



HM Inspectorate
of Prosecution in Scotland

Strategic Plan

2022-25

June 2022

Strategy 2022-25

OUR PURPOSE



OUR VISION



-  **We will inspect the operation of COPFS and report publicly**
-  **We will increase awareness of and engagement and confidence in our inspection activity**
-  **We will enhance our organisational resilience and invest in our people**
-  **We will invest in our own continuous improvement**
-  **We will work with our partners to maximise the impact of our work**

Foreword

I am pleased to introduce HM Inspectorate of Prosecution in Scotland's Strategic Plan for 2022-25. The plan sets out who we are and what we do, and how we will continue to support continuous improvement in the service provided by the Crown Office and Procurator Fiscal Service (COPFS) and help strengthen public confidence in the justice system.

The development of our first published three-year strategic plan reflects the inspectorate's commitment to our own continuous improvement. We have reflected on what the inspectorate does well and where we can develop and improve our approach. We have considered how we are fulfilling our statutory purpose and how we can build on our achievements and continue to add value through our scrutiny activity. As a small team of five, we must carefully prioritise our development work as well as the issues we inspect to ensure that we deliver an independent and credible inspection programme that meets the needs of the Lord Advocate, COPFS, stakeholders and the wider public.

In developing this strategic plan, we have revisited and refreshed our vision and values and have identified five strategic objectives as well as underpinning actions which will guide us over the next three years. Strategic planning is a useful exercise for any organisation, but particularly one at this moment in time when we, the justice system and the wider public sector are still responding to and recovering from the significant impact of the Covid-19 pandemic. We are mindful of the unprecedented challenges those we inspect have faced in recent years, but also of the need to remain focused on delivering a quality service that meets the needs of users who have experienced uncertainty and delay in accessing justice.

We will deliver our strategic objectives and our inspection programme in accordance with our values and, in particular, will continue to seek and be informed by the experiences and views of those who are drawn into the justice system whether as victims, witnesses, next of kin or as an accused. We will also look for opportunities to work with our scrutiny partners to gain a better understanding of the experience of individuals as they move through the justice system.

This strategic plan provides a framework for our activity over the next three years. It will be kept under review and updated as necessary to take account of emerging issues and feedback we receive. I am grateful as always to the inspectorate staff and all those who participate in our scrutiny activity, whose contribution helps us promote excellence and confidence in Scotland's prosecution service through independent, evidence-based inspection.

Laura Paton
HM Chief Inspector of Prosecution in Scotland

About us

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). COPFS is the sole prosecuting authority in Scotland and is also responsible for investigating sudden, unexplained or suspicious deaths and criminal allegations against the police.

IPS was first established in 2003, following an independent inquiry by Dr Raj Jandoo into the liaison arrangements between the police, COPFS and the family of Surjit Singh Chhokar, following the murder of Mr Chhokar and related prosecutions. One of the recommendations of the inquiry was that an inspectorate of COPFS be established, 'to introduce a measure of accountability, which is essential for public confidence'. After initially operating as a non-statutory body, IPS was placed on a statutory footing in 2007.

Mandate

The functions and powers of HM Chief Inspector are set out in the Criminal Proceedings etc. (Reform) (Scotland) Act 2007. The role of the Chief Inspector is to:

- secure the inspection of the operation of COPFS
- 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 the Chief Inspector's functions, which the Lord Advocate must lay before the Scottish Parliament.

The 2007 Act makes clear that in the exercise of any of the functions conferred by the Act, the Chief Inspector acts independently of any other person. When inspecting COPFS, the Chief Inspector may require any person directly involved in the operation of the service to provide her with information.

As well as the 2007 Act, there are a range of other duties to which IPS is subject, including duties of user focus and co-operation with other scrutiny bodies under the Public Services Reform (Scotland) Act 2010, and duties derived from the Human Rights Act 1998 and Equality Act 2010.

Our purpose

Our statutory purpose is to inspect the operation of the Crown Office and Procurator Fiscal Service.

Our vision

Our vision is to promote excellence and confidence in Scotland's prosecution service through independent, evidence-based scrutiny.

Our values

Our values underpin our approach to scrutiny. We always seek to demonstrate our values in the way that we work.



