



HM Inspectorate of Prosecution in Scotland

# Annual Report 2020-21

October 2021

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TO THE RIGHT HONOURABLE DOROTHY BAIN QC  
THE LORD ADVOCATE

The Sixteenth Annual Report to the Scottish Parliament

October 2021

Laura Paton  
HM Chief Inspector  
HM Inspectorate of Prosecution in Scotland

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## Foreword

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This report outlines the work of HM Inspectorate of Prosecution in Scotland (IPS) between 1 April 2020 and 31 March 2021. It covers a period of change and unprecedented challenge for the criminal justice system and for the delivery of all public services across Scotland.

The year began in lockdown due to the Covid-19 pandemic, with the criminal courts closed to all but essential business. In accordance with public health restrictions, there was an enormous shift to home working. Emergency legislation and guidance were drafted and implemented within weeks, and new approaches were introduced, such as virtual court proceedings. The early response of both the inspectorate and COPFS to the pandemic is described in our *Annual Report 2019-20*.<sup>1</sup>



As 2020 progressed and restrictions eased, attention turned to the resumption of court business and how the criminal justice system would recover from the pandemic. While much of the Crown's casework had come to an almost complete stop due to court closures, new cases had continued to accumulate and a significant backlog of cases awaiting trial had developed. The use of remote jury centres across Scotland allowed High Court and Sheriff Court solemn trials to resume. The High Court was operating at pre-Covid trial capacity by November 2020 and the Sheriff Court by February 2021. Due to the winter lockdown however, the majority of summary trials were adjourned in January 2021, only resuming in April.

While 46,159 cases were concluded in 2020-21 due to the commendable efforts of the criminal justice partners, this was almost half the number of cases concluded in 2019-20. By February 2021, the forecasted backlog of High Court trials had risen to over 740 (from 390 in March 2020), Sheriff Court solemn cases had risen to over 2,600 (from around 500) and sheriff summary cases had risen to over 35,000 (from almost 14,000).<sup>2</sup> Even with innovations such as remote jury centres, it is plain that the backlog will take years to resolve. Delays in cases reaching trial will adversely affect all those involved, including complainers, witnesses and the accused. Moreover, a system operating at maximum capacity will strain the resources and resilience of all affected organisations and their personnel. Ensuring that individuals have sufficient support for their mental and emotional wellbeing will be key, so that they can continue to deliver the high standard of work expected of them.

For COPFS, additional pressure arises from its role in the investigation of deaths in Scotland. In May 2020, a new team – the Covid Deaths Investigation Team – was established to investigate all Covid-related deaths reported to COPFS. By 31 March 2021, the team was managing the reports of 3,160 deaths, almost three quarters of which had occurred in care homes.<sup>3</sup> By August 2021, this had risen to 4,152 death reports.<sup>4</sup>

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<sup>1</sup> IPS, [Annual Report 2019-20](#).

<sup>2</sup> Scottish Courts and Tribunals Service, [Business Plan 2021-22](#).

<sup>3</sup> COPFS, [Covid Deaths Investigation Team – Monthly statistics](#) (March 2021).

<sup>4</sup> COPFS, [Covid Deaths Investigation Team – Monthly statistics](#) (August 2021).



To help meet this demand, the COPFS resource allocation was increased by the Scottish Government from £124.9 million in 2020-21 to £146.8 million in 2021-22. It also received additional capital funding of £0.5 million and will share in £50 million allocated by the government to the criminal justice partners for their Recover, Renew, Transform programme. The additional resource allocated to COPFS is not just to meet the additional demands arising from Covid but reflects, amongst other things, the need for the service to respond to the rise in sexual offences being reported and the increasing need to investigate and prosecute large and complex cases. It also reflects an increase in staffing costs arising from efforts to ensure pay parity between COPFS staff and their government colleagues.

