



Meeting	Forensic Services Committee
Date	30 October 2023
Location	Via MS Teams
Title of Paper	Drug Driving Update
Presented By	Alastair Patience, Head of Function
Recommendation to Members	For discussion
Appendix Attached	No

PURPOSE

To provide members with an update on progress on the Drug Driving Toxicology Service.

The paper is submitted for discussion.

1. BACKGROUND

- 1.1 Forensic Services support the delivery of the drug blood limit testing requirement, prompted by a positive roadside test. This process is accredited to the recognised laboratory standard ISO 17025 by UKAS – the United Kingdom Accreditation Service.
- 1.2 The number of drug-driving cases is reported to the Scottish Police Authority Policing Performance Committee as part of the Police Scotland quarterly performance report.

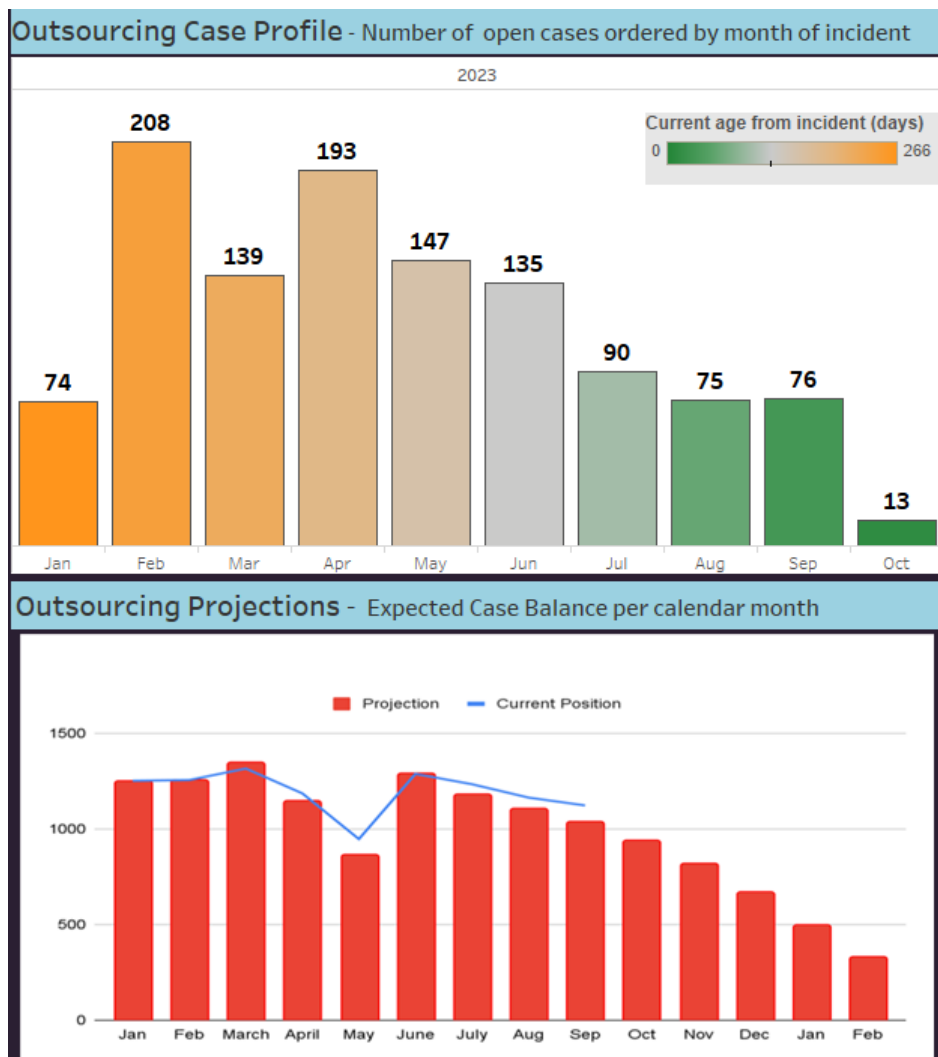
2. FURTHER DETAIL ON REPORT TOPIC

- 2.1 On 13th July 2022, HM Chief Inspector of Constabulary Scotland (HMICS) published their Terms of Reference for their Assurance Review with the aim to 'assess the state, efficiency and effectiveness of the arrangements in relation to the processes which are in place for obtaining, analysing and reporting toxicology samples obtained for Section 4 and Section 5A Road Traffic Act 1988 cases'.
- 2.2 HMICS has concluded their detailed Assurance Review and published their report on their findings in April 2023. Good progress is being made in terms of Forensic Services addressing the recommendations with the Terms of Reference for the Short Life Working Group in the final processes of agreement with the inaugural meeting scheduled prior to the end of October 2023.