Independence – We act independently in all we do, providing impartial and objective scrutiny of the service provided by COPFS.

Credibility – We deliver high quality, evidence-based scrutiny and report publicly on our findings. Our approach is rigorous but fair and proportionate.

User-focus – The views and experiences of those individuals and organisations who are affected by the work of COPFS are central to our scrutiny activity. This includes victims, witnesses and next of kin as well as those who advocate on their behalf. We are also mindful of the experience of accused persons and those who represent them.

Respect – Respect for human rights is at the heart of what we do, and we support equal access to justice. We engage constructively with those we inspect, and we value the contribution they make.

Partnership – We work in partnership with others. We support continuous improvement in COPFS, and we work with our scrutiny partners to support improvement across the criminal justice system.

Who we are

IPS comprises the Chief Inspector, Assistant Inspector of Prosecution, Legal Inspector, Business Inspector and a Personal Assistant. As at 31 March 2022, the staff of IPS was 4.4 full-time equivalents. The current Chief Inspector, Laura Paton, was appointed in 2019 to serve a three year term.

The Assistant Inspector of Prosecution and Legal Inspector are typically seconded from COPFS for two years. This arrangement allows IPS to draw on the current expertise and skills of the secondees as well as their familiarity with COPFS systems and processes. The secondments also provide a useful development opportunity for COPFS staff. Nonetheless, a business case to recruit an additional Legal Inspector was submitted to the

Scottish Government in early 2022 with a view to boosting our resilience, independence and capacity.

The IPS budget is allocated annually by the Scottish Government. In 2021-22, the budget was £400,000, increasing to £425,000 in 2022-23 to take account of rising staff costs. Staffing costs typically account for around 95% of our annual spend. Our office accommodation has traditionally been provided in kind by COPFS but we anticipate this arrangement will come to an end in 2022-23 and are seeking new premises which will afford the opportunity to reinforce our independent status.

What we do

Our focus is on the quality of the prosecution service being delivered to the public in Scotland. Our inspection reports highlight what is working well as well as areas for development and improvement. In all of our work, a key objective is to understand the experience of those for whom the service is provided. We make recommendations that, if implemented, will enhance the effectiveness and efficiency of the service.

We seek to engage constructively with those inspected and to support them to deliver continuous improvement. We are mindful of the burden that scrutiny can impose on COPFS and seek to take a proportionate approach, minimising our scrutiny footprint where possible. We provide assurance to the Lord Advocate about the service being delivered by COPFS and our published reports help reassure the public that COPFS is independently scrutinised and held accountable, thereby enhancing public confidence in the justice system.

Issues for inspection are selected on the basis of risk and intelligence, and following consultation with the Law Officers, COPFS and stakeholders. The Lord Advocate has the authority to refer matters to IPS for inspection, meaning that a certain degree of flexibility in the programme is required to incorporate issues that emerge throughout the year.

We carry out different types of inspection activity, including thematic reviews, follow-up inspections and collaborative reviews.

Thematic inspections

Thematic inspections look holistically at an issue or a service end-to-end. These inspections can focus on specific types of case work or business approaches. In the early years of IPS, area-based inspections were carried out which reflected the structures and service delivery mechanisms within COPFS at that time. More recently, we have used thematic inspections to a far greater extent, reflecting the increased specialisation in COPFS and the functional nature of its current work.

Follow-up inspections

We also carry out follow-up inspections, to assess the progress made in implementing our recommendations. Follow-up inspections can provide information and reassurance to the Lord Advocate and the wider public that action is being taken in response to our inspection and that improvements in service delivery are being achieved. Due to our

limited resources however, it is not possible to carry out follow-up inspections of all previous work. In 2021, we agreed a new process with COPFS which is intended to result in a more proportionate, risk-based and intelligence-led approach to following up previous inspections. In response to our recommendations, COPFS will provide us with an action plan which we will use alongside supporting evidence about implementation to assess the progress being made and to inform decisions as to whether a follow-up inspection is merited.

Collaborative inspections

We actively seek opportunities to carry out our inspection activity in partnership with other scrutiny bodies. The effective operation of the justice system cannot be achieved by any one agency – it is dependent on a range of organisations working together at a strategic and operational level. When appropriate, a similarly collaborative approach should therefore be taken to independent scrutiny, to ensure that shared outcomes are being achieved.