In 2020-21 and continuing throughout 2021, COPFS has rightly been subject to extensive scrutiny and comment in connection with the prosecution of individuals associated with the purchase, administration and sale of Rangers Football Club. Civil actions were taken against the Lord Advocate in his role as head of the system of prosecution in Scotland. Following a decision by the Inner House of the Court of Session that the Lord Advocate is not immune from civil liability at common law in respect of prosecution decisions, admissions of liability for malicious prosecution were made regarding two individuals. In a statement to the Scottish Parliament in February 2021, the Lord Advocate provided details of the admissions, noted that profound departures from normal practices had occurred, and apologised for the serious failure in the system of prosecution and for the consequent cost to the public purse.<sup>5</sup> He also noted that additional claims in respect of the same prosecution remain live, preventing him from providing further information. The Scottish Government has provided assurance that the settlement of the claims will not affect the operational effectiveness of COPFS as they will not require to be met from the COPFS budget.

I share the public's consternation that individuals were prosecuted without a proper evidential basis, that this has resulted in such significant cost to the public purse and that it risks damaging public confidence in Scotland's prosecution service. I therefore welcome the commitment to hold a transparent and independent, judge-led public inquiry into the prosecution that gave rise to the civil actions. That inquiry will take place once all live legal proceedings have concluded. I also welcome steps already taken by the Lord Advocate and COPFS to identify learning from this case and to take corrective action.

While scrutiny of the case which gave rise to the civil actions is entirely appropriate, the management of the case unfortunately risks detracting from the hard work, commitment and professionalism of prosecutors and support staff who each day contribute to the fair and effective administration of criminal justice in Scotland.

Following nomination by the First Minister and the unanimous approval by the Scottish Parliament, Dorothy Bain QC and Ruth Charteris QC were appointed as Lord Advocate and Solicitor General in 2021. Their appointment marks the first time both positions have been held simultaneously by women. I congratulate the Law Officers on their appointment and look forward to a constructive and productive working relationship. I would like to thank the previous Lord Advocate and Solicitor

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<sup>5</sup> Scottish Parliament, [Official Report](#), 9 February 2021.



General for the value they placed on the independent scrutiny provided by the inspectorate and their support of our work.

### **The inspectorate**

In our *Annual Report 2019-20*, I described our initial response to the pandemic, the development of a contingency plan to allow us to continue to deliver our scrutiny programme while working from home and revisions to that programme in light of public interest in how COPFS was responding to the pandemic.

In 2020-21, IPS published two inspection reports and commenced work on a third. We published a follow-up review of the investigation and prosecution of sexual crime, and a joint inspection of emergency criminal justice provisions used as part of the response to the Covid-19 pandemic. We also commenced an inspection of how COPFS manages criminal allegations against the police. Our work is summarised in this report. Our follow-up work on sexual crime was cited in the Lord Justice Clerk's review of the management of sexual offence cases, published in March 2021.<sup>6</sup> Our interest in this area will continue in 2021-22, with a review of COPFS practice in relation to sections 274 and 275 of the Criminal Procedure (Scotland) Act 1995 which govern the leading of evidence relating to the sexual history or bad character of complainers. We will continue to build on the joint work undertaken in 2020 by exploring options for joint scrutiny of community justice alongside the Care Inspectorate and HM Inspectorates of Constabulary and Prisons in Scotland.

Throughout 2020-21, the inspectorate's staff worked almost entirely from home in line with restrictions associated with the Covid-19 pandemic. This was facilitated by video conferencing and by all staff having remote, direct access to COPFS systems. While we have adapted well to inspecting remotely and video conferencing undoubtedly offers benefits such as minimising travel time and expense for inspectors and those being inspected, working from home has also presented challenges such as inducting and training new staff some of whom, several months on, have still not had the opportunity to meet their colleagues in person. On the other hand, working remotely has encouraged us to extend our recruitment processes to those working anywhere in Scotland, with the newest addition to our team being based in Inverness.

Other challenges associated with remote working include building relationships with COPFS and stakeholders, particularly as individuals change roles; gathering intelligence about the service outside of a formal inspection; and inspections perhaps taking longer than expected when staff are not co-located at least some of the time. A key component of our inspections is interviewing staff and stakeholders, sometimes about sensitive issues which require quickly establishing rapport with the interviewee, openness and trust. Body language can also be useful in helping the inspector develop a line of questioning. Video conferencing, while convenient and essential during the pandemic, has limitations in this regard. In the future, we look forward to returning to in-person meetings and interviews where possible, albeit they will be augmented by some of the novel approaches we have developed during the pandemic.

