



HM Inspectorate of Prosecution in Scotland

# Annual Report 2019-20

December 2020

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TO THE RIGHT HONOURABLE JAMES WOLFFE QC  
THE LORD ADVOCATE

The Fifteenth Annual Report to the Scottish Parliament

December 2020

Laura Paton  
HM Chief Inspector  
HM Inspectorate of Prosecution in Scotland

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## Foreword

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This report outlines the work of HM Inspectorate of Prosecution in Scotland (IPS) between 1 April 2019 and 31 March 2020. During this period, IPS experienced significant change with both a new Chief Inspector and Assistant Inspector of Prosecution taking up post. My predecessor, Michelle Macleod, was in post until August 2019 and my own appointment took effect on 15 November 2019. As a result, IPS was without a Chief Inspector for a period of three months, and I would like to pay tribute to the work of the inspectorate's staff during this time. Shortly after my appointment, IPS published its Annual Report 2018-19 covering Ms Macleod's last full year in office and in which we paid tribute to her contribution during her six-year tenure.<sup>1</sup>



In recent years, the inspectorate's annual report has tended to be published in the December following the conclusion of the annual reporting period. In future, it is my intention that publication of our annual report is brought forward so that it follows on more closely from the period to which it relates.

Upon being appointed Chief Inspector of Prosecution in Scotland, I noted that I intended to continue the inspectorate's practice of producing thorough, evidence-based assessments of the service provided by the Crown Office and Procurator Fiscal Service (COPFS), with a view to supporting continuous improvement in its delivery. By providing independent scrutiny, I believe IPS plays a key role in supporting an effective criminal justice system and promoting positive outcomes for the public in Scotland.

In 2019-20, IPS published a thematic review of the investigation and prosecution of sheriff solemn cases and a follow-up review of fatal accident inquiries. We also undertook some work regarding the extent to which appropriate mental health information is available to prosecutors when making key decisions in relation to young people reported from custody. We commenced a follow-up inspection of the investigation and prosecution of sexual crime, which was published in August 2020. All of this inspection activity is summarised in this report.

Perhaps most significantly, in early 2020 we began to consider the impact of the emerging global pandemic. In anticipation of the lockdown imposed in March 2020, we developed a contingency plan which would allow the inspectorate's staff to continue to deliver our inspection programme while working from home. When lockdown began, we were shortly due to commence qualitative fieldwork, including interviews and focus groups with COPFS staff and stakeholders, in support of our follow-up review of the investigation and prosecution of sexual crime. We suspended what would have been face-to-face fieldwork and completed our inspection by analysing documents and data from COPFS, reviewing 50 High Court sexual crime case files and by interviewing a smaller number of staff and stakeholders via telephone and video conferencing. This allowed us to adhere to public

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<sup>1</sup> HM Inspectorate of Prosecution in Scotland, *Annual Report 2018-19* (December 2019).



health guidelines while continuing to deliver our scrutiny function and while minimising our scrutiny footprint at a time when COPFS was developing its response to the pandemic.

More broadly, we began to consider the impact of the pandemic and the lockdown on COPFS and the criminal justice system, as well as how IPS could best fulfil its statutory role in a meaningful way, taking into account both the pressures facing COPFS and its staff, and the public interest in how the service was responding to the pandemic. We reassessed our planned inspection programme and developed alternative options for scrutiny. Following discussions with the Lord Advocate, Solicitor General and Crown Agent, this led to us adapting our 2020-21 programme to include an inspection of the use and impact of key emergency criminal justice provisions introduced in response to the pandemic.

Upon my appointment, I had been keen to develop our approach to joint inspection, collaborating with other independent scrutiny bodies to provide a broader view of key criminal justice issues. Just as we expect those delivering criminal justice services to work in a coordinated way, so too should scrutiny bodies. I am therefore pleased to report that our inspection of the emergency criminal justice provisions was carried out jointly with HM Inspectorate of Constabulary in Scotland, allowing us to consider the provisions from both a prosecution and policing perspective.<sup>2</sup> Published in September 2020, this work will be addressed in more detail in the inspectorate's next annual report. In the year ahead, I intend to continue to explore opportunities for joint work that will support improvement across the criminal justice system. To that end, I meet regularly with leaders of other criminal justice scrutiny bodies and participate in the Strategic Scrutiny Group, led by the Accounts Commission.

