

BUSINESS PLAN 2023-24

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.

In April 2023 we published the COPFS Strategic Plan for 2023-27. Created through consultation with our staff, partners, stakeholders and the public, our Strategic Plan outlines an ambitious vision for the organisation that we want COPFS to be by 2027.

Our vision is for a professional, independent prosecution service and death investigation authority working in partnership across an effective justice system to deliver a high-quality public service.

To achieve this vision, we need to be inclusive, compassionate and engage with the public. We need our people to be skilled and we need to support them to consistently deliver excellence.

We face challenges including that our work is becoming more complex as well as the lasting effect that the pandemic has had on our caseload. We have benefitted from successive budget increases in recent years to provide us with necessary funding to address these challenges and to bring COPFS pay into line with the Scottish Government. However, the publication of the Scottish Government's Resource Spending Review (RSR) in May 2022 set out the spending framework for the years 2023 to 2027, with an expectation that public sector organisations will deliver improved outcomes with less.

It is essential that COPFS meets these challenges and reasonable public expectations from the provision of additional resources and for us to innovate, improve and deliver.

Our Business Plan for 2023-24 explains the actions we will take this year which will help us realise our ambitious vision for an improved prosecution service and death investigation authority for Scotland by 2027.

Our overarching strategy

Our purpose

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

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

We achieve our purpose by:

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

The public interest is at the heart of everything we do, and we promote it through the independence and rigour of our decision making, investigations and conduct of our cases in court.

Our mission and vision

We are working towards an ambitious vision for COPFS:

- We act professionally, independently and in the public interest as Scotland's prosecution service and death investigation authority
- We work together across a transformed, effective and fair justice system to meet the needs of the public
- We are inclusive, compassionate, and readily engage to support victims, witnesses and bereaved nearest relatives
- We're committed to victims and witnesses being at the heart of what we do and deliver a trauma-informed service
- Our people are skilled and resilient, strive for continuous improvement and feel supported to consistently deliver excellence
- We work innovatively and efficiently to maximise our resources and deliver a high-quality public service

Our transformation priorities

We have identified three priority areas where we will focus much of our improvement work over the next few years. Our transformation priorities are embedded within the activities outlined in our Strategic Plan and within our Business Plan for 2023-27. Delivering real improvement in these three areas will enable us to achieve our ambitious vision by 2027.

Our transformation priorities are:

- Women and children in justice
- Improved communication and support
- Quicker conclusions to criminal and death investigations

Our strategic aims

The annual business plan for COPFS in 2023-24 reflects the overarching priorities set in the 2023-27 Strategic Plan as follows.

Continuously improve our service

We will provide an excellent service that is designed to meet the diverse needs of the public we serve. As well as transforming the way we prosecute domestic abuse and sexual offending, we will continue to digitise and modernise the way we work, supporting recovery from the COVID-19 pandemic and wider reform of the criminal justice system, securing efficient and effective justice, and putting the public at the heart of all we do.

We are working towards the following service delivery outcomes:

- Compassionate service with the needs of victims, witnesses and bereaved nearest relatives at its heart
- Services that protect and support women and children
- Responsive processes and technology

Deliver high quality casework

We will secure justice through our professional decision-making, case preparation and presentation. We will explain our decisions, be open about our work and conclude our investigations more quickly.

We are working towards the following casework outcomes:

- Independent, robust, fair, and effective professional decision making
- Consistently excellent case preparation and presentation
- Transparent and accountable decision making

Support our people to deliver excellence

We will build a skilled, trauma-informed, and diverse workforce who are motivated, engaged, and healthy. We will create flexible, sustainable working environments which support our future business delivery model. We will invest in staff development and strengthen our capacity to deliver an improved service.

We are working towards the following outcomes for our people:

- A skilled, capable, and healthy workforce who reflect the diversity of Scotland
- Supportive and inclusive leaders who empower colleagues to make effective decisions
- Strengthened capacity and resilience, allowing us to deliver an improved service
- Modern, fit-for-purpose and environmentally friendly workplaces

Our priority actions for 2023-24

The Strategic Plan 2023-27 identifies the activities we will undertake by 2027 to achieve the aims and outcomes detailed above.