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<sup>6</sup> Scottish Courts and Tribunals Service, [Improving the management of sexual offence cases – Final report from the Lord Justice Clerk's Review Group](#) (March 2021).



I will conclude by thanking the staff of the inspectorate who, like so many others, have shown impressive resilience, dedication and flexibility during a challenging year.

**Laura Paton**  
**HM Chief Inspector of Prosecution in Scotland**  
**October 2021**



## About us

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

### Vision

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

### Values

5. The core values of IPS are:

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





## **Equalities**

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

## **User involvement**

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

## **Our approach**

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

## **Thematic reviews**

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

## **Follow-up reports**

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

## **Collaborative inspections**

13. It is recognised that some issues are best addressed by a multi-agency or partnership approach. IPS has previously conducted joint inspections with HM Inspectorate of Constabulary in Scotland. The inspectorate also liaises with Audit Scotland and other inspection bodies within the criminal justice system to ensure there is no duplication of work and that inspection activity is undertaken in a collaborative and complementary way. This includes participating in the



Accounts Commission-led Strategic Scrutiny Group, which meets quarterly and comprises Scotland's main public sector scrutiny bodies. The group aims to deliver efficient and effective, well-coordinated scrutiny that supports improvement.



## Our inspection activity

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14. In 2020-21, we published two inspection reports – our *Follow-up review of the investigation and prosecution of sexual crime* and our *Joint inspection of emergency criminal justice provisions*. We also commenced an inspection of how COPFS manages criminal allegations against the police.
15. 2020-21 was another year of change for the inspectorate. Vacancies in our specialist legal inspector roles affected our planned inspection programme to some extent, however the most significant impact on our work was the Covid-19 pandemic. In Spring 2020, we reviewed our planned inspection programme and developed alternative options for scrutiny, taking into account the pressures facing COPFS and the public interest in how the service was responding to the pandemic. Following discussions with the Law Officers, this led to our inspection of criminal allegations against the police being postponed until later in the year and the inclusion in our 2020-21 programme of an inspection of key emergency criminal justice provisions introduced in response to the pandemic.

### **Follow-up review of the investigation and prosecution of sexual crime**

16. Published in August 2020,<sup>7</sup> this follow-up review assessed the progress made by COPFS in relation to the 12 recommendations in our 2017 inspection of the investigation and prosecution of sexual crime in the High Court. Six of the recommendations in our 2017 review were aimed at supporting COPFS to reduce the journey time of cases, while six sought to support improvements in how COPFS communicates with and supports victims and witnesses.
17. In our follow-up review, we noted that considerable progress had been made in implementing our previous recommendations. Eight recommendations had been achieved, three were in progress and one was no longer relevant given changes to working practices. We noted that the progress illustrates the commitment at a strategic level within COPFS to ensuring that cases progress more efficiently through the investigation and prosecution process and that victims are better informed and supported. Despite this progress, however, our follow-up review found that delays still occur and there is still scope for improving communication with victims. We made three new recommendations, all designed to further improve communication with and support for victims.
18. While completed and published in August 2020, the follow-up review commenced in 2019-20 and its findings are addressed in more detail in our annual report for that year.

### **Joint inspection of emergency criminal justice provisions**

19. In 2020, IPS carried out a joint inspection, with HM Inspectorate of Constabulary in Scotland (HMICS), to assess the use and impact of key emergency criminal justice provisions introduced in response to the Covid-19 pandemic. The inspection report, published in September 2020,<sup>8</sup> also

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<sup>7</sup> IPS, [Follow-up review of the investigation and prosecution of sexual crime](#) (August 2020).

<sup>8</sup> IPS & HMICS, [Joint inspection of emergency criminal justice provisions](#) (September 2020).



considered whether any aspects of the emergency provisions could result in more efficient and effective ways of working in the longer term.

