



HM Inspectorate
of Prosecution in Scotland

Inspection Framework

August 2024

About us

HM Inspectorate of Prosecution in Scotland (IPS) is led by HM Chief Inspector of Prosecution who is appointed by the Lord Advocate to inspect the operation of the Crown Office and Procurator Fiscal Service. 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.

The Crown Office and Procurator Fiscal Service (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.

Introduction

For several years, the scrutiny activity of HM Inspectorate of Prosecution in Scotland has been underpinned by an inspection framework based on the European Foundation for Quality Management (EFQM) Model. The EFQM Model is a globally recognised framework that supports organisations to manage change and improve performance. We had adapted the EFQM model to support our inspections of the Crown Office and Procurator Fiscal Service (COPFS), focusing on six key themes – outcomes, leadership and governance, process, people, resources, and collaborative work.

In recent years, the EFQM Model has undergone significant revision to ensure it remains fit for purpose and reflects the world in which we now operate.¹ In turn, we have reviewed and revised our own inspection framework, drawing on the latest EFQM Model. Our revised framework is focused on three key themes:

- direction
- delivery
- outcomes.

While each of our inspections of COPFS will vary in subject matter, scope and scale, our inspection framework is designed to ensure a consistent, professional and transparent approach to our work. The framework informs all of our scrutiny activity, but is also sufficiently flexible so that bespoke inspection questions – known as our ‘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. Publication of the framework helps those we inspect, stakeholders and the public know what to expect from us. Similarly, publication of a terms of reference for each individual inspection will highlight how the framework is being tailored to the issue or service area subject to review.

At HM Inspectorate of Prosecution in Scotland, our vision is to promote excellence and confidence in Scotland’s prosecution service through independent, evidence-based scrutiny. This revised inspection framework will assist us in identifying areas of effective practice as well as areas for improvement. The framework will also continue to be reviewed and updated in light of our experience of inspection and what works, as well as any feedback we receive and any further developments to the EFQM Model.

Laura Paton
HM Chief Inspector of Prosecution in Scotland
August 2024

¹ The EFQM Model: Revised 2nd edition (2021) and The EFQM Model 2025 (2024). For more information about EFQM, visit the [EFQM website](#).

Our approach to inspection

Our values – of independence, credibility, user-focus, respect and partnership – underpin our approach to scrutiny.



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.

Our approach is also guided by:

- The five principles for external scrutiny set out by Professor Lorne D Crerar following his review of the regulation, audit, inspection and complaints handling of public services. These five principles are independence, public focus, proportionality, transparency and accountability.²

² Professor Lorne D Crerar, [The Crerar Review: The report of the independent review of regulation, audit, inspection and complaints handling of public services in Scotland](#) (2007).

- The four key pillars for the reform of public services in Scotland set out by the Scottish Government in response to the Christie Commission.³ These four pillars are:
 - Prevention – reducing future demand by preventing problems arising or dealing with them early on
 - Performance – a sharp focus on improving performance through greater transparency, innovation and use of digital technology
 - People – greater investment in people who deliver services through enhanced workforce development and effective leadership
 - Partnership – bringing partners together with communities to deliver shared outcomes.

Additionally, our approach to inspection is guided by 10 principles of inspection based on Cabinet Office guidance:

- 1) **Purpose of improvement.** Inspectors should explicitly aim to contribute to the improvement of the service being inspected. This should guide the focus, method, reporting and follow-up of inspection. In framing recommendations, inspectors should recognise good performance and address any failure appropriately. Inspection should aim to generate data and intelligence that enable services more quickly to calibrate the progress of reform and make appropriate adjustments.
- 2) **Focus on outcomes.** Inspectors should consider service delivery to the end users of the services rather than concentrating on internal management arrangements.
- 3) **User perspective.** Inspectors should focus on the experience of those for whom the service is provided. Inspectors should encourage innovation and diversity and not be solely compliance-based.
- 4) Over time, inspectors should modify the extent of future inspection **proportionate to risk** and according to the quality of performance by the service provider.
- 5) Inspectors should encourage **rigorous self-assessment** by managers. Inspectors should challenge the outcomes of self-assessments, consider them in the inspection process and provide a comparative benchmark.
- 6) Inspectors should use **impartial evidence**. Evidence, whether quantitative or qualitative, should be validated and credible.