We have identified the actions that we will take in 2023-24 to support the delivery of our strategy.

Continuously improve our service – priority actions

Service Improvement Strategy

In 2023 we created an ambitious Service Improvement Strategy detailing how we will use insight from staff and the public to improve our customer-facing activities. In 2023-24 we will work to an agreed delivery plan to implement our strategy.

VIA Modernisation Programme

In 2022-23 we began a comprehensive review of Victim Information and Advice (VIA) services. This programme aims deliver an improved service to victims, witnesses and next of kin and support the effective preparation of casework and prosecution of crime.

In 2023-24 we will deliver the identified outcomes from the programme and put a measurement plan in place to assess their impact.

Sexual Offences Review

In November 2023-24, we will complete our review, led by Susanne Tanner KC, of how sexual offences are investigated, prepared for court and prosecuted. We will begin implementation of the recommendations from the review in the final quarter of 2023-24.

Trauma informed service

In 2023-24 we will implement the Scottish Government Trauma Informed Justice Knowledge and Skills Framework to ensure that COPFS provides a compassionate, trauma-informed service.

Improving the experiences of women and children in justice

As well as the above action to provide a trauma-informed service, in 2023-24 we will take actions to meet our Strategic Plan commitment to improving the experiences of women and children in justice.

We will prioritise cases involving witnesses who are younger than 12 years of age. We will also improve our engagement with all domestic abuse and sexual offences victims in Sheriff and Jury proceedings, ensuring contact with the trial prosecutor in advance of trial.

We continue to work closely with justice partners to deliver an ongoing pilot to better prepare summary cases, resolving them at an earlier stage by providing advanced disclosure of key evidence where possible. The summary case management pilot is currently focussing on summary cases in Dundee, Hamilton, and Paisley Sheriff Court. In domestic abuse cases in these courts, prosecutors will now make direct contact with victims within two weeks of the start of the case.

We will implement the recommendations of HM Inspectorate of Prosecution in respect of s275 applications and will review our roles and responsibilities in respect of Evidence on Commission Hearings.

We will implement the recommendations of HM Inspectorate of Prosecution in respect their joint review with HM Inspectorate of Constabulary, HM Inspectorate of Prisons and the Care Inspectorate of Diversion from Prosecution.

We will also work with the Scottish Government and stakeholders on legislation to implement recommendations of Lord Justice Clark's Review on management of sexual offence cases.

In December 2021 the Lord Advocate commissioned a review of how prosecutors in Scotland deal with reports of sexual offences. We expect the Sexual Offences Review Report in the autumn of 2023 which will make findings and recommendations to improve the way in which reports of sexual offences are dealt with.

During 2023-24, COPFS will also work closely with Police Scotland, the Sexual Offences Review team, and the Scottish Child Abuse Inquiry on new approaches to improving victim experience including learning how others are ensuring a trauma informed approach when taking evidence.

Death investigations improvement

During 2023-24, we will establish a new programme of work which will take forward improvement in the system for the investigation of deaths. Through this programme we aim to:

- Raise public awareness of the COPFS death investigation service sharing lessons learned with a view to reducing the incidence of avoidable deaths
- Provide bereaved relatives with the timeous provision of the information they need to ensure that they can effectively participate in the death investigation process
- Reduce the journey time for concluding death investigations including FAIs

Public Inquiries and litigation

During 2023-24, we will fully establish and embed a new team with the core aim of openly engaging with all current and future public inquiries in relation to the work of COPFS and ensure any relevant lessons learned are implemented and our service improved.

We will do this by focussing on enhancing the service we provide to all public inquiries and reducing where possible the timelines for cases in which COPFS is represented in civil litigation. We will also review the way that serious and complex cases are investigated in line with lessons learned from case reviews.

Digital enabled transformation

We continue to work with Police Scotland, the Scottish Courts and Tribunal Service and the Scottish Government to implement the Digital Evidence Sharing Capability (DESC) programme. In 2022-23 the pilot of DESC began in Dundee. In 2023-24, on successful completion of the pilot, DESC will be implemented nationally on a phased

geographic delivery basis and expand to include a wider range of evidence and be extended to solemn cases.