The Covid-19 pandemic has had an extraordinary impact on the criminal justice system, as it has for other areas of public service delivery. Responding to the pandemic has required remarkable efforts from those working across the system to be adaptable, innovative and to work at pace to maintain the integrity of the system and to continue to protect the public.

The Crown's Corporate Resilience Group led the service's response to the pandemic, ensuring that contingency planning was based on the latest assessment of risk and maintaining service delivery while also protecting the health and wellbeing of staff. Plans to update the Crown's digital infrastructure later in 2020 were brought forward to March, facilitating a massive shift to home working which had not previously been the norm. This included the distribution of more than 1,500 laptops and several hundred mobile phones during the early stages of lockdown and, later, the rollout of secure video conferencing facilities to all staff.

COPFS also dealt with significant legal and policy changes in response to the pandemic and had to operationalise these changes in quick-time. This has included drafting guidance and re-engineering processes to meet new requirements. Working practices which had previously been paper-based were digitised. The scale and pace of the changes required to maintain service delivery have been a significant challenge. I commend the staff of COPFS for their commitment, flexibility and creativity in responding to that challenge.

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<sup>2</sup> HM Inspectorate of Prosecution in Scotland & HM Inspectorate of Constabulary in Scotland, *Joint inspection of emergency criminal justice provisions* (September 2020).



The criminal courts closed to all but essential business in March 2020 and jury trials were suspended. During this time, COPFS continued to process newly reported cases as well as those already in the system. While some proceedings resumed as restrictions eased, by August 2020, the backlog of High Court and Sheriff and Jury cases was 750 and 1,800 respectively, and the backlog of summary cases was 26,000.<sup>3</sup> The backlog continues to grow as, while police recorded crime and the number of cases reported to the procurator fiscal initially fell during the lockdown period, they were returning to almost pre-pandemic levels from May 2020. Modelling has shown that it may be several years before the backlogs are addressed. This will have significant consequences for victims, witnesses and the accused in cases awaiting trial and risks damaging public confidence in the criminal justice system. It will also have significant consequences for the work of COPFS for some time to come. A key issue will be the ability and capacity of the service to maintain a high standard of communication and engagement with victims and witnesses in newly reported cases as well as those who have been awaiting the conclusion of their cases for a prolonged period of time.

There will be further significant demand on the resources of COPFS in relation to its role in the investigation of deaths in Scotland. While ordinarily any deaths occurring due to infectious disease must be reported to COPFS, at the outset of the pandemic, the Lord Advocate issued a direction that until 31 July 2020, Covid-19 or presumed Covid-19 deaths did not require to be reported unless there was some other substantive reason for reporting the death. This direction was consistent with the approach taken in response to other significant outbreaks of infectious disease. In May, the Lord Advocate directed that deaths where the deceased may have contracted the virus in the course of their employment or occupation, and deaths where the deceased was resident in a care home when the virus was contracted, should be reported to the Crown. A dedicated unit has been established within COPFS to investigate such deaths and there will understandably be significant public interest in the outcome of those investigations.

As well as responding to the pandemic, COPFS continues to face other, ongoing challenges. These include an increase in reports of serious sexual offending and major crime, both of which require expert resource to investigate and prosecute appropriately. COPFS must also deal with an increased volume and complexity of evidence across all its casework as a consequence of the expanded use of social media and electronic communication. Had it not been for the pandemic, COPFS would arguably have been better placed to meet those challenges than ever before having secured additional resource to better meet demand and having been able to increase its number of staff to its highest ever level.

While such investment is welcome, further support will be required to help COPFS meet the significant, additional challenges resulting from the pandemic. Moreover, COPFS is one component in a wider criminal justice system and it is essential that the system in its entirety works effectively - this includes policing, prosecution, defence, courts, prisons, criminal justice social work and the voluntary sector. Improvements and investment in one area will not produce the desired outcome if not matched system-wide. As we noted in our follow-up review of the investigation and prosecution of sexual crime, for example, while COPFS can strive to cut the journey time of cases, the full benefits of its efforts will not be realised if court time is not available for those cases to proceed timeously to trial.

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<sup>3</sup> Scottish Courts and Tribunals Service, *Respond, recover, renew – Supporting justice through the pandemic and beyond* (August 2020).



