Introduction

1. The Auditor General for Scotland appoints the auditor of the Crown Office and Procurator Fiscal Services (COPFS). Audit Scotland is the auditor of the COPFS. This submission summarises the most important findings of our recent audit work in COPFS, both our annual audits of its annual report and accounts and our performance audit (published in September 2015) on the Efficiency of prosecuting criminal cases through the sheriff court system.\(^1\) The latter report focused on the sheriff court system as a whole, not solely on COPFS.

Financial context

2. In the five years to 2015/16, COPFS’ total expenditure increased in cash terms from £108.3 million in 2011/12 to £113.3 million in 2015/16. COPFS’ budget for 2016/17 is £113.5 million. In real terms (2015/16 prices), COPFS’ total expenditure decreased from £114.6 million in 2011/12 to £113.3 million in 2015/16 (Figure 1).

**Figure 1. COPFS’ expenditure, 2010/11 – 2015/16 (£million)**

<table>
<thead>
<tr>
<th>Year</th>
<th>Cash Revenue</th>
<th>Cash Capital</th>
<th>Cash Total</th>
<th>Real Revenue</th>
<th>Real Capital</th>
<th>Real Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011/12</td>
<td>105.6</td>
<td>2.7</td>
<td>108.3</td>
<td>111.7</td>
<td>2.9</td>
<td>114.6</td>
</tr>
<tr>
<td>2012/13</td>
<td>104.5</td>
<td>4.6</td>
<td>109.1</td>
<td>108.3</td>
<td>4.8</td>
<td>113.0</td>
</tr>
<tr>
<td>2013/14</td>
<td>106.1</td>
<td>3.6</td>
<td>109.7</td>
<td>108.2</td>
<td>3.7</td>
<td>111.8</td>
</tr>
<tr>
<td>2014/15</td>
<td>108.9</td>
<td>3.6</td>
<td>112.4</td>
<td>109.4</td>
<td>3.6</td>
<td>113.0</td>
</tr>
<tr>
<td>2015/16</td>
<td>109.6</td>
<td>3.7</td>
<td>113.3</td>
<td>109.6</td>
<td>3.7</td>
<td>113.3</td>
</tr>
</tbody>
</table>

*Note: Cash values have been converted into real terms (2015/16 prices) using November 2016 HM Treasury deflators. Expenditure includes additional funding provided within years by the Scottish Government (see paragraph 5).*

3. In 2015/16, almost two-thirds (62 per cent) of COPFS’ expenditure was on staff costs and a further 15 per cent on legal and witness costs. The remaining expenditure went on other staff costs, supplies and services, capital charges, accommodation and office costs, travel and training. Our report on the 2015/16 audit

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\(^1\) [Efficiency of prosecuting criminal cases through the sheriff court system](#), Audit Scotland, September 2015.
noted that COPFS was continuing to develop its workforce planning arrangements following its organisational restructure in April 2016.

4. In our annual audit report for 2015/16, we recommended that COPFS develop a long-term financial strategy to inform its development over the next 10 years. Irrespective of the fact that public bodies’ budgets are set annually, understanding long term financial pressures and constraints and potential future financial scenarios is a key component of strategic financial management for all public bodies. COPFS is in the process of developing such a strategy.

5. In both 2014/15 and 2015/16, the Scottish Government provided additional funding during the course of the year to the COPFS. In 2014/15, the Scottish Government provided a supplementary £2.6 million for additional specific court and casework. In 2015/16, the Scottish Government made additional funding (£0.95 million) available to the COPFS to reduce the overall time that cases involving domestic abuse took to reach the courts.

6. As part of our ongoing follow-up work on the *Efficiency of prosecuting criminal cases through the sheriff court system* report, we have looked at the performance data relating to cases involving domestic abuse. Cases involving domestic abuse are a national priority and the Scottish Government has provided additional funding for these. There is a commitment to ensure that cases involving domestic abuse to reach trial within 10 weeks. COPFS and the Scottish Courts and Tribunals Service play a role in ensuring that this commitment is met. Performance has improved significantly from August 2015, when the average time was 11 weeks, to October 2016, when the average time was eight weeks.

COPFS within the wider justice system

7. A key theme within our *Efficiency of prosecuting criminal cases through the sheriff court system* report was the challenges and tensions created by having a number of interconnected organisations, including COPFS, who are part of an integrated system but who are constitutionally and operationally independent.

8. When we published that report, we recognised that there had been progress at joining up the various public bodies involved in the justice system at a national level through the Scottish Government’s Justice Board. We noted that joint working was weaker at a local level. Since publication, the remits and structures of the local criminal justice boards have changed. They are now aligned with the six sherifffdoms, as is COPFS’ organisational structure since April 2016. Feedback suggests that this is enhancing local joint working across the justice sector organisations. At an operational level, the justice system planning group provides a focus for planning, performance management and reporting across the justice sector.

9. A large proportion of the COPFS’ overall workload is driven by the number of prosecution reports that it receives and therefore the number of cases that it is has to mark and the proportion that are marked for the sheriff court (Figure 2). The number of people who had cases marked by COPFS peaked in 2013/14 at 299,082 after a steady increase since 2010/11, before falling back in 2014/15 and 2015/16. In addition the volume of cases, the nature of the cases is also critical in the overall
demand pressure on COPFS. The increase in reporting of more complex cases involving sexual crimes (including historical offences) and cases involving domestic abuse has meant that there are a greater proportion of cases being marked for the sheriff court.

Figure 2. Number of people with cases dealt with outside of court and those prosecuted in court, 2010/11 – 2015/16.

Note: This is an updated version (with 2015/16 data) of Exhibit 4 from our report Efficiency of prosecuting criminal cases through the sheriff court system.

10. COPFS has a key role in the Scottish Government’s Digital Strategy for Justice in Scotland which should contribute to greater efficiency and effectiveness of the justice system as a whole. We have noted in our annual audit reports for both 2014/15 and 2015/16 that COPFS does not itself have an agreed digital strategy, although we understand this in development. This puts COPFS at risk of being unable to contribute fully to the delivery of an integrated approach across the justice system.

Audit Scotland
7 December 2016