³ Scottish Government, [Renewing Scotland's public services: priorities for reform in response to the Christie Commission](#) (September 2011) and Dr Campbell Christie, [Commission on the future delivery of public services](#) (June 2011).

- 7) Inspectors should be **transparent about the criteria** they use to form judgements.
- 8) Inspectors should be **open about their processes**, willing to take any complaints seriously, and demonstrate a robust quality assurance process.
- 9) Inspectors should have regard to **value for money**, their own included.
- 10) Inspectors should **continually learn from experience**, in order to become increasingly effective. This can be done by assessing their own impact on the service provider's ability to improve and by sharing best practice with other inspectors.

Setting our inspection programme

Issues for inspection are selected by HM Chief Inspector of Prosecution in Scotland following consultation with the Law Officers, COPFS and stakeholders. In selecting issues for inspection, the Chief Inspector will take into account:

- whether it is in the public interest to inspect the issue
- whether the issue relates to an area of high risk or concern or strategic importance
- whether we can add value by carrying out an inspection
- whether the issue has been inspected previously
- whether another scrutiny body has reviewed the issue
- whether the issue is within the scope of a previous, current or future public inquiry
- whether there have been any findings from a court, public inquiry or other source regarding COPFS that merit follow up
- whether we have sufficient resources and capacity to carry out the inspection
- whether the issue is linked to COPFS's strategic priorities, or the priorities set out in the Scottish Government's Vision for Justice in Scotland.⁴

The Chief Inspector will also consider whether there is scope for an issue to be inspected jointly with another scrutiny body. We actively seek opportunities to carry out our inspection activity in partnership with others. 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. Joint scrutiny is facilitated by some of our key scrutiny partners adopting inspection frameworks which are also based on the EFQM Model.

⁴ Scottish Government, [The Vision for Justice in Scotland](#) (2022).

HM Inspectorate of Prosecution in Scotland may also be directed to inspect a particular issue by the Lord Advocate as, under section 79(2) of the Criminal Proceedings etc. (Reform) (Scotland) Act 2007, the Chief Inspector must submit a report to the Lord Advocate on any particular matter connected with the operation of COPFS which the Lord Advocate refers to the Chief Inspector. Additionally, under section 115 of the Public Services Reform (Scotland) Act 2010, we may be asked by Scottish Ministers to conduct a joint inspection in relation to specified services.

Evidence-gathering

Our goal is to gather sufficient, relevant and reliable evidence from a range of sources to support our inspection findings and recommendations. We use both qualitative and quantitative evidence, and we seek to triangulate and quality assure the evidence we gather. Our key evidence gathering methods include:

- reviewing documentation such as strategies, plans, policies, guidance and procedures
- analysing management information and performance data
- examining cases
- interviewing (or carrying out focus groups with) staff, service users, stakeholders and partner organisations
- carrying out surveys
- observation (of, for example, court proceedings or training).