In recent months, COPFS and its criminal justice partners have moved from a state of crisis management in response to the pandemic to focusing on the recovery of the criminal justice system. While the pandemic has brought uncertainty, risk and numerous challenges, it has also brought opportunity. The pandemic has acted as a catalyst or accelerator for much needed modernisation of the system. In the months ahead, IPS will continue to monitor the progress being made and to identify opportunities where independent scrutiny can support improvement in service delivery.

**Laura Paton**  
**HM Chief Inspector of Prosecution in Scotland**  
**December 2020**



## About us

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1. HM Inspectorate of Prosecution in Scotland (IPS) is led by HM Chief Inspector of Prosecution who is appointed by the Lord Advocate to secure the inspection of the operation of the Crown Office and Procurator Fiscal Service (COPFS). The functions and powers of HM Chief Inspector are set out in the Criminal Proceedings etc. (Reform) (Scotland) Act 2007. The 2007 Act makes clear that in the exercise of any of the functions conferred by the Act, HM Chief Inspector acts independently of any other person. COPFS is the sole prosecuting authority in Scotland and is also responsible for investigating sudden deaths and complaints against the police which are of a criminal nature.
2. As well as securing the inspection of the operation of COPFS, the 2007 Act requires HM Chief Inspector to:
  - submit a report to the Lord Advocate on any particular matter connected with the operation of COPFS which is referred by the Lord Advocate
  - submit to the Lord Advocate an annual report on the exercise of her functions, which the Lord Advocate must lay before the Scottish Parliament.
3. When inspecting COPFS, HM Chief Inspector may require any person directly involved in the operation of the service to provide her with information.

### Vision

4. The inspectorate's vision is to enhance the effectiveness of and to promote excellence in the prosecution service in Scotland through professional and independent inspection and evaluation.

### Values

5. The core values of IPS are:

<b>I</b> ndependence	to provide impartial and objective scrutiny of the service provided by COPFS
<b>P</b> rofessionalism	to undertake inspections with integrity, rigour, competency and consistency
<b>S</b> ervice	to provide a service that enhances public confidence in the investigation and prosecution of crime and any deaths that need further explanation and any associated fatal accident inquiry proceedings in Scotland

### Equalities

6. IPS is committed to promoting equality and diversity. To this end, we consider the impact our inspections and recommendations may have on individuals, groups and communities. We consider the potential impact of our work on those with protected characteristics.



### **User involvement**

7. Under section 112 of the Public Services Reform (Scotland) Act 2010, IPS has a duty to secure continuous improvement in user focus in the exercise of our scrutiny functions and to demonstrate that improvement. The inspectorate considers how to include service users, and those who represent them, in all our scrutiny activity. Their views and experiences are sought when scoping and planning inspections and in the evidence gathering stages. This is most commonly done through interviews, focus groups and surveys.

### **Our approach**

8. We encourage an inclusive and participative process and, acting as an impartial and professional 'critical friend', aim to secure improvement across the system. We also seek to identify examples of good practice.
9. It is important that the work of IPS is relevant to the issues impacting our communities. In common with other inspectorates, our inspection activity has evolved to develop programmes aligning inspection resource to risk, taking into account intelligence such as performance data and stakeholder feedback.
10. IPS undertakes different types of inspection activity. These include:

### **Thematic reviews**

11. Thematic reviews look holistically at services end to end. These can be focused on specific types of case work or business approaches. We will highlight good practice and make recommendations designed to drive improvement and enhance quality.

### **Follow-up reports**

12. The main way in which inspectorates have impact is through their published reports and recommendations. For maximum impact and value from inspection findings, a robust follow-up process is a critical part of an effective inspection regime. Since 2014, IPS has embarked on a rolling programme of follow-up reports to monitor the progress of COPFS implementation of our recommendations and to evaluate the effectiveness and outcomes of measures implemented. Follow-up reports will continue to form part of our inspection cycle.

### **Collaborative inspections**

13. It is recognised that some issues are best addressed by a multi-agency or partnership approach. IPS has previously conducted joint inspections with HM Inspectorate of Constabulary in Scotland (HMICS). The inspectorate also liaises with Audit Scotland and other inspection bodies within the criminal justice system to ensure there is no duplication of work and that inspection activity is undertaken in a collaborative and complementary way. This includes participating in the Accounts Commission-led Strategy Scrutiny Group, which meets quarterly and comprises Scotland's main public sector scrutiny bodies. The group aims to deliver efficient and effective, well-coordinated scrutiny that supports improvement.



