



CROWN OFFICE  
& PROCURATOR  
FISCAL SERVICE

SCOTLAND'S PROSECUTION SERVICE

## BUSINESS PLAN 2019-20

## **Contents**

## **Page**

<b>1. Introduction</b>	<b>1</b>
<b>2. Our Priorities</b>	<b>1</b>
<b>3. Our Objectives</b>	<b>2</b>
<b>4. Delivering Our Objectives</b>	<b>2</b>
<b>5. Available Resources</b>	<b>4</b>
<b>6. Staffing</b>	<b>4</b>
<b>7. Constraints</b>	<b>4</b>
<b>Annex A - Key Milestones</b>	<b>6</b>

# Securing Justice for the People of Scotland

## 1. Introduction

The Crown Office and Procurator Fiscal Service (COPFS) is the sole public prosecution authority in Scotland prosecuting cases independently, robustly, fairly and effectively in the public interest. The Lord Advocate's position as head of the systems of criminal prosecution and investigation of deaths is enshrined in the Scotland Act 1998 and it is exercised independently of any other person.

This Business Plan is based on the Strategic Plan for 2015-2018 which has been extended while the Service secured additional funding in 2018-19 to allow it to meet reasonable public expectations and respond to changing demands in casework. This increased funding, together with re-prioritisation of existing resource, will allow the Service to recruit approximately 200 additional staff throughout 2019 taking it to its highest ever staffing levels.

A new Strategic Plan for 2020-23, setting out how the Service will improve its performance with this additional resource, will be published in March 2020.

## 2. Our Priorities

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

In 2019-20 our priorities will be to:

- recruit, induct and train approximately 200 additional staff and replace any staff who leave during the year;
- prosecute complex, serious and organised crime and significant financial crime before the High Court and Sheriff and Jury courts;
- implement a programme of work to reduce journey times in High Court cases, particularly in cases involving children and young people;
- implement a programme of work to reduce the duration of some of the more complex death investigations;
- take action to recover associated proceeds of crime;
- prosecute hate crime, domestic abuse, stalking and sexual offending, all of which involve significant equalities issues for those who have protected characteristics across all sections of society; and
- meet the challenges arising from changes in the legal environment, including changes in the causes of crime and workload, judicial decisions and planned legislation.

### 3. Our Objectives

COPFS core areas of responsibility relate to the **investigation and prosecution of crime** and the **investigation of sudden deaths**. Our Objectives are designed to reflect the business outcomes we must deliver in contributing to the Justice outcomes described above:

- Criminal cases are effectively and independently investigated and prosecuted or have other proportionate action taken in the public interest;
- Deaths which need further explanation are appropriately and promptly investigated;
- Financial gain achieved by criminal means is removed from criminals using proceeds of crime laws;
- A level of service which takes account of individual needs and characteristics is provided to all;
- Victims, nearest relatives and witnesses and those accused of an offence are treated with dignity and respect.

The following published targets have been agreed:

<b>Core Business</b>	<b>Target for 2019-2020</b>
<b>Indictments</b>	Serve 100% of solemn indictments within statutory time limits.
<b>Take and Implement Decisions</b>	Take and implement a decision in 75% of crime reports within 4 weeks of receipt.
<b>Complaints Against the Police</b>	Complete investigation of 90% of criminal allegations against the police within 12 weeks.
<b>Deaths Requiring Investigation</b>	In reports of a death where further investigations are required, conduct the investigation and advise the next of kin of the outcome within 12 weeks of receipt of the report in at least 80% of cases.

### 4. Delivering Our Objectives

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

- **Local Court:**, comprising Initial Case Processing and all prosecutions in the Sheriff and JP Courts;
- **Serious Casework:** comprising the High Court Unit, Appeals Unit, the Scottish Fatalities Investigation Unit, Proceeds of Crime Unit and other specialist Units; and
- **Operational Support:** comprising Business Services, covering Information Systems, Human Resources, Estates and Finance, and Policy and Engagement.