20. In 2020, a range of emergency provisions were made to enable the criminal justice system to continue to operate during the initial response to the pandemic. Our inspection focused on four of these and, working with HMICS, we were able to consider them from both a prosecution and a policing perspective. Three of the provisions were legislative<sup>9</sup> and one was a change in policy. The four measures we assessed were:
  - Electronic signature and electronic transmission of documents
  - Remote, electronic attendance of parties at court
  - The ability to take a case beginning with an appearance from custody in any sheriff court ('national jurisdiction')
  - The Lord Advocate's Guidelines on liberation by the police during Covid-19.
21. The inspection involved us gathering information about the emergency criminal justice provisions from a range of sources during August and September 2020. This included seeking the views of those working in the criminal justice system via an online survey which received 479 responses, the largest survey ever undertaken by IPS. We also carried out more than 60 interviews with criminal justice professionals. While most worked for either COPFS or Police Scotland, we also interviewed Sheriffs Principal and defence agents, and staff working for the Scottish Courts and Tribunals Service, the Scottish Prison Service, GeoAmey and other stakeholders. We observed virtual summary trials and carried out on-site visits to police custody centres and Glasgow Sheriff Court to observe the operation of virtual custody courts. During these visits, we were able to speak to numerous staff about the emergency provisions as well as accused persons who had appeared at court virtually. Interviews and visits were carried out by two inspectors – one from IPS and one from HMICS so that all issues raised were viewed from both a prosecution and policing perspective.
22. In our report, we noted the extraordinary impact the pandemic had on the criminal justice system as well as the remarkable efforts required from those working across the system to be adaptable, innovative and to work at pace to maintain the integrity of the system and to continue to protect the public. Criminal justice professionals were required to operationalise law and policy changes in quick time, and re-engineer processes to meet new requirements. Working across criminal justice agencies was essential and we welcomed the collaborative approach that had been taken and, in particular, the effective partnership working between COPFS and Police Scotland.
23. We also noted that while the pandemic had brought uncertainty, risk and numerous challenges, it had also brought opportunity. Many of the innovations introduced in response to the pandemic were ones considered to be overdue as, until Covid-19, the justice system generally relied on face-to-face interactions and paper-based processes. As one respondent to our survey said, *'It shouldn't take a global pandemic to force the criminal justice system into the 21<sup>st</sup> century'*.

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<sup>9</sup> The three legislative measures are in Schedule 4 of the Coronavirus (Scotland) Act 2020.



24. Generally, we found that the emergency provisions had proved particularly beneficial during the initial lockdown period and would continue to have value during the recovery period (and any subsequent lockdowns). We found there would be merit in considering which of the provisions should be retained in the long term:
- We found general support for retaining provisions relating to the use of electronic signatures and electronic transmission of documents. Most believed that they resulted in more efficient and effective ways of working, saved time and money and, by reducing an outdated reliance on moving hard copy papers between organisations, were more environmentally friendly.
  - We found more mixed views on whether the emergency provision relating to remote, electronic appearance of parties at court should be retained. Some thought virtual proceedings were only appropriate in an emergency situation, while others were in favour of retaining and extending the use of virtual justice. Others had more nuanced views according to the type of court proceedings, and there was some support for hybrid models.
  - At the time of our inspection, the emergency provision creating the ability to take a case beginning with an appearance from police custody in any sheriff court had been little used. We considered, however, that there were circumstances in which it could be useful.
  - We found that the revised Lord Advocate's Guidelines on liberation by the police during Covid-19 had positively influenced custody decision making. We noted that efforts were being made to sustain the required cultural change in decisions about whether to release from custody or hold for court, and to safeguard the presumption of liberty while managing risks to communities and individuals.

### **Inspection of the management by COPFS of criminal allegations against the police**

25. In 2020-21, we commenced an inspection of the management of criminal allegations against the police. Terms of reference for this work were published in February 2021,<sup>10</sup> and a report of the inspection was published in September 2021.<sup>11</sup> The aim of the inspection was to assess the management of criminal allegations against the police by COPFS with a view to providing assurance to the Lord Advocate, the public and other stakeholders that such cases are dealt with effectively and efficiently. The inspection was intended to complement a broader review of police complaints handling in Scotland carried out by Dame Elish Angiolini, the final report of which was published in November 2020.<sup>12</sup>
26. All criminal allegations against the police are reported to COPFS. COPFS is able to independently oversee and direct the investigation into criminal allegations, before making a decision as to whether the person complained

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<sup>10</sup> IPS, [Inspection of the management of criminal allegations against the police by COPFS – Terms of Reference](#) (February 2021).