## Our inspection activity

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14. In 2019-20, we published two inspection reports – our Thematic Review of the Investigation and Prosecution of Sheriff Solemn Cases and our Follow-up Review of Fatal Accident Inquiries. At the request of the Lord Advocate, we also undertook some work regarding the extent to which appropriate mental health information is available to prosecutors when making key decisions in relation to young people being reported from police custody.
15. In 2019-20, we also commenced a follow-up inspection of our Thematic Review of the Investigation and Prosecution of Sexual Crime.
16. 2019-20 was a year of change for the inspectorate. Staffing changes mid-year, as well as a three-month period in which no Chief Inspector was in post, curtailed to some extent our inspection programme. During this time, however, the inspectorate's staff continued to scope and plan future inspection activity.

### **Thematic Review of the Investigation and Prosecution of Sheriff Solemn Cases**

17. Published in July 2019,<sup>4</sup> this inspection assessed the effectiveness and impact of reforms arising from Sheriff Principal Bowen's Independent Review of Sheriff and Jury Procedure and subsequent legislative reforms, and considered the current operation of solemn cases in the sheriff court. The inspection resulted in seven recommendations, all of which were accepted.
18. The inspection commenced in 2018-19 and its findings are addressed in more detail in our annual report for that year.<sup>5</sup>

### **Follow-up Review of Fatal Accident Inquiries**

19. Published in August 2019,<sup>6</sup> this review assessed progress made against recommendations from our 2016 Thematic Review of Fatal Accident Inquiries.<sup>7</sup> We found that five of our recommendations had been achieved, four were in progress, two had been superseded by the Fatal Accident Inquiry Rules and one was not achieved. Given that almost three years had passed since the initial thematic review, the lack of progress in several areas was concerning. We also made three new recommendations and indicated our intention to carry out a further follow-up review.
20. While not published until August 2019, this review had commenced in 2018-19 and its findings are addressed in more detail in our annual report for that year.

### **Young people reported in custody – mental health information**

21. In April 2019, the Lord Advocate requested that IPS examine the extent to which appropriate mental health information is available to prosecutors when making key decisions in relation to young people being reported by the police in custody. He also asked IPS to examine the merits of prioritising the investigation following the death in custody of a young person. The second aspect of the Lord Advocate's request was addressed in our follow-up review of Fatal Accident Inquiries, in which we

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<sup>4</sup> HM Inspectorate of Prosecution in Scotland, *Thematic Review of the Investigation and Prosecution of Sheriff Solemn Cases* (July 2019).

<sup>5</sup> HM Inspectorate of Prosecution in Scotland, *Annual Report 2018-19* (December 2019).

<sup>6</sup> HM Inspectorate of Prosecution in Scotland, *Follow-up Review of Fatal Accident Inquiries* (August 2019).

<sup>7</sup> HM Inspectorate of Prosecution in Scotland, *Thematic Review of Fatal Accident Inquiries* (August 2016).



recommended that the Crown's Scottish Fatalities Investigation Unit should prioritise the Fatal Accident Inquiry of any young person held in legal custody.<sup>8</sup>

22. In taking forward the first aspect of the Lord Advocate's request, IPS revisited cases involving young people that we had examined in two previous inspections. These included:
  - seven cases involving young people under the age of 21 who had died in prison between 2013 and 2018, which were considered during our follow-up review of Fatal Accident Inquiries
  - 17 cases involving children aged 16 or 17 who had been reported in police custody and which had previously been considered during our review of the prosecution of young people, published in late 2018.
23. We examined these 23 cases to determine what information was available to prosecutors when key decisions were being made. The main source of the information is the Standard Police Report (SPR), sent by the police to COPFS. For some accused, information may also be available from other criminal justice partners.
24. Our report was submitted to the Lord Advocate but was not published as it noted details relating to the personal circumstances of the young people, including their mental health and other vulnerabilities. While our detailed findings were not published to preserve the privacy of the young people whose cases we reviewed and to avoid identifying information being made public, the key theme arising from our examination of the cases was that SPRs were too often not completed with sufficient information about the young person's mental health and other vulnerabilities. This risked the prosecutor not making the most appropriate prosecutorial decision, taking into account all the circumstances of the case and the accused. In some cases, however, the SPRs did include relevant information, although we noted variations in its quality and quantity, suggesting that greater consistency in the completion of SPRs is needed.
25. We understand that work is ongoing between COPFS and Police Scotland to address the content and quality of SPRs, which we welcome. We intend to revisit this issue in future inspection activity.

