



HM Inspectorate
of Prosecution in Scotland

Annual Report

2023 - 2024

To The Right Honourable Dorothy Bain KC
The Lord Advocate

The Nineteenth Annual Report to the Scottish Parliament

September 2024

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HM Chief Inspector
HM Inspectorate of Prosecution in Scotland

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Produced and published by HM Inspectorate of Prosecution in Scotland

Laid before the Scottish Parliament by the Lord Advocate in pursuance of s79(8) of the
Criminal Proceedings etc. (Reform) (Scotland) Act 2007

SG/2024/188

ISBN: 978-1-7394264-4-6 (web only)

<https://www.prosecutioninspectorate.scot/>

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Foreword



In 2023-24, HM Inspectorate of Prosecution in Scotland focused our scrutiny on how well the Crown Office and Procurator Fiscal Service (COPFS) manages and prosecutes cases involving domestic abuse at sheriff summary level. In 2022-23, 11% of all charges reported by the police to COPFS related to domestic abuse. COPFS expects that domestic and sexual violence against women and children will continue to form a significant proportion of its casework for some years to come. Following a series of inspections relating to the investigation and prosecution of sexual crime, our work on domestic abuse continues the inspectorate's focus in recent years on issues that predominantly affect women and children.

When carrying out inspections, we benefit from speaking to a range of COPFS staff and other justice professionals. Their views and experiences help shape our findings and recommendations. Our inspection reports would be immeasurably less impactful without their input. Often though, it is the discussions we have with those drawn into the criminal justice system as victims and witnesses that have the greatest influence on our work.

This year, as well as speaking to more than 50 advocacy workers who shared their clients' experiences with us, we engaged directly with 23 people who had experienced domestic abuse. We are grateful for their willingness to revisit difficult and often traumatic periods in their lives, and applaud their desire to do so in the hope that their experiences could lead to better outcomes for others. We hope that they saw their suggestions reflected in our final inspection report. We expect that our report, with their input, will act as a catalyst for change and improvement in how domestic abuse cases are managed and prosecuted.

The picture that emerged from our inspection was of a service committed in principle to tackling domestic abuse and supporting victims, but which was struggling to put this commitment into practice in every case and to keep pace with increasing expectations. Although we found some cases that were well-managed and in which victims were supported and kept informed of developments, we also found many areas for improvement. We made 27 recommendations. Two key themes arose: a lack of effective case preparation; and poor communication with victims.

In cases we reviewed, we assessed communication between COPFS and 61 domestic abuse victims as unsatisfactory for 80% of those victims. This was disappointing, to say the least. It was particularly disappointing given that, in inspections covering a range of issues, we have persistently highlighted the need for COPFS to improve communication with victims. While we recognise there is a real desire to improve in this area, this must be supported by effective measures to turn policy into everyday practice and to monitor the quality of the service, including by seeking feedback from service users.

Our report on COPFS's management of domestic abuse cases featured difficult messages for the service. However, I have been encouraged by the service's response and its desire to improve. Having accepted our findings, COPFS has committed to implementing our recommendations by March 2025. Progressing our recommendations, as well as taking forward other work such as the summary case management pilot and modernisation of the Victim Information and Advice service, should contribute to a more effective justice process in which victims have confidence and feel safe and supported.

I have also been encouraged by COPFS's commitment to work with its partners to improve the justice process. Some of the issues highlighted in our report were not entirely within the control of COPFS. We noted that it will require to work with other justice agencies, notably the police and the Scottish Courts and Tribunals Service (SCTS), to address the issues raised. I have been pleased by Police Scotland's consideration of our findings, and its willingness to work with COPFS to improve the quality of Standard Prosecution Reports.

SCTS requires to address the backlog of cases caused by the pandemic and its desire to make the best use of court time is understandable. However, there is a need for COPFS to work with SCTS to ensure that the number of cases scheduled for court each day does not inappropriately raise the expectations of witnesses and is within the capacity of prosecutors. Too often, I heard prosecutors say that their efforts to effectively prepare cases were hampered by the volume of cases scheduled each day.

Our work on domestic abuse, and particularly the experiences shared with us by victims, led us to identify two new areas for inspection. These will be addressed in 2024-25. The first will be a review of how COPFS responds to enquiries received by National Enquiry Point, its customer contact centre. This includes enquiries that are resolved by National Enquiry Point at the first point of contact, or that are passed on to other teams within COPFS for action. This work will continue our focus on how well COPFS communicates with and supports those who use its service.

The second will be a review of the arrangements for citing witnesses to give evidence at court. Victims of domestic abuse and their advocacy workers raised various citation-related issues, prompting us to consider whether there is scope for greater efficiency and modernisation of the citation process. Given the role that police officers often play in serving citations on witnesses, we will carry out this review jointly with HM Inspectorate of Constabulary in Scotland.

Horizon-related prosecutions

In January 2024, the ITV drama *Mr Bates vs The Post Office* brought to widespread public attention miscarriages of justice that had arisen in connection with the Post Office's Horizon accounting system. The drama highlighted the devastating impact of the scandal on the lives of sub-postmasters, including on their livelihoods, reputations, family life and mental and physical health. Sub-postmasters had been prosecuted and convicted of dishonesty offences on the basis of unreliable evidence from Horizon. In England and Wales, the Post Office itself had initiated private prosecutions. In contrast, in Scotland, the

Post Office's status as a specialist reporting agency meant it reported its investigations to COPFS for a prosecutorial decision.¹

Although only reaching widespread public consciousness due to the drama's broadcast in January 2024, the miscarriages of justice had been recognised for some time, with a public inquiry having commenced in 2020. Also in 2020, the Scottish Criminal Cases Review Commission (SCCRC) began an investigation of sub-postmaster prosecutions in Scotland. With the support of COPFS, the SCCRC identified over 80 individuals who may have been prosecuted on the basis of Horizon evidence. To date, eight cases have been referred by the SCCRC to the High Court and all eight individuals have successfully appealed against their convictions.² Further cases are still being reviewed by the SCCRC, while the Scottish Parliament has passed the Post Office (Horizon System) Offences (Scotland) Act 2024. The Act seeks to quash the conviction of anyone wrongly convicted as a result of the defective Horizon system.