Inspection Framework

Our inspection activity is supported by an Inspection Framework, which helps ensure we take a consistent, professional and transparent approach to our work. Based on the European Foundation for Quality Management (EFQM) Excellence Model, our framework has six themes – outcomes, leadership and governance, process, people, resources and collaborative work. The framework informs all of our scrutiny activity but is also sufficiently flexible so that bespoke key lines of enquiry can be developed for each inspection. In recent years, the EFQM model has been updated and one of our tasks during the life of this strategic plan will be to review our own framework in light of developments in EFQM and ensure it continues to be fit for purpose.

Terms of reference

In 2020, we began publishing terms of reference for each of our inspections. The terms of reference set out the issue we intend to inspect, the scope of the inspection, how we intend to gather evidence and the estimated timescales for the work. The terms of reference are drafted after initial scoping work has been carried out and following preliminary discussions with key stakeholders. By publishing terms of reference, we aim to increase transparency and promote awareness of our work. The terms of reference can also be used as a tool to engage those with an interest in the issue being inspected.

Current and previous scrutiny

Our inspection activity reflects the broad range of work undertaken by COPFS. Examples of current and previous inspections include:



Strategic objectives

In 2022-25, we will focus on five strategic objectives:

- We will inspect the operation of COPFS and report publicly
- We will increase awareness of and engagement and confidence in our inspection activity
- We will enhance our organisational resilience and invest in our people
- We will invest in our own continuous improvement
- We will work with our partners to maximise the impact of our work

To support the delivery of our objectives, we have identified specific actions which will be taken forward over the next three years. We will monitor delivery of the actions and the overarching objectives.

(1) We will inspect the operation of COPFS and report publicly

- We will deliver high quality, evidence based assessments of the operation of COPFS
- We will highlight what works well and areas of effective practice, as well as noting areas for improvement and recommendations
- We will report our findings publicly and in a clear and compelling way
- We will focus our inspection activity on those areas of greatest risk and which will add the greatest value
- We will request action plans in response to our recommendations, monitor progress and carry out follow up inspections where necessary
- We will deliver our work in a way that is consistent with our values

(2) We will increase awareness of and engagement and confidence in our inspection activity

- We will promote transparency and engagement in our work by publishing terms of reference for our scrutiny activity as well as information about our inspection framework and methodology
- We will finalise our user focus strategy, ensuring this approach is embedded in our work
- We will build our networks both within and outwith COPFS, ensuring that our scrutiny activity is informed by effective engagement and to expand our sphere of influence

- We will increase awareness of our work and our status as an independent body by creating a standalone inspectorate website, increasing our use of social media and adopting a more consistent approach to branding

(3) We will enhance our organisational resilience and invest in our people

- We will review our staffing model to ensure we have sufficient organisational capacity to deliver our inspection programme
- We will build resilience and stability in our staffing model, while continuing to encourage secondments so that our work is informed by current expertise in and experience of service delivery
- We will continue to invest in the professional and personal development of all staff and enhance induction processes for new staff, ensuring that all have the necessary skills, knowledge and support to carry out their roles effectively
- We will identify and move to new office accommodation and further develop our approach to hybrid working

(4) We will invest in our own continuous improvement

- We will keep our inspection framework and methodology under review, ensuring they are fit for purpose
- We will review the way in which our inspection programme is developed and consider how it can be better informed by stakeholder consultation
- We will keep our strategic plan and our objectives under review, and monitor progress against the underpinning actions
- We will seek feedback on our work and act on suggestions for development and improvement
- We will continue to achieve value for money and deliver our work within our allocated budget
- We will take active steps to minimise our impact on the environment and to work in a more sustainable way

(5) We will work with our partners to maximise the impact of our work

- We will develop effective working relationships with partners and stakeholders to gather information and harness expertise

- Recognising that effective public services cannot be delivered in isolation, we will work with our scrutiny partners to maximise the impact of our work and focus more sharply on an individual's journey through the criminal justice system
- We will share information with our scrutiny partners and others to better identify areas of risk and highlight effective practice
- We will identify joint training and development opportunities for staff, to share expertise and ensure value for money



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