Our inspection framework

The EFQM Model

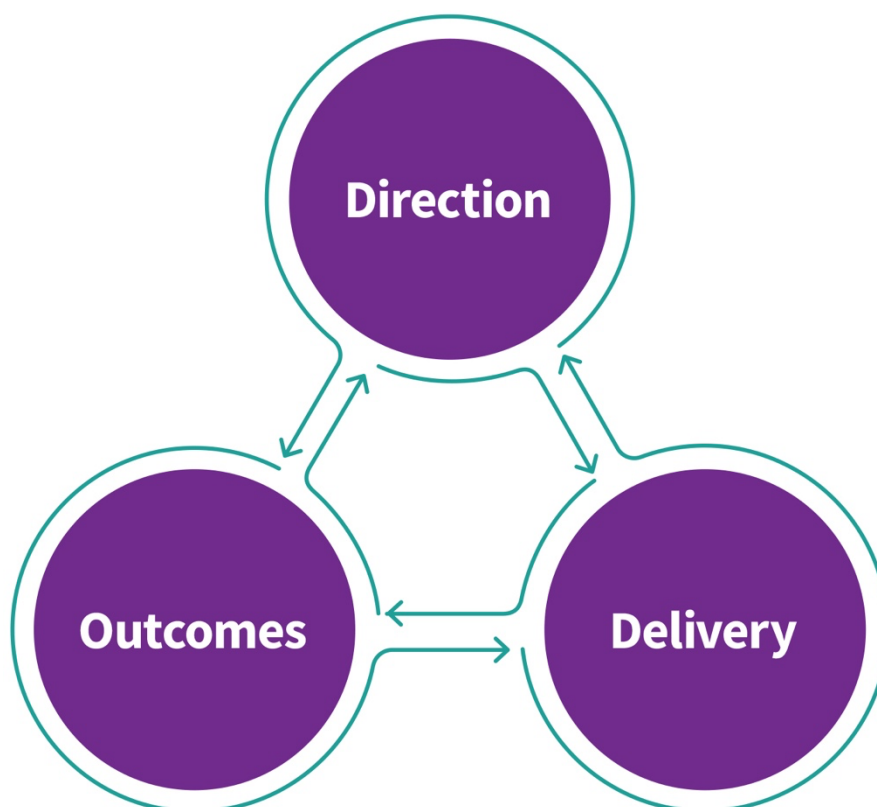
The EFQM Model has three overarching themes, each supported by a key question:

- Direction – **Why** does this organisation exist? What purpose does it fulfil?
- Execution – **How** does it intend to deliver on its purpose and its strategy?
- Results – **What** has it actually achieved to date? What does it intend to achieve tomorrow?

Our framework

We have adapted the terminology of the EFQM Model to suit the context in which we operate and the organisation we inspect. Our overarching themes are:

- Direction
- Delivery
- Outcomes



These themes form the basis of our inspection framework and inform the key lines of enquiry we develop for each inspection. A more detailed description of each of the themes and how we have adapted it to our needs is set out below.

Direction

This theme focuses on **why** the organisation (or the service area subject to scrutiny) exists. Under this theme, we consider:

- **Purpose and vision** – what purpose is COPFS trying to fulfil and what is it trying to achieve in the long term
- **Strategy** – how will COPFS fulfil its purpose and achieve its strategic objectives
- **Context** – how well does COPFS understand its operating context, its capabilities and the challenges and opportunities it may encounter
- **Stakeholders** – how well does COPFS understand its key stakeholders and their needs and expectations
- **Governance** – whether COPFS has a governance and performance management system that supports delivery of its purpose and ensures compliance with all legal requirements
- **Leadership and culture** – how well COPFS is led and how leaders inspire others to work towards the organisational purpose and in accordance with the organisation's values. We also consider how change is managed and whether a culture of learning, improvement and creativity is encouraged
- **Transparency and trust** – whether COPFS communicates its purpose, vision and strategy to stakeholders, and involves stakeholders in their development, thereby creating openness, trust and confidence.

Delivery

This theme focuses on **how** the organisation or service area intends to deliver its purpose. Under this theme, we consider:

- **Service users** – how well COPFS understands those who use its service (including victims, witnesses, next of kin, accused and the wider public), how well it communicates with them, and whether it encourages and responds to feedback
- **Staff** – how COPFS attracts, engages, develops, recognises and retains its people, and the extent to which it empowers them, supports wellbeing and promotes diversity and inclusion
- **Stakeholders and partners** – how COPFS engages with stakeholders and works with its partners to deliver shared objectives
- **Capacity and capability** – how well COPFS manages its resources and whether it provides its staff with the support and tools they need to deliver to the best of their ability (including policy, guidance, training, processes, systems and technology)
- **Value** – how well COPFS achieves value for money and achieves maximum value from its assets and resources
- **Transformation** – the extent to which COPFS delivers its purpose today, while also planning for the future.

Outcomes

This theme focuses on the overall performance of the organisation and **what** it has achieved. Under this theme, we consider:

- **Feedback** – feedback COPFS receives about its service from service users, staff, partners, stakeholders and others, and how it uses feedback to inform current and future service delivery
- **Performance** – how COPFS is performing against key performance indicators, and how well it uses these results to make evidence-based decisions, to understand the cause and effect relationships that impact performance, and to forecast future performance.



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