Appropriately, questions have been asked about COPFS's role in the prosecutions and its reliance on evidence supplied by the Post Office. The Lord Advocate has outlined COPFS's role in statements to the Scottish Parliament.³ In May 2024, she announced that the Post Office's status as a specialist reporting agency had been removed due to its 'fundamental and sustained failures in connection with Horizon cases'. As a result, the Post Office will no longer be able to investigate and report criminal allegations directly to COPFS, but must report allegations to Police Scotland for investigation. The Lord Advocate also announced that work is underway to strengthen the guidance and safeguards that exist to ensure all specialist reporting agencies abide by their duties of disclosure and candour in reporting cases for prosecution.

I welcome the action taken by the Lord Advocate and COPFS's work on specialist reporting agencies. The inspectorate will monitor the outcome of the Post Office Horizon IT Inquiry and will consider the scope for scrutiny in the future, including whether there is value in scrutinising how COPFS works with and takes forward reports made by specialist reporting agencies.

Forensic pathology services

In our Annual Report 2022-23, I highlighted the work being done by COPFS to procure forensic pathology services and the challenges it faces in doing so. I also highlighted the need for leadership by the Scottish Government, with support from the NHS as well as COPFS, to develop the optimal delivery model for pathology services across Scotland. This issue was taken up by the Scottish Parliament's Criminal Justice Committee in 2023.⁴ COPFS advised the Committee of its continued efforts to support improvement in the delivery of pathology services and, in April 2024, the Cabinet Secretary for Justice and Home Affairs informed the Committee that work had begun to scope potential delivery

¹ Specialist reporting agencies are those non-police agencies which have a role in investigating crime and reporting it directly to COPFS.

² See, for example, Appeals by William John Quarm and others [2024] HCJAC 15.

³ Scottish Parliament Official Report, [16 January 2024](#) from column 11; and [16 May 2024](#) from column 65.

⁴ [Criminal Justice Committee Official Report](#), 25 October 2023 from column 35.

models.⁵ I welcome the attention being given to the need for reform, so that value for money can be achieved while also ensuring that forensic pathology services meet the needs of the justice system, bereaved families and the wider public.

Demonstrating impact and value for money

Achieving effective, efficient public services that provide value for money is critical at any time, but particularly when public finances are under pressure. Delivering a service while continuing to invest in improvement is a particular challenge for organisations such as COPFS which are demand-led.

Demand has continued to grow in recent years:

- While the number of criminal reports received by COPFS has decreased in recent years (although it rose almost 3% between 2022-23 and 2023-24),⁶ cases that are reported continue to be more serious and complex and are often managed by those with specialist expertise.
- COPFS is continuing to carry an increased caseload as the backlog of cases caused by the pandemic is addressed. Extended case journey times place additional demands on COPFS to keep victims and witnesses up to date and to manage the increased risk that they may disengage from the justice process.
- The number of death investigations managed by COPFS has increased substantially in recent years. While the number of death reports received in 2023-24 had fallen from a peak reached in the first year of the pandemic, it was still 21% higher than the number of death reports received in 2019-20.
- The Scottish Parliament continues to pass and consider new legislation imposing additional duties on COPFS, including in respect of the service provided to victims and witnesses.

To support COPFS to meet these and other demands, the service has received a series of increases to its budget. In 2024-25, its budget allocation is £223 million, up from £196.6 million in 2023-24.⁷ This follows other substantial increases in recent years. With such increases come an expectation that COPFS will continue to invest in and improve its service, and work with its partners to reduce the backlog of cases and case journey times. COPFS appreciates that budget increases cannot be sustained indefinitely. It is working on a three to five-year delivery plan detailing how it will reduce its current staff levels and resource needs as pandemic recovery work is completed and as it delivers various reforms.

As COPFS continues with this work, it will be important for it to understand what is being achieved with the additional funding provided and how, in future, it will achieve more with less. Data is key. Gathering and using data effectively will allow COPFS to take evidence-based decisions about resource allocation and the impact of new initiatives. I

⁵ [Letter from the Crown Agent to the Convener](#), 7 March 2024; [Letter from the Cabinet Secretary for Justice and Home Affairs to the Convener](#), 15 April 2024.

⁶ COPFS, [Case processing statistics 2019 to 2024](#) (2024).

⁷ Scottish Government, [Scottish Budget 2024-25](#) (2023).

therefore welcome work by COPFS to review how it uses management information to better understand and inform its activities.

As COPFS carries out its data review, it should also consider the need to be transparent about its performance and the quality of its service delivery, and the need for it to publicly demonstrate what is being achieved with its additional funding. For some years, COPFS has been publicly reporting its performance against four key targets. While it is useful to have consistent targets against which performance can be monitored over time, they only provide limited information. The publication of more meaningful data about the breadth of the work undertaken by COPFS would provide the Scottish Government, stakeholders and the public with a more accurate picture of the service provided by COPFS and the challenges it faces, as well as facilitating greater public accountability.

Finally, I thank all those who have contributed to the work of HM Inspectorate of Prosecution over 2023-24 and whose insights and suggestions have helped shape our work. This includes the domestic abuse survivors who shared their experiences with us and a range of organisations who provide essential and much valued support to victims. It also includes the many COPFS staff who ably facilitate our scrutiny activity. I also thank the inspectorate staff for their commitment and support.

Laura Paton
HM Chief Inspector of Prosecution in Scotland
September 2024

About us

1. 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.
2. 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

3. 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 her functions, which the Lord Advocate must lay before the Scottish Parliament.
4. 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.
5. 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

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

Our vision

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

Our values

8. 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.

What we do

9. 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.
10. 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.

