Justice Committee
Scottish Government’s Draft Budget 2014-15

Written submission from the Crown Office and Procurator Fiscal Service

When I gave evidence to the Committee on 29 October 2013 in relation to the budget for the Crown Office and Procurator Fiscal Service (COPFS), I advised that I would be happy to provide the Committee with additional information.

I hope that the following will be of assistance.

Staffing figures

In relation to the staffing numbers, as of 30 September 2013, a total of 1,678 members of staff were employed by COPFS.

Of those staff, 520 were employed in legal grades and 1,158 in administrative roles including case preparation and corporate services posts.

Of the Legal staff, 180 were at Procurator Fiscal Depute grade, 148 at Senior Procurator Fiscal Depute, 102 at Principal Procurator Fiscal Depute, 23 at a higher grade known as Band G, and 28 were Senior Civil Servants.

91 members of staff were working in our Victim Information and Advice Service posts.

Employment of former COPFS trainee solicitors

Trainee solicitors are engaged on a two year training contract entered in to between the trainee solicitor, COPFS and the Law Society of Scotland. There is no clause in that training contract that a person who completes a traineeship will be employed in any capacity at the completion of the traineeship and it has never been the case that COPFS guaranteed that any offer of employment would follow.

Members of the Committee asked about the number of trainee solicitors employed by the Crown Office and Procurator Fiscal Service who went on to be employed by COPFS when they had become qualified Solicitors.

Between August 2010 and August 2013 a total of 93 trainee solicitors spent the second year of their traineeship with COPFS (including a small number who had spent their first year with private sector firms whose partners advised them that they were unable to offer continuation into the second year of the training because of the financial climate).

In total 54 of those who completed their traineeship with us over that period gained employment with COPFS. Of those, 20 are currently permanent members of staff and 12 are temporary members of staff employed on fixed term contracts.

Over that 3 year period a further 22 have held fixed term posts in COPFS.
Improving the quality of reports received

In 2012-13, a total of 280,942 cases were reported to COPFS and other reporting agencies. 35,200 of those cases were marked for no action - 12.5% of the total. The most common reason for a case being marked for no action is due to insufficient evidence to proceed. These figures include all cases reported to COPFS, not just those submitted by the Police.

For the year to date, the most recent figure include cases submitted up to 7 November 2013 indicate that at this stage of the year, 9% of the reports received have been marked for no action.

As the Committee is aware from evidence provided last year and at the session on 29 October, COPFS is now organised into 3 geographical Federations

One of the benefits of this has been that staff are now better able to develop their particular expertise and experience by specialising in specific areas of work over a period of time and further developing liaison with the police and other reporting agencies (there are over 100 who report to COPFS) and feedback on quality of reports to obtain improvements.

Each of the Federations - for the West, East and North of Scotland now has dedicated teams of staff for Initial Case Processing. They receive and consider reports submitted by the Police and others and, if there is sufficient evidence takes the prosecutorial decisions, determine what action if any would be appropriate in the public interest. Senior members of staff have oversight of the cases being considered ensuring that appropriate decisions are taken and authorising certain decisions in some categories of case.

Additionally specialised units consider all reports submitted for their specific areas of work, for example for Sexual Crime, Environmental and Wildlife Crime, or in relation to Health and Safety Crime.

This provides clear channels of communication with the Police and other reporting agencies and relevant stakeholders and a mechanism to provide feedback in relation to quality and any deficiencies identified within a report and receive suggestions for improvement in the prosecution approach.

Ann-Marie Hicks, as the Procurator Fiscal for Domestic Abuse will be responsible for the ongoing review of prosecution policy with regard to crimes of domestic abuse. She will build upon our existing relationships with stakeholders to strengthen the collective response to domestic abuse cases, and will assist in continuing to raise awareness among prosecutors and the police.

Advancements in communication

The Committee may be interested to note that in addition to the disclosure website I referred to and which we developed to deliver all discloseable statements and documentary productions such as copy medical records and photographs
electronically to the defence agents, we have also arranged for provision of a secure email service so they can communicate securely with prosecutors by email at any time. We are encouraging all defence agents to sign up and to use this as the main method of contacting our prosecutors because it provides a further auditable record as well as greater opportunities for communication and potentially the resolution of cases at an earlier stage.

We are also about to implement a system of scanning all incoming mail directly into our electronic case management system to allow clear audit of receipt of all documents and of the associated replies which will be kept in the individual electronic case record

I also enclose a link to the recent report of Her Majesty’s Chief Inspector of Prosecution on COPFS ‘Enquiry Point’ which is the telephone contact centre that I referred to: http://www.scotland.gov.uk/Publications/2013/05/5233/0

Reducing reoffending

As I said in my evidence while COPFS has no part in the determination of criminal sentences in court, we do play an active role in working with other criminal justice organisations to promote prevention of reoffending through our participation in joint initiatives such as the Whole System Approach. This has been developed through the Scottish Government’s ‘Reducing Reoffending’ Programme and encourages a multi-agency response to youth offending. If you consider further information regarding this particular initiative would be helpful, I would be happy to provide you with the relevant contact within the Justice Directorate.

We are also aware of the role that direct measures and other alternatives to prosecution can play in dealing proportionally with offending behaviour while at the same time deterring future offending, including the use of referral to support services through social work diversion.

COPFS will continue to support the Strategy for Justice in Scotland and work with partners and stakeholders to seek to make best use of the full range of actions open to us

I trust this information is helpful to the committee; if there is anything further I can help with, please do not hesitate to get in touch.

Catherine Dyer
Crown Agent & Chief Executive
8 November 2013