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

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

We will do this in a number of ways:

- We will seek to reduce non-staff running costs as far as possible and improve efficiency in order to minimise any impact on our staff numbers. 75% of the Service's 2019-20 budget is expected to be spent on payroll costs, up from 59% just a few years ago. Our largest non-staff costs are our estate and forensic pathology. We will continue to secure Best Value in both by taking opportunities to rationalise or share our estate and to restructure contracts with our forensic pathology providers.
- Our strategic approach is that the future of case processing is digital, with electronic exchange of data between the Police Service of Scotland and COPFS and with the defence, the courts, the NHS (for medical records and reporting deaths) and, where possible, witnesses, together with the enhanced use of technology in presenting cases in court. Some of this is already in place, such as our completed roll out of tablet computers in all summary courts ("the CMiC project"), and our Digital Strategy underpins further work to develop new ways of working.
- We will demonstrate Best Value by promoting sound governance, good management, continuous improvement and reporting on our performance.
- We are also reviewing contracts more generally to identify and secure savings, whether through improved contract management or re-letting contracts.
- Whilst there will be no compulsory redundancies in 2019-20, in line with the Scottish Government's policy, in line with our medium term financial planning, we anticipate that we will replace all staff that leave the Service voluntarily through natural turnover during 2019-20 and will meet the cost of the Scottish Government's public sector pay policy for our staff who are not in the Senior Civil Service.
- We will promote the wellbeing of our staff by completing the implementation of the Fair Futures project and develop a Future Ways

of Working project to promote more flexible working arrangements for our staff.

- We will support a judicially led project under the Evidence and Procedure Review to establish three summary pilots courts in January 2020 to promote early resolution of cases, reducing the inconvenience for victims and witnesses, achieving earlier appropriate outcomes and reducing churn in the summary courts.

## 5. Available Resources

As can be seen from the table below, we have an increased budget in 2019-20 as compared to 2019-20:

£m	2018-19 Revised Budget*		2019-20 Initial Budget	
	Running Costs	Capital	Running Costs	Capital
Original Spending Review allocation				
Cash	111.7	4.7	113.4	3.6
Non cash (ring fenced)	5.2	-	3.7	-
<b>Total</b>	<b>116.9</b>	<b>4.7</b>	<b>117.1</b>	<b>3.6</b>

\*These figures exclude any additional AME funding provided in year.

## 6. Staffing

Staffing levels (full time equivalents) at 31 March are as follows:

	2018	2019
<b>Senior Civil Servants</b>	21.92	26.81
<b>Prosecutors</b>	510.45	555.03
<b>Administrative staff</b>	1043.65	1109.87
<b>Total</b>	<b>1,576.02</b>	<b>1,691.71</b>

## 7. Constraints

There are a number of constraints that have been taken into account:

- COPFS must comply with the SG public sector pay policy, including the commitment to no compulsory redundancies, and with changes in employer's pension and National Insurance contributions, together with the new Apprenticeship Levy;

- The inflation rate is forecast to increase and costs in some sectors, notably IT, are currently forecast to increase at a substantially higher rate;
- The COPFS caseload is demand-led with time limits for action set by statute or policy;
- Given the medium-term outlook for public expenditure it is expected that further year on year real terms reductions in resources will be required following the 2019-20 budget.