### **Follow-up Review of the Investigation and Prosecution of Sexual Crime**

26. In 2017, IPS published a review of the investigation and prosecution of sexual crime in the High Court by COPFS.<sup>9</sup> That review resulted in 12 recommendations designed to support continuous improvement in the investigation and prosecution of sexual crime.
27. We found there to be a well-defined governance structure within COPFS for the investigation and prosecution of serious sexual crime, with roles and responsibilities being clearly set out. However, we were concerned about the length of time taken to investigate and prosecute sexual crime cases, particularly those subject to pre-petition investigation, and we identified opportunities to reduce the journey time of cases. We were also concerned at the number of victims that disengaged at various stages throughout the investigation and prosecution process. This suggested that

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<sup>8</sup> HM Inspectorate of Prosecution in Scotland, *Follow-up Review of Fatal Accident Inquiries* (August 2019), Chapter 8, particularly paragraphs 180-185.

<sup>9</sup> HM Inspectorate of Prosecution in Scotland, *Thematic review of the investigation and prosecution of sexual crimes* (November 2017).



more could be done to provide the necessary information and support to victims. We found there was scope to improve communication with victims, including in relation to its frequency, clarity and tailoring towards individual needs, and we noted that cases involving particularly vulnerable victims, such as children, could be progressed more quickly.

28. Six of the recommendations in our 2017 review were aimed at supporting COPFS to reduce the journey time of cases, while six sought to support improvements in how COPFS communicates with and supports victims and witnesses via its Victim Information and Advice Service (VIA).
29. In our follow-up review, published in August 2020, we assessed progress made by COPFS in implementing the 12 recommendations.<sup>10</sup> Overall, we noted considerable progress had been made. Eight recommendations have been achieved, three are in progress and one is no longer relevant given changes to working practices. This progress illustrates the commitment at a strategic level within COPFS to ensuring that cases progress more efficiently through the investigation and prosecution process and that victims are better informed and supported. Despite this progress, our follow-up review found that delays still occur and there is still scope for improving communication with victims. We made three new recommendations:

#### **Recommendation 1**

COPFS should ensure that the victim strategy is initiated within a reasonable time in all cases, regardless of their procedural history and status.

#### **Recommendation 2**

COPFS should work with the police to ensure that processes for communicating with victims and witnesses who are looked after children take account of their individual circumstances and needs.

#### **Recommendation 3**

COPFS should work with Police Scotland to ensure that a police victim strategy is submitted in all appropriate cases and in accordance with agreed timescales.

30. To help assess progress against the 12 recommendations from our 2017 review, we reviewed a random sample of 50 High Court sexual crime cases reported to COPFS between 1 September 2018 and 28 February 2019. For the purpose of assessing the extent to which our recommendations had been implemented, the progression of the cases was assessed until March 2020. However, we also revisited the cases in July 2020, shortly before publication of the report, to assess the impact of the Covid-19 pandemic. In short, the suspension of jury trials as part of the initial response to the pandemic resulted in significant delays to cases that were ready for trial. We noted the serious impact that delays have on victims, witnesses and the accused.

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<sup>10</sup> HM Inspectorate of Prosecution in Scotland, *Follow-up review of the investigation and prosecution of sexual crime* (August 2020).



## Inspection programme 2020-21

31. Our inspection programme for 2020-21 includes the scrutiny activity listed below. Any additional areas for inspection will be selected in consultation with the Lord Advocate and relevant stakeholders.

- **A follow-up review of the investigation and prosecution of sexual crime**

As noted above, IPS commenced our follow-up review of the investigation and prosecution of sexual crime in 2019-20. Work on this review continued until its publication in August 2020.