During 2023-24 we will also progress significant digital transformation across the justice system including designing, testing and implementing online services for victims and witnesses and online solutions for defence agents to allow them to engage with prosecutors to prepare and resolve cases. We will also progress strategic digital transformation programmes, including maximising the use of technology to design and develop our next generation digital casework systems and processes to enable new and more efficient ways of working and to innovate delivery services in the digital age.

Custody deaths

In 2023-24 we will fully embed the Custody Deaths Unit established the previous period. This unit investigates deaths occurring in legal custody. This team brings together specialisms from across the death investigation teams of Scottish Fatalities Investigation Unit and the Health and Safety Investigation Team.

Deliver high quality casework – priority actions

Coronavirus recovery

In 2023-24 we will continue to focus significant resource on reducing the pandemic caseload to pre-pandemic levels across our portfolio. To do this we will:

- Significantly reduce the number of High Court cases which are not indicted within 10 months of appearance on petition. We will also focus on making early initial decisions and minimising time spent on pre-petition investigation.
- Reducing the number of times that summary cases call in court and reducing the number of summary cases which call for intermediate diets by ensuring that the Pre-Intermediate Diet Meeting (PIDM) process of case preparation is effective.
- Ensure that case management of solemn cases in the Sheriff Court is effective by exploring resolution, seeking agreement of evidence and focusing on contested issues at the first diet.
- Supporting the judicial led reform of case management in the summary courts in 2023-24 by taking prosecution decisions and preparing cases at marking stage to support early resolution or focus of contested issues for trial.

Covid Deaths Investigation

The Covid Deaths Investigation Team was established in June 2020 and manages the large numbers of COVID-19 death cases as well as servicing the forthcoming Government led Public Inquiry. Additional resources have been allocated to the team and will be fully in place during Q1 of 2023-24 to service this priority area of work.

Legislative change

In 2023-24 we will engage with the United Kingdom and Scottish Parliament's consideration of relevant legislation and respond to legislative change. We will contribute to the development, and impact assessment, of the proposed Justice Reform and Victims and Witnesses (Scotland) Bill, engage with Scottish Government regarding the ongoing operation of the Coronavirus (Recovery and Reform (Scotland) Act) 2022 and contribute to the development and impact assessment of the proposed Children's (Care and Justice) (Scotland) Bill.

Organisational measurement and reporting

In 2023-24 we will introduce more effective measurement and reporting in our corporate and operational functions, using information and analytics to take data driven decisions. This will allow us to conduct performance benchmarking as well as workload and resources modelling.

Support our people – priority actions

People Strategy

We will create a new People Strategy for the period 2023-2027. We will deliver on Year 1 of that strategy, with some of our key initiatives set out within this Business Plan.

Performance

We will prioritise assessment of performance, taking opportunities to consult and act on staff feedback to make changes to the appraisal process so that appraisal is meaningful and helpful for both managers and staff, working with all Functions to look closely at how we assess productivity outputs through the lens of potential changes to working time, transformational change processes and employee wellbeing.

Learning and development

In 2023-24 all business areas across COPFS will identify their skills requirements to facilitate the delivery of our Strategic Plan. Teams will put learning and development plans in place with the aim of meeting our overall vision of a skilled workforce which strives for continuous improvement. All team learning plans will include the requirement for colleagues to complete available training to support implementation of the Scottish Government Trauma Informed Justice Knowledge and Skills Framework.

We will also focus on our leadership development across the organisation to align the skills and knowledge for delivering our strategic and business transformation priorities successfully.

We continue our project to improve how education and learning is managed across COPFS including by the Scottish Prosecution College, our in-house training function. In 2023-24 we will further enhance our training offer to colleagues and introduce a new digital learning system.

Wellbeing

We are committed to providing a healthy working environment that promotes and protects the physical and mental wellbeing of our employees, to support them in the most appropriate way when they are unwell, and to create a culture where employees look after and support one another.

In 2023-24 we will deliver our wellbeing action plan across four key themes which are social, mental, physical and financial wellbeing.