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

Thematic inspections

13. 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

14. 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 inspections 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. Since then, COPFS has provided us with action plans in response to our recommendations. We assess those plans and, alongside supporting evidence about implementation, use them to inform decisions as to whether a follow-up inspection is merited.
15. Where IPS is satisfied on the basis of the action plan and supporting evidence that recommendations have been implemented, recommendations are closed. Progress is reported in our annual reports to maintain transparency. Where there is insufficient evidence of progress, where intelligence or an assessment of risk suggests that it is necessary, or where it is in the public interest, IPS will continue to carry out follow-up inspections. A follow-up inspection may also be carried out at the request of the Lord Advocate.

Collaborative inspections

16. 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.

17. To support this collaborative approach, we regularly engage with other criminal justice scrutiny bodies, including HM Inspectorates of Constabulary and Prisons. These regular meetings provide an opportunity to discuss and share information about developments across the justice sector and to consider an appropriate scrutiny response. We also participate in the Strategic Public Sector Scrutiny Network and its supporting Scrutiny Coordination Group. These networks are made up of Scotland's main public sector scrutiny bodies. They aim to deliver efficient and effective, coordinated scrutiny that supports improvement across Scotland's public services. The networks facilitate collaboration between scrutiny bodies as well as the sharing of information and learning.

Inspection Framework

18. Our inspection activity is supported by an Inspection Framework, which helps ensure we take a consistent, professional and transparent approach to our work.⁸ Based on the globally recognised European Foundation for Quality Management (EFQM) Model, our framework has three key themes – direction, delivery and outcomes. 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. Individual inspections may draw on all or part of the framework, depending on the issue being reviewed.

User involvement

19. 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. We consider 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.

⁸ IPS, [Inspection Framework](#) (2024).

Our inspection activity

20. In 2023-24, we carried out an inspection of *The prosecution of domestic abuse cases at sheriff summary level*. This was a substantial piece of work, taking almost the entire year to scope, gather and analyse evidence, and write up our findings. During the year, we also monitored progress made by COPFS in implementing recommendations arising from two previous inspections.

The prosecution of domestic abuse cases at sheriff summary level

21. Domestic abuse represents a substantial proportion of the cases managed by COPFS. In 2022-23, 11% of all charges reported by the police to COPFS related to domestic abuse.⁹ The vast majority (94%) of those charges were prosecuted.¹⁰
22. Our inspection assessed how well COPFS prepares, manages and prosecutes domestic abuse cases at sheriff summary level, as well as how efficiently such cases are progressed. We also examined how well COPFS communicates with and supports victims and child witnesses in domestic abuse cases, keeping them up to date with developments and taking steps to ensure they are supported. By focusing on cases heard at sheriff summary level, we sought to assess the service provided by COPFS in the majority of domestic abuse cases.¹¹
23. To support our inspection, we gathered evidence from a range of sources. We heard directly from 23 people who had experience of domestic abuse and the justice process, as well as over 50 advocacy workers who provide support to victims of domestic abuse. We also:
- reviewed relevant documentation and data
 - examined a sample of 60 cases involving domestic abuse charges
 - observed court proceedings and training available to COPFS staff
 - interviewed over 60 COPFS staff involved in managing and prosecuting domestic abuse cases
 - interviewed a range of stakeholders such as organisations offering support to those who experience domestic abuse, the police, sheriffs, clerks and defence agents.
24. We found that tackling violence against women and girls is a strategic priority for COPFS. Those working at COPFS were well aware of the need to respond robustly to reports of domestic abuse. We met a range of staff who were committed to delivering an effective service. We found some cases that were well-prepared and in which victims were kept informed of developments, supported to give evidence

⁹ Data supplied to IPS by COPFS.

¹⁰ COPFS, [Domestic abuse and stalking charges in Scotland 2022-23](#) (2023).

¹¹ Data published by SCTS indicates that 95% of domestic abuse cases are heard at sheriff summary level. SCTS, [Courts data Scotland: Criminal \(Edition 24\) Annual Bulletin](#) (2024).

and protected through bail conditions and non-harassment orders. We also found that domestic abuse cases were being prioritised for early trial diets.

25. However, we also examined too many cases which could have been prepared more efficiently and effectively, and in which victims' individual needs were not addressed. Despite COPFS aspiring to deliver a person-centred and trauma-informed service, we considered that much work requires to be done before this aspiration is delivered routinely. We made 27 recommendations for improvement.
26. Our inspection found a range of ways in which the management and prosecution of domestic abuse cases could be improved. Two key themes emerged – the need to prepare cases more effectively, and the need to improve communication with and support for victims.
27. In too many cases we reviewed, there was a failure to address issues at the earliest opportunity during case preparation. The model for preparing domestic abuse cases at summary level, whereby cases pass from prosecutor to prosecutor at different stages, contributes to a lack of case ownership. This, coupled with a lack of preparation time and the relative inexperience of some summary prosecutors, meant cases were not prepared as well as they should be. This led to delays in some cases and, in others, it led to cases being discontinued at a late stage. It also risked victims' withdrawal from the justice process.
28. There was also a failure to engage effectively with victims during case preparation, particularly those who were not engaged in, or were at risk of disengaging from, the justice process. Insufficient steps were being taken to establish the reasons for victims' lack of engagement, and to provide reassurance and appropriate support. Recent initiatives in some areas to enhance engagement with victims during case preparation were welcome, but required to be delivered more effectively and rolled out nationally.
29. Communication with and support for victims was also inadequate. In the cases we reviewed, we assessed communication between COPFS and 61 victims. We found the overall quality of communication to be unsatisfactory for 80% of those victims. We noted delays and basic errors in the service provided by COPFS's Victim Information and Advice service (VIA). While VIA was staffed by many who were committed to delivering a better service to victims, they said they were hampered by, amongst other things, backlogs of work; a lack of resources, training and support; and poor systems. We questioned whether VIA was fit for purpose in summary cases and whether it was capable of delivering the person-centred and trauma-informed service to which COPFS aspires.
30. During our inspection, we compared the prosecution of summary level domestic abuse offending under COPFS's standard summary prosecution procedure, in the Glasgow Domestic Abuse Court, and in Dundee under the summary case

management pilot.¹² We found that in both Glasgow and Dundee, there were examples of better practice compared to the service being delivered in the rest of Scotland under the standard summary prosecution procedure. The work of COPFS and its partners, including the police and courts, contributed to this better practice.