<sup>11</sup> IPS, [Inspection of the management by COPFS of criminal allegations against the police](#) (September 2021).

<sup>12</sup> The Rt. Hon. Dame Elish Angiolini DBE QC, [Independent review of complaints handling, investigations and misconduct issues in relation to policing – Final report](#) (November 2020).



about should be prosecuted. COPFS has separate processes for dealing with criminal allegations against the police depending on whether the alleged criminal conduct was committed while on duty or while off duty. We reviewed how COPFS manages both types of allegation.

27. Overall, we concluded that the quality of decision making by COPFS is good and that the public should be reassured by the robust scrutiny which is applied to on duty criminal allegations against the police. There is scope for improvement, however. There is a need for greater clarity about how on and off duty allegations should be managed among those agencies that report allegations to COPFS and among its own staff. Reporting agencies and COPFS can also make improvements to their processes, to ensure that COPFS is able to properly fulfil its role in independently overseeing and directing investigations. There is work to be done to ensure that decisions on whether criminal allegations should result in a prosecution are made timeously, and are communicated effectively to complainers and those complained about. We made 18 recommendations for improvement.

### Inspection programme 2021-22

28. Our inspection programme for 2021-22 includes:

- **An inspection of the management by COPFS of criminal allegations against the police**  
As noted above, IPS commenced an inspection of how COPFS manages criminal allegations against the police in 2020-21. Work on this inspection continued until its publication in September 2021.<sup>13</sup>
- **An inspection of COPFS practice in relation to sections 274 and 275 of the Criminal Procedure (Scotland) Act 1995**  
Sections 274 and 275 of the Criminal Procedure (Scotland) Act 1995 regulate the use of evidence relating to sexual history and bad character in sexual offence trials. Following discussions with the Lord Advocate and the publication of a report by the Equality and Human Rights Commission on the use of the provisions,<sup>14</sup> IPS will assess COPFS practice in this area. Initial exploratory work was carried out in late 2020. This identified difficulties in identifying cases in which applications under section 275 had been made and which would be suitable for review by IPS. As a result, IPS liaised with COPFS to establish a process to manually record all such applications between 1 January 2021 and 30 June 2021. This information will be used by IPS to further scope and plan our inspection activity and to identify a sample of applications for review. This work commenced in September 2021.

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<sup>13</sup> IPS, [Inspection of the management by COPFS of criminal allegations against the police](#) (September 2021).

<sup>14</sup> Professor Sharon Cowan, [The use of sexual history and bad character evidence in Scottish sexual offence trials](#) (EHRC, August 2020).



29. In addition to the scrutiny activity listed above, throughout 2020-21 IPS has engaged with our scrutiny partners to explore issues which would benefit from a joint approach. The exact scope and timing of any future joint work is yet to be finalised but is likely to include:

- **The management of cases reported from custody**

When a person is arrested and kept in police custody after being charged with an offence, they must, wherever practicable, be brought before a court by the end of the next court day. In such cases, the police are required to submit a report to COPFS and prosecutors are required to mark the case within a very short period of time. Working with HMICS, we are considering a joint review of how custody cases are managed both by the police and by COPFS. Of particular interest is whether prosecutors are supported, through the provision of adequate and timely information, to make the most appropriate decisions.

- **Community justice**

Working with the Care Inspectorate, HMICS and HM Inspectorate of Prisons for Scotland, we are exploring joint scrutiny of community justice and the extent to which national outcomes and priorities are being delivered. While community justice encompasses a broad range of interventions at various points in the criminal justice process, the interest of IPS is primarily in the use of diversion from prosecution.



## Other inspectorate activity

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### Terms of reference

30. In 2020-21, we introduced a new practice of publishing terms of reference for our scrutiny activity.<sup>15</sup> The terms of reference sets 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 will usually be drafted after initial scoping work and preliminary discussions with key parties have been carried out. 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 reviewed as well as the Crown personnel involved in the inspection so that they might better understand the purpose and nature of our work.