## ANNEX A

Objectives	Strategic priorities	Key Milestones
<b>Criminal cases are effectively and independently investigated and prosecuted or have other proportionate action taken in the public interest</b>	<ul style="list-style-type: none"> <li>• We will contribute to improved public safety, reduced individual harm and enhanced economic and environmental well-being</li> <li>• We will target hate crime, domestic abuse, stalking and sexual offending.</li> </ul>	<ul style="list-style-type: none"> <li>• We will deliver our performance targets :               <ul style="list-style-type: none"> <li>○ Serve 100% of solemn indictments within statutory time limits;</li> <li>○ Take and implement a decision in 75% of criminal cases within four weeks of receipt;</li> <li>○ Close 90% of criminal allegations against police cases in 12 weeks.</li> </ul> </li> <li>• We will increase the number of staff working in our serious casework function and in court facing roles in our local court function</li> </ul>
<b>Deaths which need further explanation are appropriately and promptly investigated.</b>	<ul style="list-style-type: none"> <li>• We will develop a plan to shorten journey times in more complex death investigations</li> <li>• We will review our contractual arrangements for the provision of forensic pathology to deliver Best Value</li> </ul>	<ul style="list-style-type: none"> <li>• We will increase the number of staff working in our fatalities investigation and health and safety teams</li> <li>• We will deliver our performance target:               <ul style="list-style-type: none"> <li>○ In reports of a death where further investigations are required, conduct the investigation and advise the next of kin of the outcome within 12 weeks of receipt of the report in at least 80% of cases.</li> </ul> </li> </ul>
<b>Financial gain achieved by criminal means is removed from criminals using proceeds of crime laws</b>	<ul style="list-style-type: none"> <li>• We will prioritise the recovery of assets from serious and organised crime and serious economic crime</li> <li>• We will pursue the assets of all who profit from crime, when it is proper to do so using all available powers under the Proceeds of Crime Act including conviction based confiscation, cash seizure, asset recovery and taxation will continue to improve the enforcement of confiscation orders.</li> </ul>	<ul style="list-style-type: none"> <li>• We will deliver our internal performance targets               <ul style="list-style-type: none"> <li>○ 80% of restraint reports to be considered within 28 days of receipt</li> <li>○ 70% of abbreviated reports and DWP cases to be fully resolved within 12 months</li> <li>○ 80% of expedited referrals to be considered within 28 days of receipt</li> <li>○ Carry out an initial assessment of new asset recovery referrals within 14 days of receipt</li> <li>○ Complete all cash forfeiture cases within an average timescale of 12 months</li> <li>○ Provide ten part 5 POCA training inputs annually to CRU stakeholders</li> </ul> </li> </ul>
<b>A level of service which takes account of individual needs and characteristics is provided to all</b>	<ul style="list-style-type: none"> <li>• We will contribute to tackling inequality and the protection of human rights</li> <li>• Operational priorities include targeting hate crime, domestic abuse, stalking and sexual offending, all of which involve significant equalities issues for those with protected characteristics</li> <li>• We will prepare High Court cases to support the courts in allowing vulnerable witnesses and victims to give their evidence before the trial</li> </ul>	<ul style="list-style-type: none"> <li>• We will support an increased number of vulnerable witnesses and victims giving pre-recorded evidence at an earlier opportunity.</li> </ul>



Objectives	Strategic priorities	Key Milestones
<p><b>Victims, nearest relatives and witnesses and those accused of an offence are treated with dignity and respect</b></p>	<ul style="list-style-type: none"> <li>• We will ensure that those victims and witnesses who are most vulnerable will receive relevant information at the appropriate time</li> <li>• We will respond communicate clearly and effectively with victims and witnesses</li> <li>• We will make appropriate applications to the Courts to ensure that vulnerable witnesses receive support when giving evidence</li> </ul>	<ul style="list-style-type: none"> <li>• We will implement the Domestic Abuse (Scotland) Act 2018 in April 2019</li> <li>• We will prepare for the implementation of the Vulnerable Witnesses (Criminal Evidence) (Scotland) Act 2019 in January 2020</li> <li>• We will cooperate fully with the Historic Child Abuse enquiry set up by the Scottish Government</li> </ul>
<p><b>Workforce Strategy</b></p> <p><b>We will achieve a staffing plan that:</b></p> <p><b>Takes account of work priorities, resources and business objectives; Develops skills and talents of our people; and Builds engagement and promotes wellbeing.</b></p>	<ul style="list-style-type: none"> <li>• We will match resource to business priorities, including the management of innovation and change</li> <li>• We will achieve optimum leadership, management and team structures by reviewing our roles and ensuring that our organisational design aligns with our business priorities.</li> <li>• We will build skills by assessing skills in line with roles and developing agreed approaches for how staff should be inducted, trained, and developed.</li> <li>• We will use fair, efficient and effective processes for deploying staff to enable planned workforce levels to be met.</li> <li>• We will create a working environment that recognises the benefits of healthy working lives and aim to reduce absence levels to the current Civil Service wide average by 2022-23</li> <li>• We will build an engaged and highly capable workforce.</li> </ul>	<ul style="list-style-type: none"> <li>• We will monitor function workforce plans</li> <li>• Through delivery of the Fair Futures project we will : <ul style="list-style-type: none"> <li>○ Implement the initial findings on roles and skills review with options for delivery mechanism</li> <li>○ Design new performance appraisal system</li> <li>○ Develop new recruitment approaches</li> <li>○ We will implement initiatives to improve wellbeing including improved absence management and promotion of organisational values</li> </ul> </li> </ul>
<p><b>Digital</b></p> <p><b>We will ensure that we deliver and support a portfolio of efficient, resilient innovative and secure IT systems</b></p>	<ul style="list-style-type: none"> <li>• We will provide up-to-date, reliable and integrated digital services, providing the capability to work productively from any office using modern, flexible and integrated computing devices and software solutions;</li> <li>• We will reduce our non-staff running costs and save time by automating business and administration tasks, helping to protect jobs and front-line services;</li> <li>• We will make information more accessible via innovative and integrated corporate applications</li> <li>• We will enhance and use electronic data exchange between Police, Defence agents, SCTS, NHS and, where possible, witnesses, enhancing our delivery of services to all</li> <li>• We will implement modern digital devices and applications to enable our prosecutors to access and present cases in court digitally</li> <li>• We will improve our case management and business systems, bring further digital efficiency to our processing of cases and enhancing delivery of services</li> </ul>	<ul style="list-style-type: none"> <li>• We will develop plans to extend the implementation of the new Case Management in Court (CMIC) tablets to all solemn casework.</li> <li>• We will work with the Scottish Courts and Tribunal Service (SCTS) to provide Wi-Fi connections in all courts for our CMIC tablets</li> <li>• We will replace BlackBerry mobile telephones with more modern mobile telephones allowing greater access to corporate information</li> </ul>