31. In Glasgow, the quality of marking decisions was substantially better and this appeared to be linked to a better standard of Standard Prosecution Reports (SPRs) submitted by the police to COPFS. A dedicated team of prosecutors in the Glasgow Domestic Abuse Court afforded the opportunity to develop expertise in managing domestic abuse cases. Cases calling in the Glasgow Domestic Abuse Court also progressed more efficiently – the time between the first calling of the case and the first trial diet was one of the lowest in Scotland, despite it having the highest volume of cases.
32. In Dundee, the quality of the SPRs submitted by the police was improving under the summary case management pilot. The submission of key evidence alongside the SPR was enhancing and expediting prosecutorial decision making, reducing the need to instruct further enquiries and informing more comprehensive marking instructions, all of which contributed to more effective case management from the outset. The submission of key evidence alongside the SPR was also facilitating early disclosure to the defence, which can lead to pleas being tendered at an earlier stage.
33. Despite these examples of better practice in Glasgow and Dundee, those areas also experienced many of the challenges we noted elsewhere, such as inadequate communication with victims. Our findings suggested there was no one approach that was consistently better than others. Rather, each approach had features which contributed to the more effective management of summary domestic abuse cases. In our report, we highlighted features that COPFS should consider implementing across its service.
34. Our report was published in April 2024. It received widespread media coverage and was welcomed by key organisations providing support to victims of domestic abuse. The Lord Advocate accepted the recommendations and committed COPFS to doing more to deliver a trauma-informed prosecution service. COPFS has since committed to working with its justice partners to implement all of our recommendations by 31 March 2025.¹³
35. IPS will monitor the progress made by COPFS in implementing the 27 recommendations. We will also consider whether a follow-up inspection is

¹² The pilot aims to reduce the number of cases set down for trial unnecessarily and reduce the volume of late pleas of guilty and late decisions on discontinuation. A key feature of the pilot is the early disclosure of key evidential material and early judicial case management.

¹³ COPFS, [Business Plan 2024-25](#) (2024).

merited, given the significant public interest in ensuring that COPFS responds effectively to reports of domestic abuse.

Following up on previous recommendations

36. In 2023-24, we monitored the progress made by COPFS in implementing recommendations arising from two previous inspections.

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

37. Published in October 2022, this inspection assessed COPFS practice in relation to sections 274 and 275 of the Criminal Procedure (Scotland) Act 1995.¹⁴ These provisions regulate the use of evidence relating to the sexual history or character of complainers in sexual offence trials. Section 274 contains a general rule that evidence or questioning falling within certain categories is inadmissible in sexual offence cases. Section 275 allows the court, on application made to it, to admit evidence or questioning falling within the general prohibition at section 274 so long as certain tests are met.
38. We found that COPFS had responded swiftly to developments in case law, issuing new instructions to staff and creating a training course dedicated to sexual history and character evidence. This led to a significant change in practice regarding how section 275 applications are managed. Complainers are now regularly told about the applications, asked their view on the contents, and those views are presented by the Crown to the court. There was, however, also scope for some improvement.
39. We made nine recommendations, eight of which were directed at COPFS and one of which was directed at the Scottish Government. The recommendations were designed to support further improvements in the way in which COPFS makes and responds to section 275 applications, including how it engages with complainers.
40. Improving how it prosecutes cases of sexual offending and how it supports and communicates with victims are key priorities for COPFS.¹⁵ This prioritisation is apparent from the way COPFS has embraced the recommendations made in our report. We welcome the attention that the service has given to implementing the recommendations, and the pace at which it has done so.
41. Following the report's publication, the Procurator Fiscal for High Court Sexual Offences formed a group comprising a range of leaders from relevant teams across COPFS, including those working on High Court and Local Court cases. The group first met in December 2022 and then regularly thereafter to oversee the extensive work carried out to implement our recommendations.

¹⁴ IPS, [Inspection of COPFS practice in relation to sections 274 and 275 of the Criminal Procedure \(Scotland\) Act 1995](#) (October 2022).

¹⁵ COPFS, [Strategic plan 2023-27](#); COPFS, [Business plan 2024-25](#).

42. Of the eight recommendations directed at COPFS, we consider that seven have been achieved and that substantial progress has been made in relation to one. In some areas, COPFS has gone beyond our recommendation and taken further action to address other issues raised in our report.
43. Positively, there is now greater oversight of how section 275 applications are managed with a view to ensuring that policy is followed in practice. This includes, for example, fortnightly meetings between solemn legal managers and case preparers to discuss case progression and communication with complainers. Section 275 applications are also a standing agenda item at the Sexual Offences Strategic Group, chaired by a Deputy Crown Agent. This group considers both High Court and Local Court cases, promoting consistency in approach and allowing for further improvements to be identified.
44. In December 2021, the Lord Advocate commissioned a review of how prosecutors deal with reports of sexual offences. This work, carried out by Susanne Tanner KC, is expected to be completed shortly. We anticipate that the review will identify other ways in which the handling of sexual offence cases can be improved. This may further impact COPFS's approach to managing section 275 applications and how it supports and communicates with complainers.
45. Our recommendation directed at the Scottish Government has also been achieved. For further details of how our nine recommendations have been progressed, see Appendix 2.

The management of criminal allegations against the police

46. In September 2021, IPS published a report on how COPFS manages criminal allegations against the police.¹⁶ Overall, we concluded that the quality of decision making by COPFS in such cases was good, and that the public should be reassured by the robust scrutiny which is applied to on duty criminal allegations against the police. The creation of the Criminal Allegations Against the Police Division (CAAP-D), a national unit to manage all on duty criminal allegations against the police, had resulted in consistent decision making by specialist prosecutors and had facilitated effective relationships with stakeholders. Nonetheless, we also found scope for improvement in how criminal allegations against the police were managed. We made 18 recommendations.
47. We have assessed information supplied by COPFS in respect of its work to implement our recommendations. Of the 18 recommendations, we consider that:
 - 13 have been achieved
 - one has been partially achieved
 - progress has been made in implementing three recommendations. In respect of one of these three, the progress has been substantial
 - one recommendation has not yet been achieved.