- **A joint inspection of emergency criminal justice provisions**

Working with HM Inspectorate of Constabulary in Scotland, we assessed the use and impact of key emergency criminal justice provisions introduced in response to the Covid-19 pandemic, and considered whether any aspects of the emergency provisions could result in more efficient and effective ways of working in the longer term.<sup>11</sup>

- **An inspection of the management of criminal allegations against the police by COPFS**

The investigation and prosecution of criminal allegations against police officers is one of the key functions of COPFS. In June 2018, Dame Elish Angiolini was asked by the Cabinet Secretary for Justice and the Lord Advocate to conduct an independent review of complaints against the police in Scotland. Her review focused primarily on the role of Police Scotland, the Scottish Police Authority and the Police Investigations and Review Commissioner. The role of the Lord Advocate and COPFS in the investigation of criminal allegations against the police was excluded from the review's terms of reference. Following the publication of her final report in November 2020, IPS will assess how criminal allegations against the police are managed by COPFS.

- **An inspection of COPFS practice in relation to sections 274 and 275 of the Criminal Procedure (Scotland) Act 1995**

Sections 274 and 275 of the Criminal Procedure (Scotland) Act 1995 regulate the use of evidence relating to sexual history and bad character in sexual offence trials. Following discussions with the Lord Advocate and the publication of a report by the Equality and Human Rights Commission on the use of the provisions,<sup>12</sup> IPS will assess COPFS practice in this area. The exact scope and timing of the inspection is to be determined but initial exploratory work commenced in October 2020.

32. Our inspection programme is kept under review and altered as necessary to respond to any new challenges or developments which provide identifiable risks for COPFS and the wider criminal justice system. For example, follow-up reviews on Fatal Accident Inquiries and Victims' Right of Review initially planned for 2020-21 were postponed to accommodate our joint inspection of emergency criminal justice provisions, an area of significant public interest.

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<sup>11</sup> This inspection was published in September 2020 and will be reported in more detail in our Annual Report 2020-21. HM Inspectorate of Prosecution in Scotland & HMICS, *Joint inspection of emergency criminal justice provisions* (September 2020).

<sup>12</sup> Professor Sharon Cowan, *The use of sexual history and bad character evidence in Scottish sexual offences trials* (EHRC, August 2020).



## Other inspectorate activity

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### Recurring themes analysis

33. During 2019-20, IPS conducted an analysis of recommendations made in our inspection reports since 2013 with a view to identifying recurring themes. The themes are listed below. Each theme recurred in at least four inspections, and some in as many as eight. The inspections covered a broad range of topics including the investigation and prosecution of sheriff solemn cases, the prosecution of young people, victims' right to review, the investigation and prosecution of sexual crimes, complaints handling and the management of time limits.
34. The themes have been highlighted as it is useful for COPFS to be aware of areas which appear to cause particular challenges and where its own self-assessment and internal improvement activity could helpfully be targeted.

### Recurring themes

#### (1) Systems and processes

The need to amend IT systems and update or streamline procedures to help improve efficiency.

#### (2) Guidance and instructions

The need to update and issue guidance and instructions following changes to systems and procedures, enabling staff to work effectively.

#### (3) Communication

The need for communication, primarily with complainers but also with witnesses, next of kin and complainants, to be understandable, appropriate and timely.

#### (4) Record keeping

The need for an adequate audit trail for actions taken in relation to cases and documents to be saved electronically in the appropriate system where they can be accessed by all relevant staff.

#### (5) Roles and responsibilities

Defining and updating roles and responsibilities to help ensure roles are understood and linked together to facilitate progress towards achieving COPFS objectives.

#### (6) Collaborative working

This relates to communication with partner agencies and making agreements such as memoranda of understanding with a view to providing efficient and effective shared services.

#### (7) Efficient case progression

The need to progress cases efficiently both to ensure preparedness for trial and reduce the impact of delays on complainers and witnesses.

#### (8) Performance management

The need to improve the setting of goals, monitoring the extent to which they are achieved and ensuring that lessons are learned so that corrective action can be taken if necessary.



(9) Analytical capability

The need to improve the identification of data and information that can be measured, and to establish methods of recording and reconciling at frequent intervals to ensure the right information is available at the right time and that it can be verified.

(10) Staff development and training

Staff development and training should allow staff to obtain the knowledge and experience that equips them to perform well in current roles and to move on to new roles in the future.

(11) The quality of Standard Police Reports

This final theme has not been the subject of several recommendations, but has been a recurring finding in inspection reports. There is often a need for COPFS to request additional information from Police Scotland, over and above that which is contained in the Standard Police Report. This will allow prosecutors to make the most appropriate prosecutorial decision.