Reward

Within the context of public sector pay policy we remain committed to providing competitive reward setting out in clear terms what this means for each individual employee.

In 2021, the Scottish Government agreed to provide funding to address pay parity issues in COPFS. In 2023-24 we will complete our project to implement pay parity for all COPFS colleagues. This ensures that our people are rewarded for the work they do and ensures rates of pay are brought in line with equivalent Scottish Government roles.

We will also assess the variety of pay and non-pay benefits available to our staff and introduce total reward statements for each employee.

Resources

Our structure

COPFS has an operational structure designed to deliver our objectives and a high-quality service for the people of Scotland.

COPFS is divided into functions:

- Local Court: comprising Initial Case Processing and all prosecutions in the Sheriff and JP Courts.
- High Court: dealing with the most serious crimes in Scotland including murder, sexual offences, and cold cases.
- Specialist Casework: Appeals Unit, the Scottish Fatalities Investigation Unit, the Covid Deaths Investigation Team, the Health and Safety Investigation Unit, the Serious and Organised Crime Unit, the Proceeds of Crime Unit, the Civil Recovery Unit, the Wildlife and Environmental Crime Unit and the Criminal Allegations Against the Police Division;
- Litigation and Inquiries: overseeing civil cases arising from our work and our involvement in public inquiries.
- Operational Support: covering Information Services, Human Resources, Estates, Finance and Procurement, and Policy and Engagement.

Our governance structure, with the Executive Board, chaired by the Crown Agent and Chief Executive, focuses on strategic decision-making with business 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 our corporate strategies supporting delivery.

In 2023-24 we will review our senior leadership structure to ensure it remains fit for purpose as we transform and continuously improve the service we provide.

Financial resources

COPFS is a demand led organisation that is required to meet state obligations to deliver justice and meet reasonable public expectations. Expenditure is therefore determined by demand and statutory compliance with limited availability for discretionary spend.

The budget for 2023-24 was announced on 15 December 2022. The increase in resources in 2023-24 includes funding for the Covid Deaths Investigation Team, tackling the case backlog as a consequence of the COVID-19 pandemic and maintaining the pay parity agreement.

Cash allocations	2022-23 £m	2023-24 £m
Running costs	169.8	181.8
Non-Cash costs**	5.8	6.5
Capital	5.3	8.3*

* The £3m increase is to support our digital transformation programmes, including developing our next generation casework systems and processes.

** Non-cash costs include depreciation and audit fees.

Whilst the increased funding is most welcome, Scottish Government were unable to support the full amount required for 2023-24. This means that COPFS will need to deliver improved outcomes with less and prioritise additional unplanned savings in order to balance the unfunded costs in 2023-24.

COPFS has long had a careful approach to workforce planning and prioritisation. We will continue planning our resources effectively and detailing the essential funding the Service requires to deliver justice.

Staffing

COPFS enters the 2023-24 year with staffing levels at a record high. Our resource budget for 2023-24 represents an increase of 60% since 2019-20. Over the same period our full-time equivalent staffing complement has grown by 43%.

The investment in COPFS over the last four years reflects the Scottish Government's commitment to securing a system of public prosecution and deaths investigation which meets the understandably high expectations of victims, next of kin and witnesses in every area of our business.

Staffing levels (full time equivalents) at 31 March 2023 were as follows:

Senior Civil Servants: 28

Prosecutors (including trainee solicitors): 739

Business Managers, Case Support and other professional staff: 1567

Total: 2306

Measuring success

In the creation of the strategic plan, we consulted with our staff and organisations with whom we work closely to consider the service we aspire to provide by 2027, and the changes we will make to achieve this.

We will measure progress against our Business Plan objectives and publish details in our annual report.

Key indicators for 2023-24

Core business	Key indicator for 2023-24
Indictments	Serve 100% of solemn indictments within statutory time limits.
Take and implement decisions	Take a decision on the appropriate course of action and implement that decision in 100% of cases within 4 weeks of the report being received.
Complaints against the Police	Complete investigation of complaints of criminal conduct by police officers and advise complainer of the outcome within 6 months of the report to the Procurator Fiscal in at least 75% of cases.
Deaths requiring investigation	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.