¹⁶ IPS, [Inspection of the management by COPFS of criminal allegations against the police](#) (September 2021).

48. Further detail on the action taken to implement the recommendations is available in Appendix 2.
49. The investigation of criminal allegations against the police has received much attention in recent years and the issue of public trust in policing has rarely been more intense. We therefore welcome the good progress COPFS has made in addressing many of our recommendations as well other findings in our report. However, some recommendations have only been implemented very recently. While we have assessed those as achieved, they will require to be monitored by COPFS to ensure new approaches are sustained and delivered routinely.
50. COPFS has taken welcome steps to improve its communication with those who make criminal allegations against the police. In such cases, the level of communication goes beyond that in other cases reported to COPFS. This should assist in building complainers' confidence that their allegations are being investigated robustly. However, there remains a tendency to rely on written communication with complainers and there is scope for CAAP-D to be more proactive in its tailoring of communication to meet complainers' needs. At present, the onus is on the complainer to request alternative forms of communication if they are required.
51. In evidencing its implementation of several recommendations, COPFS has pointed to the development of a tripartite agreement between COPFS, Police Scotland and the Police Investigations and Review Commissioner (PIRC). The agreement focuses on the investigation and audit of allegations of breaches of Articles 3 and 5 of the European Convention on Human Rights (that is, allegations of assault, use of excessive force and unlawful arrest).
52. While the agreement is a welcome and useful development, COPFS's focus on this agreement as the means by which some IPS recommendations are taken forward has raised some issues that merit further consideration by CAAP-D. For example, the agreement is the means by which COPFS has provided guidance on the reporting of allegations to CAAP-D to Police Scotland and PIRC. The agreement does not, however, provide guidance to other reporting agencies, nor does it cover the full range of criminal allegations against the police that may be reported. While COPFS has also developed a separate, more general guidance document, this is only available to its own staff. While the majority of criminal allegations against the police will arise in respect of those serving with Police Scotland simply because it is the largest police service, CAAP-D requires to also engage with other services operating in Scotland (such as British Transport Police). As we noted in our report, there is a need to ensure those other police services remain fully sighted and consulted on policy and practice developments.

Inspection programme 2023-24

53. Our inspection programme for 2024-25 includes:

- An assessment of how well COPFS responds to enquiries received by National Enquiry Point, its customer contact centre. Many members of the public or organisations wishing to contact COPFS will phone or email Enquiry Point in the first instance. We will assess how efficiently and effectively such contact is addressed, including where enquiries are resolved by National Enquiry Point at the first point of contact and where they are transferred to other teams within COPFS for action. IPS commenced scoping and planning this work in the spring of 2024 and a Terms of Reference was published in July 2024.¹⁷
- A review of how effectively and efficiently witnesses are cited to attend court to give evidence. This review, to be conducted jointly with HM Inspectorate of Constabulary in Scotland, will consider whether there is scope to modernise the citation process. It will also consider the experience of witnesses who are cited and how this can be improved.

54. We keep our future inspection programme under continuous review and will consult with the Law Officers, COPFS and other stakeholders on other issues that would benefit from independent scrutiny. We anticipate that in the near future, our programme will include a review of COPFS's approach to learning and development for its staff.

55. Also in 2024-25, we will continue to review progress made by COPFS in implementing recommendations from our joint review of diversion from prosecution, published in 2023.¹⁸

¹⁷ IPS, [Terms of Reference – Responding to enquiries: service delivery through National Enquiry Point](#) (2024).

¹⁸ IPS, HMICS, Care Inspectorate & HMIPS, [Joint review of diversion from prosecution](#) (February 2023).

Other inspectorate activity

Strategic Plan 2022-25

56. This year, we continued to take forward the objectives set out in our Strategic Plan 2022-25. This has included a range of initiatives to improve our own approach to inspection so that we might better support continuous improvement in the service provided by COPFS. For example, we commenced a review of our Inspection Framework.¹⁹ This framework guides our scrutiny activity, ensuring a consistent, professional and transparent approach to our work.

57. We have continued to raise awareness of and engagement and confidence in our inspection activity by:

- maintaining our website which was first launched in March 2023. This has included successfully using the website as a tool to engage people in our inspection of the prosecution of domestic abuse at sheriff summary level
- raising the profile of the scrutiny carried out by the inspectorate by speaking at a range of events throughout 2023-24 about the findings of our joint review of diversion from prosecution as well as about the work of IPS more generally
- promoting awareness of the inspectorate's work among COPFS staff by posting a series of articles about recent and upcoming inspections on the COPFS intranet
- reviewing and improving the dissemination strategy for each of our publications to ensure they reach their target audience.

58. To improve our organisational resilience, we have reviewed our staffing model. This resulted in IPS replacing the role of seconded Assistant Inspector of Prosecution with a permanent position. A new, permanent Assistant Inspector of Prosecution was appointed in July 2023. This has provided a greater degree of stability in a small team, boosts our resilience and allows for a longer-term return on the investment we make in the training and development of staff.

New premises

59. For many years, the inspectorate had been hosted in office accommodation provided in kind by COPFS. In 2020-21, we decided to seek new premises which would afford us the opportunity to reinforce our status as an independent inspectorate. We secured accommodation within the Scottish Government's estate and moved to our new premises at 5 Atlantic Quay in Glasgow in early 2024. We are grateful to COPFS for hosting us over many years, and to the Scottish Government's estates team who facilitated our move.

¹⁹ IPS, [Inspection Framework](#) (2024).

The inspectorate in 2023-24

Finance

60. The inspectorate is funded by the Scottish Government. Our budget for 2023-24 was £433,000. This was an almost 2% increase, from £425,000, in 2022-23. The increase was intended to cover rising staff costs, however, had we been fully staffed throughout the year, our budget would have been overspent. We were able to stay within budget only through vacancy management. Rising staff costs will continue to be a challenge in 2024-25. Staff costs typically account for the majority of our annual spend – in 2023-24, staff costs made up 97% of our annual spend.

