |                      |  |          |                              |        |          |                       |     |  |                |     |  |                |     |  |  |     |  |  |  |





**COPFS**  
**Digital Transformation Programme**  
**2022/23**

July 2022



Contact: Chief Digital Officer, Information Services Division

# Operational Performance Committee

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

### Present:

|                   |   |
|-------------------|---|
| Stephen McGowan   | Deputy Crown Agent – Serious Casework (Chair) (DCA) |
| Laura Buchan      | Procurator Fiscal, Specialist Casework (LB)         |
| Kenny Donnelly    | Procurator Fiscal, Policy and Engagement (KD)       |
| Ruth McQuaid      | Procurator Fiscal, High Court (RMcQ)                |
| Jennifer Harrower | Deputy Crown Agent - Local Court (JH)               |
| Katie Woods       | BM Central Operations Unit (KW)                     |
| Robert Tinlin     | Non-Executive Director (RT)                         |
| Lana Thomas       | PA DCA – Serious Casework (Secretariat) (LT)        |

### Apologies:

Fiona Roberts -Head of Management Information Unit

### 1. Welcome and Apologies

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

Jennifer Harrower is now the DCA for LC but is attending today in previous role. Local Court representation to be determined.

### 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

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

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

##### High Court (HC)

RMcQ discussed the HC paper and points of interest were-

- Significant rise in productivity with an 18% increase in reports to CO and 47% increase in cases indicted last month. The last post in the indictment team was also filled which will impact ability to meet the 100 indictments a month target. There has been a 40% increase in s76s when compared to the same 6 month period last year.
- Interim marking age profile has also significantly improved, shifting down from 54% to 18% over 1 year and getting closer to our objective of 10%.
- Team have been working on child witness cases and have been in dialogue with LC to establish a share definition of child witnesses, and if possible to have a shared KPI..
- Additional resource to be found for cases arising from SCAI. Discussions ongoing with LC re cases they are likely to be Sheriff and Jury.
- Question raised re career development and planning for CPs as most CPs are deployed to SO cases. There are a significant number of vacancies and expected vacancies, particularly in SO to be filled.
- Laura asked to be involved in discussions around CP training and development as SC have a number of new CPs coming in from external.

##### Local Court

JH discussed the LC paper and points of interest were-

- Summary Case Management Pilot now been running for 2 months, encouraging signs with a 10% increase of guilty pleas.
- Reduction in number of witnesses cited (civilians & Police)
- Summary Court backlog in a good position in terms of recovery. Modelling complete for recovery and work ongoing with SCTS.
- Jennifer's replacement will work with LC Transformation team to provide more meaningful reports for this board.

- NICP -volume of unmarked cases down from 20k to roughly 17k, there is a definite downward trend and this will continue to be looked at to see if further improvements can be made to keep lowering this figure before the end of the financial year.

### Specialist Casework

LB Discussed the Specialist update and points of interest were-

- Work on-going to increase CDIT compliment, bid in for 76 additional posts will take us to 90 full compliment. PD post filled from list working on the rest of posts. 2 KCs now full time on case/
- Minute to Law Officers on improving the Death Investigations System submitted, L.O's receptive to recommendations and endorsed it. Katrina Parkes to set up a Board to oversee implementation for this.

### Policy & Engagement

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

- The Scottish Government have completed a consultation on their proposed Children's Care and Justice Bill. One of the key elements is the raising of the maximum age of referral to the children's reporter, currently 16 unless the individual is subject to a compulsory supervision order, in which case 16 and 17 year olds 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 is properly understood. Policy officials have begun work on understanding how the Lord Advocate's Guidelines and Framework on Early and Effective Intervention may be amended.
- UNCRC Bill passed by Scottish Government came into effect March 2021. Bill now back to Parliament via the reconsideration stage, to address the issues raised by the Supreme Court. The Bill as currently drafted places an obligation on public authorities not to act incompatibly with UNCRC.
- 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.

## 5. Recovery Mapping

Rolled over to next meeting.

## 6. Minutes for OPC clearance

SET will no longer routinely clear Policy minutes, Stephen shared Anthony McGeehan’s email with recommendations regarding clearance of Policy minutes and work. Conversations took place and the group gave observations.

- **Action 8/22**- Stephen and Kenny to meet and discuss the practicalities of this and how approvals will be recorded going forward.

## 7. A.o.b

No further business discussed.

**Date of Next Meeting:** 1 December 2022