### Strategic Scrutiny Group

31. During 2020-21, IPS worked closely with our scrutiny partners. We continued to participate in the Strategic Scrutiny Group, chaired by the Accounts Commission and comprising Scotland's main public sector scrutiny bodies. The group aims to deliver efficient and effective, well-coordinated scrutiny that supports improvement. IPS also participated in the Operational Scrutiny Group which supports the work of the Strategic Scrutiny Group with the aim of delivering coordinated scrutiny of public services and exploring opportunities for collaboration. In November 2020, members of the Strategic Scrutiny Group worked together to produce a report on how we have adapted our approaches to scrutiny in response to Covid-19 and how we can build on the increased joint working that has taken place.<sup>16</sup>
32. More informally, we also continued to have more focused discussions with our criminal justice scrutiny partners throughout the year, including with HMICS and HM Inspectorate of Prisons for Scotland. These regular meetings provide an opportunity to discuss and share information about developments across the justice sector and to consider an appropriate scrutiny response.

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<sup>15</sup> See, for example, IPS [Inspection of the management of criminal allegations against the police by COPFS – Terms of Reference](#) (February 2021) and IPS & HMICS, [Joint inspection of emergency criminal justice provisions – Terms of Reference](#) (July 2020).

<sup>16</sup> Accounts Commission, [Strategic Scrutiny Group: Scrutiny responses to Covid-19](#) (November 2020).





## The inspectorate in 2020-21

### Finance

33. The inspectorate's budget for 2020-21 was £350,000. The expenditure was as follows:

Staff costs*	311,014
Subsistence and motor mileage	0
Printing and binding	2,360
Travel and accommodation	0
Hospitality	0
Conference fees	443
Other running costs	<u>7,743</u>
<b>Total</b>	<b><u>£321,560</u></b>

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

34. In 2020-21, the inspectorate's travel and accommodation costs were significantly less than normal due to the Covid-19 pandemic and the fact staff worked almost entirely from home and carried out inspection activity virtually. In addition, the posts of Assistant Inspector of Prosecution and Legal Inspector were each vacant for periods of around four months, pending ongoing recruitment and appointment processes. These vacancies contributed to the underspend in budget. Had the vacancies not arisen, the budget would have been overspent due to rising staff costs. Accordingly, IPS sought and secured a budget increase to £400,000 for 2021-22.

35. The inspectorate is funded by the Scottish Government while office accommodation is provided in kind by COPFS. We are grateful to COPFS for this provision throughout the inspectorate's history although the arrangement regarding accommodation will come to an end by 2023. The inspectorate will seek new premises which will afford the opportunity to reinforce its independent status.

### Staff

36. As at 31 March 2021, the staff of IPS was 4.4 full-time equivalents and consisted of the Chief Inspector, Assistant Inspector of Prosecution, Legal Inspector, Business Inspector and a Personal Assistant.

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



### **Register of interests**

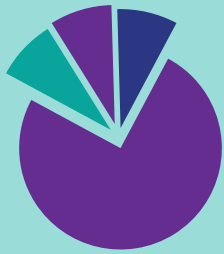
38. At the time of her appointment as HM Chief Inspector in 2019, Laura Paton had served as a trustee of the charity Together (Scottish Alliance for Children's Rights) since 2016. Her involvement in Together was noted in the register of interests held by the Scottish Government and highlighted on the inspectorate's web pages, and her appointment as HM Chief Inspector of Prosecution in Scotland was likewise noted in Together's register of interests. Appropriate safeguards are in place to avoid any potential conflicts of interest. In September 2020, Ms Paton was elected as Vice Chair of Together, and continued in her role as trustee. In the interests of transparency, her involvement in Together will be noted in the inspectorate's annual reports as well as any inspection report which deals with any substantial issue of children's rights.

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

39. We publish FOI information and all our reports on our website. During 2020-21, we received one Freedom of Information request and responded within the required timescale.

### **Complaints process**

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



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## About HM Inspectorate of Prosecution in Scotland

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

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