61. In 2023-24, our expenditure was as follows:

Staff costs	415,414
Subsistence and motor mileage	346
Printing and binding	2,971
Travel and accommodation	572
Hospitality	121
Conference fees	844
Other running costs	9,811
Total	£430,079

62. Under sections 31 and 32 of the Public Services Reform (Scotland) Act 2010, IPS is required to publish certain information, including on expenditure. This information is published at Appendix 1.

Staff

63. As at 31 March 2024, the staff of IPS was 3.57 full-time equivalents and consisted of the Chief Inspector, Assistant Inspector of Prosecution, Business Inspector and a Personal Assistant.

64. The secondment of our Legal Inspector from COPFS came to an end in March 2024. A new Legal Inspector was recruited in early 2024 and commenced his secondment on 1 April 2024, bringing our staffing complement to 4.57 full-time equivalents for 2024-25.

Freedom of Information requests

65. IPS is subject to the Freedom of Information (Scotland) Act 2002. We publish information about our work, including our inspection reports, on our website. In 2023-24, we received eight freedom of information requests, all of which were responded to within the required timescale.

Appendix 1 – Duty to publish information

66. Sections 31 and 32 of the Public Services Reform (Scotland) Act 2010 impose duties on public bodies to publish information on expenditure and certain other matters.

Section 31

67. Sections 31(1) and (2) require IPS to publish expenditure incurred in relation to:

Public relations	5,410.47
Overseas travel	0.00
Hospitality and entertainment	120.64
External consultancy	0.00

68. This expenditure is included, and is not in addition to, the expenditure for 2023-24 listed at paragraph 61. Expenditure on public relations predominantly relates to the cost of producing our inspection reports and other published documents, as well as the maintenance of our website.

69. Section 31(3) requires IPS to publish details of any payment made in excess of £25,000. No such payments were made in 2023-24.

70. Section 31(4) requires IPS to publish the number of individuals who received remuneration in excess of £150,000. No member of staff earned in excess of £150,000.

Section 32

71. Section 32 requires public bodies to publish a statement of the steps they have taken during the financial year to (a) promote and increase sustainable growth through the exercise of its functions; and (b) improve efficiency, effectiveness and economy in the exercise of its functions.

72. The function of IPS is to inspect the operation of COPFS. We consider that section 32 applies in respect of (i) how efficiently and effectively IPS itself delivers its function; and (ii) how we support COPFS in the delivery of its functions.

73. In relation to (i), given that staffing costs made up 97% of our spend in 2023-24, there has been limited scope for us to achieve savings in the exercise of our function. IPS is required to meet rising staff costs as its staff are civil servants whose pay and terms and conditions are set by the Scottish Government. As an already lean organisation, any reduction in staffing levels would significantly impede our ability to fulfil our statutory function.

74. Nonetheless, we have continued to seek opportunities to achieve savings, mindful of the need to spend public money judiciously and to seek value for money. In

2023-24, IPS moved to a new office within the Scottish Government estate. While we have long had a shared services approach with the Scottish Government with regard to, for example, information and communications technology, procurement and recruitment, moving into the Scottish Government's estate has allowed us to increase our use of shared services and make some additional savings.

75. We also work with our scrutiny partners to achieve savings. This includes, for example, sharing training with other inspectorates to reduce costs.
76. In past years, costs associated with inspection fieldwork have been one of our main areas of non-staffing spend. More recently, fieldwork costs have remained low as IPS has continued to make use of, for example, virtual meetings to carry out interviews. This has had financial and environmental benefits.
77. Given the comparatively small budget of IPS, perhaps the most significant contribution we can make to improving efficiency, effectiveness and economy is in the choice of what we inspect and how we encourage and support COPFS to improve the delivery of its service. In relation to (ii) therefore, the scrutiny work of IPS is guided by an Inspection Framework based on the European Foundation for Quality Management (EFQM) Model. This is a globally recognised framework that supports organisations to manage change and improve performance. It has a significant focus on sustainability. Drawing on the EFQM Model, our own framework considers how well COPFS achieves value for money and achieves maximum value from its assets and resources. The need to deliver a more effective and efficient prosecution and death investigation service is a recurring theme in our scrutiny activity.

Appendix 2 – Status of recommendations

Inspection of COPFS practice in relation to sections 274 and 275 of the Criminal Procedure (Scotland) Act 1995 (2022)

No	Recommendation	Status	Rationale
1	COPFS should clearly set out its expectations of staff regarding record keeping and remind them that key decisions about a case should be recorded and that key documentation relating to a case should be imported into the relevant case file.	Substantial progress	<p>Instruction issued to all staff that key decisions and key documentation should be recorded in case management system. Instruction also reflected in Chapter 9 (focusing on sexual history and character evidence) of the Sexual Offences Handbook which states copies of lodged section 275 application, court interlocutor and record of court’s ruling should be saved in case record in case management system.</p> <p>For High Court cases, process desk instructions initially developed to ensure section 275 applications added to case management system and to folders used by Crown Counsel. Subsequently, new system for electronic reporting to Crown Counsel introduced ensuring all relevant personnel have access to key documents. In Local Court cases, each sheriffdom appointed a single point of contact whose duties include oversight and importation of key documentation into case records. Introduction of business codes now allows cases to be flagged as involving section 275 applications to allow management oversight.</p> <p>IPS considers substantial progress has been made towards addressing this recommendation. There is scope for assurance work to be undertaken in High Court cases regarding record keeping in the case management system, confirming that instructions are followed in practice.</p>