### **User involvement**

35. In 2019-20, IPS began work on a user involvement strategy, taking into account our statutory duties under the Public Services Reform (Scotland) Act 2010. Section 112 of the Act requires scrutiny bodies, including IPS, to secure continuous improvement in user focus and to demonstrate that improvement. 'User focus' relates to the involvement of users of the services being scrutinised as well as others who act on their behalf. IPS has routinely involved service users in its work in the past including, for example, seeking the views of victims of sexual crime and third sector organisations who work with them during our review of the investigation and prosecution of sexual crime. The user-involvement strategy will build on this previous work and help ensure the user experience is central to the inspectorate's work.



## The inspectorate in 2019-20

### Finance

36. The inspectorate's budget for 2019-20 was £350,000. The expenditure was as follows:

Staff costs*	310,528
Subsistence and motor mileage	41
Printing and binding	2,014
Travel and accommodation	2,463
Hospitality	6
Conference fees	1,293
Other running costs	<u>12,071</u>
<b>Total</b>	<b><u>£328,416</u></b>

\*No member of staff earned in excess of £150,000.

37. For three months in 2019-20 (between August and November 2019), the post of HM Chief Inspector was vacant pending ongoing recruitment and appointment processes, contributing to the underspend in budget.

### Staff

38. As at 31 March 2020, the staff of IPS was 4.4 full-time equivalents and consisted of the Chief Inspector, Assistant Inspector of Prosecution, Legal Inspector, Business Inspector and a Personal Assistant.

39. The posts of Assistant Inspector of Prosecution and Legal Inspector are held by individuals seconded from COPFS. Their knowledge and familiarity with COPFS systems and procedures assists the inspectorate in its scrutiny activity, and the secondments offer COPFS personnel an invaluable development opportunity. The remaining staff are civil servants employed by the Scottish Government. In 2019, for the first time in the inspectorate's history, an individual from outwith COPFS was appointed as HM Chief Inspector.

40. During 2019-20, Michelle Macleod stepped down as HM Chief Inspector in August 2019, and Dawn Lewington stepped down as Assistant Inspector of Prosecution in July 2019. The inspectorate is grateful to them both for their significant contributions to its work.

### Register of interests

41. At the time of her appointment as HM Chief Inspector, Laura Paton had served as a trustee of the charity Together (Scottish Alliance for Children's Rights) since 2016. Her involvement in Together was noted in the register of interests held by the Scottish Government and highlighted on the inspectorate's web pages, and her appointment as HM Chief Inspector of Prosecution in Scotland was likewise noted in Together's register of interests. Appropriate safeguards are in place to avoid any potential conflicts of interest. In September 2020, Ms Paton was elected as Vice Chair of Together, and continued in her role as trustee. From September 2020, in the



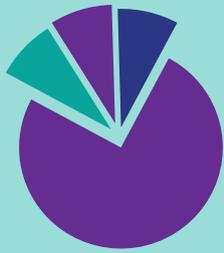
interests of transparency, her involvement in Together will be noted in the inspectorate's annual reports as well as any inspection report which deals with any substantial issue of children's rights.

### **Freedom of Information requests (FOI)**

42. We publish FOI information and all our reports on our website. During 2019-20, we received one Freedom of Information request and responded within the required timescale.

### **Complaints process**

43. Our Complaints Handling Procedure is published on our website and seeks to resolve any dissatisfaction as quickly as possible and where necessary to conduct thorough, impartial and fair investigations of complaints. Our Complaints Handling Procedure does not extend to individual complaints about operational decisions relating to specific cases. These should be addressed to the Crown Office and Procurator Fiscal Service ([www.copfs.gov.uk](http://www.copfs.gov.uk)).



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## About HM Inspectorate of Prosecution in Scotland

HM Inspectorate of Prosecution in Scotland (IPS) is led by HM Chief Inspector of Prosecution who is appointed by the Lord Advocate to inspect the operation of the Crown Office and Procurator Fiscal Service (COPFS). The functions of HM Chief Inspector are set out in the Criminal Proceedings etc. (Reform) (Scotland) Act 2007. The 2007 Act makes clear that in the exercise of any of the functions conferred by the Act, HM Chief Inspector is independent of any other person. COPFS is the sole prosecuting authority in Scotland and is also responsible for investigating sudden deaths and complaints against the police which are of a criminal nature.

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