## ANNEX A

Objectives	Strategic priorities	Key Milestones
<p><b>Improvement</b></p> <p><b>We will ensure our systems and processes are robust and fit for purpose to meet the expectations and requirements of all our key stakeholders</b></p>	<ul style="list-style-type: none"> <li>• We will improve the way in which we communicate with witnesses and defence agents.</li> </ul>	<ul style="list-style-type: none"> <li>• We will implement the new witness portal website which was developed in 2018-19.</li> <li>• We will work collaboratively with Police Scotland and SCTS to support the procurement and development of the Scottish Government's Digital Evidence Sharing Capability (DESC) Project</li> </ul>
<p><b>Estates</b></p> <p><b>We will ensure our estate is cost-effective and fit for purpose</b></p>	<ul style="list-style-type: none"> <li>• We will ensure value for money in our management of the COPFS estate by making best use of available space and reducing our use of private sector leases</li> <li>• We will support the organisation to embrace more flexible ways of working using revised space standards and location neutral working</li> <li>• We will ensure high standards of cleanliness and maintenance and thus improving staff wellbeing</li> <li>• We will deliver agreed carbon reduction targets across the estate</li> </ul>	<ul style="list-style-type: none"> <li>• We will ensure that the SCTS building maintenance shared service is provided to a consistently high standard</li> <li>• We will complete office moves in Dundee (August to October 2019) and Inverness (January to March 2020)</li> <li>• We will invest in appropriate sites to ensure that they are DDA compliant</li> <li>• We will carry out reconfiguration and refurbishment in our largest offices, including Edinburgh, Hamilton and Glasgow, to provide greater capacity and more flexible working areas</li> </ul>
<p><b>Finance and Procurement</b></p> <p><b>We will support the delivery of business priorities by ensuring that the level of funding secured is distributed appropriately and that we can continually demonstrate best value</b></p>	<ul style="list-style-type: none"> <li>• We will support budget holders and managers to make optimum use of resources</li> <li>• We will continually review and streamline finance systems and business processes</li> <li>• We will enhance our procurement and contract management capability in order to improve value for money</li> <li>• We will prioritise resources robustly to ensure that they are matched appropriately to activity, and bear down on non-staff costs in order to maintain staffing at appropriate levels</li> </ul>	<ul style="list-style-type: none"> <li>• We will implement a Procurement Governance framework which facilitates delivery of Value for Money, Compliance and Control;</li> <li>• We will improve our forecasting and budgeting capabilities to help ensure resources are deployed effectively</li> <li>• We will implement improvements to the interface between finance and HR systems to reduce process costs</li> <li>• We will maintain Definitive Contract Information to form the basis of our contract management work</li> </ul>