2	COPFS should urgently publish a revised Chapter 9 of the Sexual Offences Handbook to provide a single, easily accessible and up-to-date repository for all policy and guidance on managing section 275 applications.	Achieved	Chapter 9 revised to reflect changes to policy and processes in response to IPS recommendations, now providing a single source of guidance for staff. Staff advised of changes and revised Chapter 9 reflected in training.
3	Dedicated training on sexual history and character evidence should be mandatory for all COPFS personnel who are likely to regularly make or respond to section 275 applications in the course of their work.	Achieved	Three courses developed providing structured, staged and comprehensive training for staff likely to deal with section 275 applications as part of their work and for whom training is now mandatory. A list of those requiring mandatory training provided to Scottish Prosecution College and updated annually. Compliance now monitored. Training on section 275 applications for Crown Counsel also taken forward.
4	COPFS should instruct staff that, wherever possible, section 275 applications should be lodged with the court and intimated to the defence at the same time as the indictment is served.	Achieved	This instruction now included in Chapter 9 of the Sexual Offences Handbook. Dip sampling of cases shared with IPS showed increase in number of section 275 applications lodged with indictment, however scope for even further improvement (while recognising lodging with indictment not achievable in every case). COPFS committed to further increasing applications lodged with indictment through regular reminders to staff and monitoring by Sexual Offences Strategic Group.
5	COPFS should identify the most efficient process for receiving and actioning section 275 applications intimated by the defence. It should communicate this process to defence counsel and encourage them to use it.	Achieved	COPFS has requested that the defence send section 275 applications, as well as other case documents, to specified mailbox. Reminder issued and further reminder planned. Recommendation achieved although IPS considers this should be monitored and further reminders sent to defence, highlighting the benefits of using the specified mailbox, as required.
6	COPFS should provide staff with guidance on the circumstances in which it may not be	Achieved	Guidance now included in Chapter 9 of the Sexual Offences Handbook and examples of when it may not be appropriate to engage complainer now included in training for staff. Work underway

	appropriate to engage the complainer about section 275 applications.		to obtain further practical examples from Crown Counsel for inclusion in Chapter 9.
7	The Scottish Government should consider seeking to extend the statutory time limits for making section 275 applications in the High Court, irrespective of whether a right to independent legal representation is introduced.	Achieved	The Victims, Witnesses and Justice Reform (Scotland) Bill (as introduced) will amend the time limit for lodging section 275 applications in the High Court of Justiciary from seven to 21 days before the preliminary hearing. The Bill is currently subject to parliamentary scrutiny.
8	COPFS should ensure that the manner in which complainers are precognosed about section 275 applications is complainer-led, with options being clearly set out and complainers being invited to state their preference which should be facilitated.	Achieved	Chapter 9 of the Sexual Offences Handbook updated in accordance with this recommendation, thereby providing guidance to all staff including those in High Court and Local Court teams. For High Court staff, guidance supplemented by reminder to all solemn legal managers of need for meetings with complainers in every case. Oversight provided via fortnightly meetings between solemn legal managers and case preparers to discuss case progress and communication with complainers, and via monitoring by Assistant Procurators Fiscal. Further changes to Chapter 6 (on communication with victims) of the Sexual Offences Handbook prepared to provide guidance on meeting with complainers and aide-memoire on what should be covered. Approval and delivery of these changes expected in August 2024. Other work on improving communication with victims also being taken forward.
9	COPFS should clarify who is responsible for notifying complainers of the outcome of section 275 applications and should ensure compliance with this requirement. In addition, COPFS should remind its staff that they are	Achieved	Chapter 9 of the Sexual Offences Handbook updated in accordance with this recommendation. For High Court cases, responsibility for notifying complainers of outcome of section 275 applications lies with case preparer while likely outcome of an application in High Court cases will be addressed with complainer by Crown Counsel. In

	required to advise complainers of the likely outcome of section 275 applications.		<p>Local Court cases, informing the complainer of likely and actual outcome is responsibility of procurator fiscal depute conducting section 275 hearing.</p> <p>Compliance monitored in High Court cases in fortnightly meetings between solemn legal manager and case preparer (see Recommendation 8). A dedicated VIA officer for each team works with case preparer to ensure communication with complainer about section 275 applications takes place. Compliance monitored in Local Court cases by the Local Court Sexual Offences Board which will instruct periodic dip sampling of cases.</p>
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Inspection of the management by COPFS of criminal allegations against the police (2021)

No	Recommendation	Status	Rationale
1	COPFS should review its policy and practice in relation to the involvement of complainers in the process for managing criminal allegations against the police.	In progress	COPFS supplied evidence of new strategy for communicating with complainers being developed (see Recommendation 2). While relevant and helpful, this strategy and work in support of it has focused on communication with complainers, rather than <i>involvement</i> of complainers. No evidence supplied as yet of, for example, monitoring of involvement of complainers, complainer response rates to correspondence and ensuing improvement activity to increase response/engagement rate.
2	COPFS should review its approach to communicating with complainers in cases involving criminal allegations against the police. It should develop a strategy for ensuring that communication is timely,	Achieved	Strategy for communicating with complainers developed – new template letters produced and schedule for sending letters at keys stages created. Includes additional stages at which complainers did not previously receive update.

	sufficiently frequent, good quality and tailored to the individual needs of the complainer.		While IPS considers the recommendation to be achieved, the emphasis remains on written communication with complainers and an apparent onus on complainers to request an alternative form of communication if required. Remains scope for more proactive identification of complainer needs and tailoring of communication to suit.
3	COPFS should develop guidance for the police on the investigation and reporting of criminal allegations against the police, as well as guidance for its own staff on the handling of such cases.	Substantial progress	<p>Tripartite agreement between COPFS, Police Scotland and Police Investigations and Review Commissioner (PIRC) now in place covering allegations of breaches of Articles 3 and 5 of European Convention on Human Rights. Agreement provides guidance on investigation and reporting of allegations. However, as an agreement between these three agencies, does not cover all police services that fall within CAAP-D's remit nor does it cover off duty offending.</p> <p>New guidance for COPFS staff on managing on duty allegations added to COPFS's Book of Regulations. Separate guidance on managing off duty offending published in 2024 for staff working in National Initial Case Processing (NICP) Unit.</p>
4	COPFS should make more information publicly available about its role in investigating and prosecuting criminal allegations against the police. COPFS should also publish data regarding its handling of such allegations, and work towards gathering and publishing data that is disaggregated by race and other characteristics.	Partially achieved	<p>COPFS published information about its role in investigating criminal allegations against the police on its website – this part of the recommendation has been achieved.</p> <p>The remainder of the recommendation has not yet been achieved. No more data published now than at time of inspection (for example, number of allegations investigated, outcome of investigation). With regard to data disaggregated by race or other characteristics, COPFS discussed with justice partners and advised IPS of challenges in taking forward. CAAP-D advises it has begun to gather data gender</p>

