

Justice Committee

Inquiry into the role and purpose of the Crown Office and Procurator Fiscal Service

Written submission from the Scottish Legal Aid Board

I write in relation to the Committee's call for evidence in relation to its inquiry into the role and purpose of the Crown Office and Procurator Fiscal Service. We consider the various questions posed by the Committee to be closely inter-related and so provide a general response rather than answering the questions separately.

By way of background, the Justice Board was set up by the Scottish Government and the key public organisations involved in the operation of the justice system. Members of the Justice Board include amongst others Scottish Government, COPFS, Police Service of Scotland, Scottish Police Authority, Scottish Courts and Tribunals Service, Scottish Legal Aid Board and the Scottish Prison Service. The Justice Board leads the justice system to deliver the *Strategy for Justice in Scotland* outcomes through a collaborative approach.

Therefore, COPFS does not work in isolation, and nor do the other members of the justice board, instead working in partnership, including through membership of and active involvement in the Justice Board. Both the Strategy for Justice itself and the work to implement it by the Justice Board, member organisations and others involved in the criminal justice system emphasise a collaborative approach and a concerted move away from silo-working at both strategic and operational levels.

The call for evidence asks about the opportunities for improvement offered by technology, reforms to criminal procedure and case management. It is important to note that these are key elements of criminal justice reform generally and as such offer opportunities not just for COPFS or any other body alone and nor can they be delivered by COPFS or any other body alone. Rather a 'whole system' approach has to be taken: changes in one part of the system inevitably affect another, and it is important to consider the impact of any changes on the whole system and ensure there are no unintended consequences. Similarly, co-ordinated changes in various parts of the justice system can achieve outcomes that organisationally or operationally isolated changes would be less likely or entirely unable to deliver.

To give a few examples of this approach in practice, at an operational level, COPFS has actively participated in a Justice Systems Planning Group established by the Justice Board, which has successfully reduced waiting times for summary trials. At a strategic level, COPFS is also closely involved in working groups established by SCTS and also involving SLAB, Police Scotland, defence agents and others to take forward the development of proposals for far reaching reforms to criminal justice as outlined in the Evidence and Procedure Review. COPFS is also a key player in the development of options for the digital production, storage and exchange of evidence which again presents significant opportunities to improve the timing and flow of crucial information between police, Crown, courts and defence.

The development of workable proposals and their successful implementation in each of these areas require all involved to engage in an open, imaginative and collaborative way, with willingness to reconsider established ways of working and to consider the needs of the system as a whole and its users, rather than those of any one agency or agencies. The active and constructive involvement of COPFS in these groups, alongside others involved in or affected by the criminal justice process, has been and will continue to be crucial.

We look forward to continuing to work with COPFS and other justice system colleagues to develop and deliver this integrated approach to system reform and improvement.

I hope that this response is helpful.

Colin Lancaster
Chief Executive
19 October 2016