			and age, but data on race and other characteristics is not yet available.
5	COPFS should ensure that it receives early notification of the existence of criminal allegations against the police. It should require reporting agencies to report criminal allegations within a specified timescale that is commensurate with the nature of the allegation and it should monitor adherence to those timescales.	Achieved	<p>New tripartite agreement between COPFS, Police Scotland and PIRC sets out timescales and instructions for notifying CAAP-D of allegations. CAAP-D introduced monitoring process to ensure compliance. Timescale for notification for Police Scotland is as soon as reasonably practicable or within two working days from inference of criminality arising. Timescale for PIRC is as soon as reasonably practicable.</p> <p>Although this recommendation is considered largely achieved, the tripartite agreement is only with PIRC and Police Scotland. It does not include other police services which should also be clear about their target timescales for notifying CAAP-D of allegations.</p>
6	COPFS should consider setting target timescales for reporting agencies to submit investigation reports regarding criminal allegations against the police. It should work with those agencies to consider how best to monitor compliance with the targets.	Achieved	<p>New tripartite agreement between COPFS, Police Scotland and PIRC sets out target timescales for submitting investigation reports to CAAP-D. CAAP-D introduced monitoring process to ensure compliance. Timescale for reporting for Police Scotland is within six weeks of receiving allegation, or within three months for complex cases. Timescale for PIRC is within 154 days of receiving allegation.</p> <p>Although this recommendation is considered largely achieved, the tripartite agreement is only with PIRC and Police Scotland. It does not include other police services which should also be clear about their target timescales for reporting.</p>
7	COPFS should work with reporting agencies to review what information about subject officers should be included in reports submitted to CAAP-D.	Achieved	COPFS worked with reporting agencies to review information about subject officers included in reports. Following consultation with the Scottish Police Federation, CAAP-D decided not to request that information relating to subject officers' antecedents be included in

			investigation reports. IPS considers there remains a risk that important antecedent information may only come to light after a Law Officer has instructed a prosecution.
8	Pending the introduction of an electronic reporting system for criminal allegations against the police, COPFS should ensure that it records the receipt of such reports as soon as possible after they have been submitted (such as by the next working day).	Achieved	CAAP-D established a dedicated email address for the reporting of criminal allegations against the police. This is now monitored daily to ensure reports are actioned promptly.
9	COPFS should review its processes and its training for CAAP-D staff to ensure that it meets its disclosure obligations in related cases.	Achieved	Guidance on disclosure in CAAP-D cases now updated and added to COPFS intranet. All CAAP-D staff have received relevant training. The ownership of cases and their effective transfer from CAAP-D to Local Court for prosecution remains an area that should be monitored.
10	COPFS should review its use of experts in cases involving criminal allegations against the police to ensure they are sufficiently independent when this is appropriate in the circumstances of the case. COPFS should also work with the police to improve the quality of expert reports and ensure that the reports include a declaration regarding any potential conflict of interest.	Achieved	COPFS reviewed its approach and developed a policy on the use of expert witnesses, taking into account the need for independence when appropriate. CAAP-D provided feedback to police about the quality of expert witness reports. Reports from police expert witnesses now include declaration regarding any conflict of interest.
11	COPFS should review its process for transferring criminal allegations against the police to local court for prosecution.	Achieved	COPFS revised the case transfer process. Process supported by guidance for staff and new forms. Process monitored by procurator fiscal depute who makes further process improvements as needed.
12	COPFS should consider appointing 'CAAP champions' in each Sheriffdom who will have responsibility for and oversight of the	Achieved	COPFS considered the need for 'CAAP' champions in each Sheriffdom but concluded this was not necessary.

	prosecution of all criminal allegations against the police.		
13	COPFS should review its induction processes and operational guidance for CAAP-D staff.	Achieved	CAAP-D has collated all training materials in one place and this now used as induction tool for new staff and general resource for other staff. A CAAP-D training co-ordinator role has been established to monitor training materials and organise training, including inputs from stakeholders.
14	COPFS should work with its partners to introduce an electronic reporting system for criminal allegations against the police.	Not achieved	COPFS advises this recommendation is not achievable in the short to medium term. An electronic reporting system for criminal allegations against the police is not being taken forward given other priorities in COPFS's digital strategy.
15	COPFS should provide written guidance to its staff and to reporting agencies covering the definition of on and off duty criminal allegations against the police. COPFS should also work with reporting agencies to ensure they submit on and off duty cases via the correct route.	Achieved	Definition of on and off duty criminal allegations against the police agreed in 2022 and shared with reporting agencies. Existing cases reviewed to ensure all cases correctly categorised. Definition included in guidance for local court staff published on COPFS intranet in 2024. Guidance published only recently and work to ensure on and off duty cases follow the correct process requires to be sustained.
16	COPFS should ensure that there is strategic oversight of how on and off duty criminal allegations against the police are managed, and greater dialogue between those responsible for handling each type of allegation.	Achieved	In March 2024, liaison in form of quarterly meetings began between Head of CAAP-D and senior member of staff within NICP to oversee interaction between on and off duty cases. Given only recent commencement of oversight, requires to be sustained to give full effect to recommendation.
17	COPFS should provide guidance to the police on ensuring that SPRs are completed with the correct occupation information.	In progress	In August 2024, instruction sent to Police Scotland regarding completion of SPRs with occupation information. Requires monitoring to ensure instruction carried out, and particularly that occupation information is completed consistently, to allow easy identification of cases involving criminal allegations against police.

18	COPFS should clarify the purpose of its approach to off duty criminal complaints against the police and design a process for handling such cases that supports that purpose. All relevant staff should be made aware of the process and it should be followed in all off duty cases.	Achieved	In May 2024, guidance on off duty criminal complaints against the police added to COPFS intranet. Given recent nature of guidance, requires to be monitored to ensure routine compliance.
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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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