- 2.3 The timeline for delivery to monitor progress in this area is provided in the 'HMICS Assurance Review of Forensic Toxicology Provision – Improvement Plan and Timeline for Delivery' paper, tabled for this meeting of the Forensic Services Committee.
- 2.4 A series of outsourcing contracts have been utilised over the last 3 years to manage casework and enable the Criminal Toxicology team to build capacity.
- 2.5 The outsourcing contract implemented in September 2022 continues to be utilised fully to allow outsourcing of both Section 5A and Section 4 cases, offering additional flexibility to meet the current level of demand for both Section 5A cases and the more complex Section 4 cases (combined demand c.230 cases per month)
- 2.6 Whilst the outsourcing of these cases (using funding which has been agreed by the Scottish Government) has continued since the last update to the Forensic Services Committee the numbers of cases outsourced per month has decreased as the internal capacity within

the Criminal Toxicology team increases as a result of the ongoing training and development work (more detailed update of volumes is provided later in this report).

- 2.6 The pace of reporting of outsourced work has been slower than anticipated, due to unforeseen capacity issues which emerged in Q3 2022/23. A revised projection was developed as a result – this is running c.85 cases behind projection for a variety of reasons. Despite the delays, no cases are at risk of exceeding the current 12-month statutory time limit.

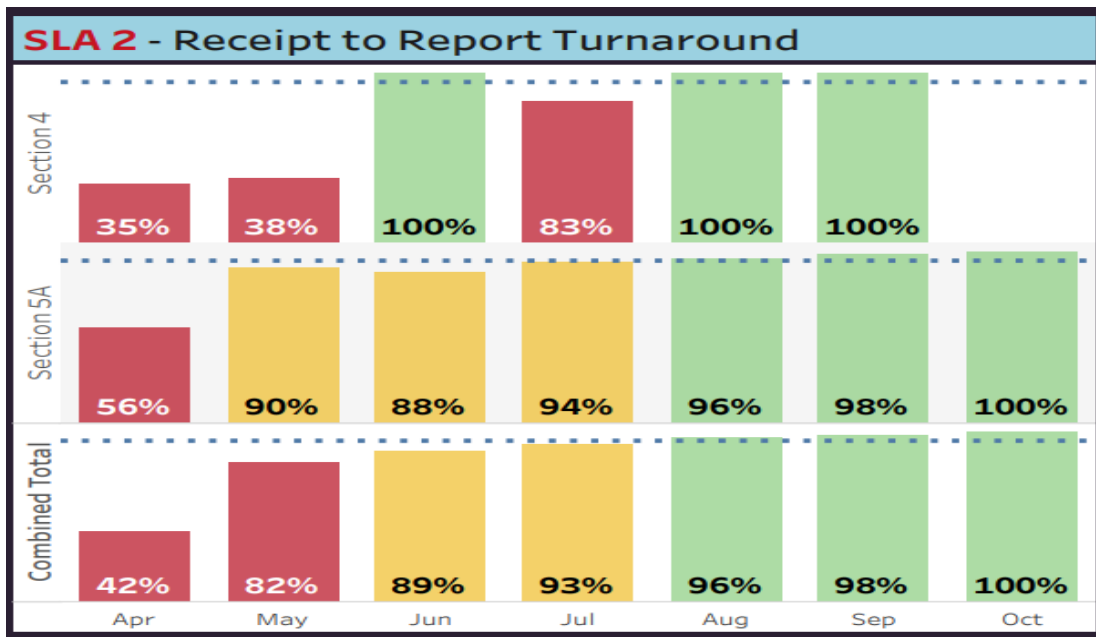
The outsourcing casework profile and projection are shown below:



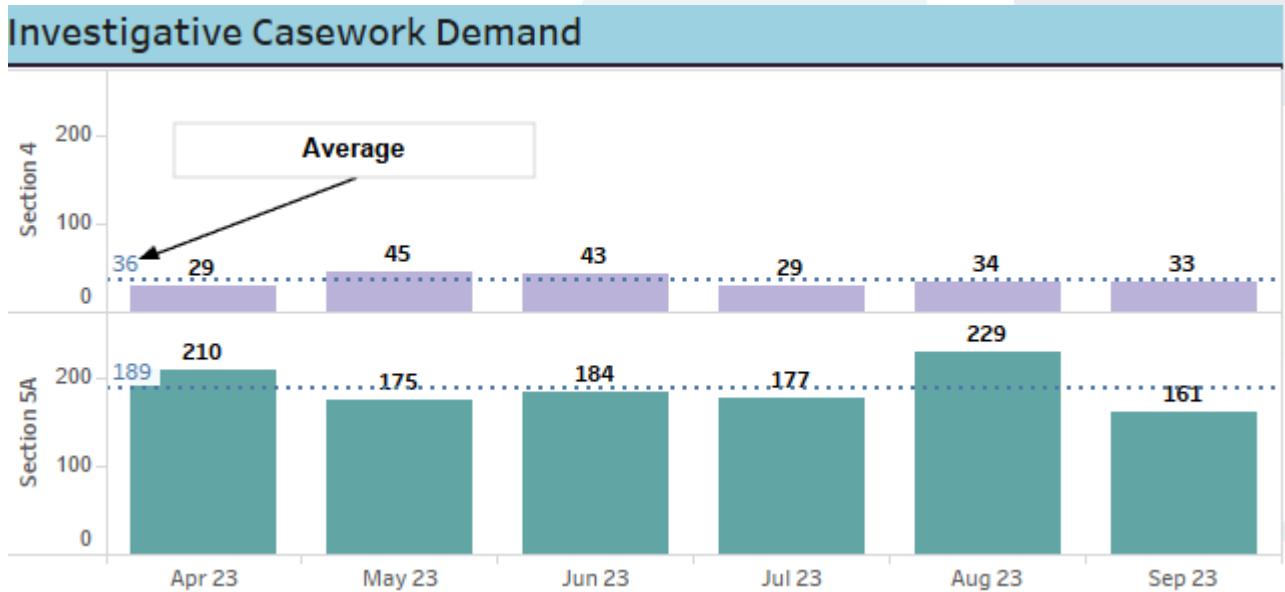
- 2.6 The overall reduction in internal caseload, to a more manageable level, has had a positive impact on the staff within the team. The number of hours of overtime worked within the team has remained consistently low in Q2 and has reduced from a historically higher level.

OFFICIAL

- 2.7 With the reduction in internal caseload, and associated casework demands, the Criminal Toxicology team continues to progress the equipment validation, method development and staff training activities in order to further increase in-house capacity.
- 2.8 The position regarding cases that could not be progressed to prosecution has improved significantly over the position from last year. Forensic Services, Police Scotland and the COPFS are continuing to review the caseload to identify and prioritise further cases to mitigate against the risk of reaching the statutory time limit.
- 2.9 The Forensic Services Operating Model Project makes provision for an increase in capacity for Toxicology services. Recruitment activity is well advanced in relation to this, with the latest vacancies as a result of internal promotion.
- 2.10 Consideration is being given to the potential requirement for outsourcing for 24/25, to allow further essential equipment validation, method development and staff training to be completed, whilst ensuring that customer demand is met. In the absence of another mechanism to align demand with capacity, a request for further funding for outsourcing will be required.
- 2.11 Criminal Toxicology staff remain totally committed to processing cases in a more timely fashion to meet the needs of our customers. We continue to work closely with Police Scotland, COPFS and the Scottish Government to manage and minimise risks, and to make a decision on a long-term, sustainable, solution to meet future demand.
- 2.12 Dialogue is ongoing with partners and the Scottish Government regarding the potential implications if/when the statutory time limit returns to 6 months, from 12 months, in due course.
- 2.13 As highlighted previously, if the statutory time limit reverts to 6 months from December 2023, and impact cases prior to that date, there could be significant implications for time-barring of at least 300 Drug Driving cases.
- 2.14 In Q2, 96% of Section 5A cases have been reported internally within 3 months of receipt of the case and 94% of Section 4 cases have been reported internally within 4 months of receipt of the case. Both figures represent a continued improvement on Q1 performance. This is illustrated below:-

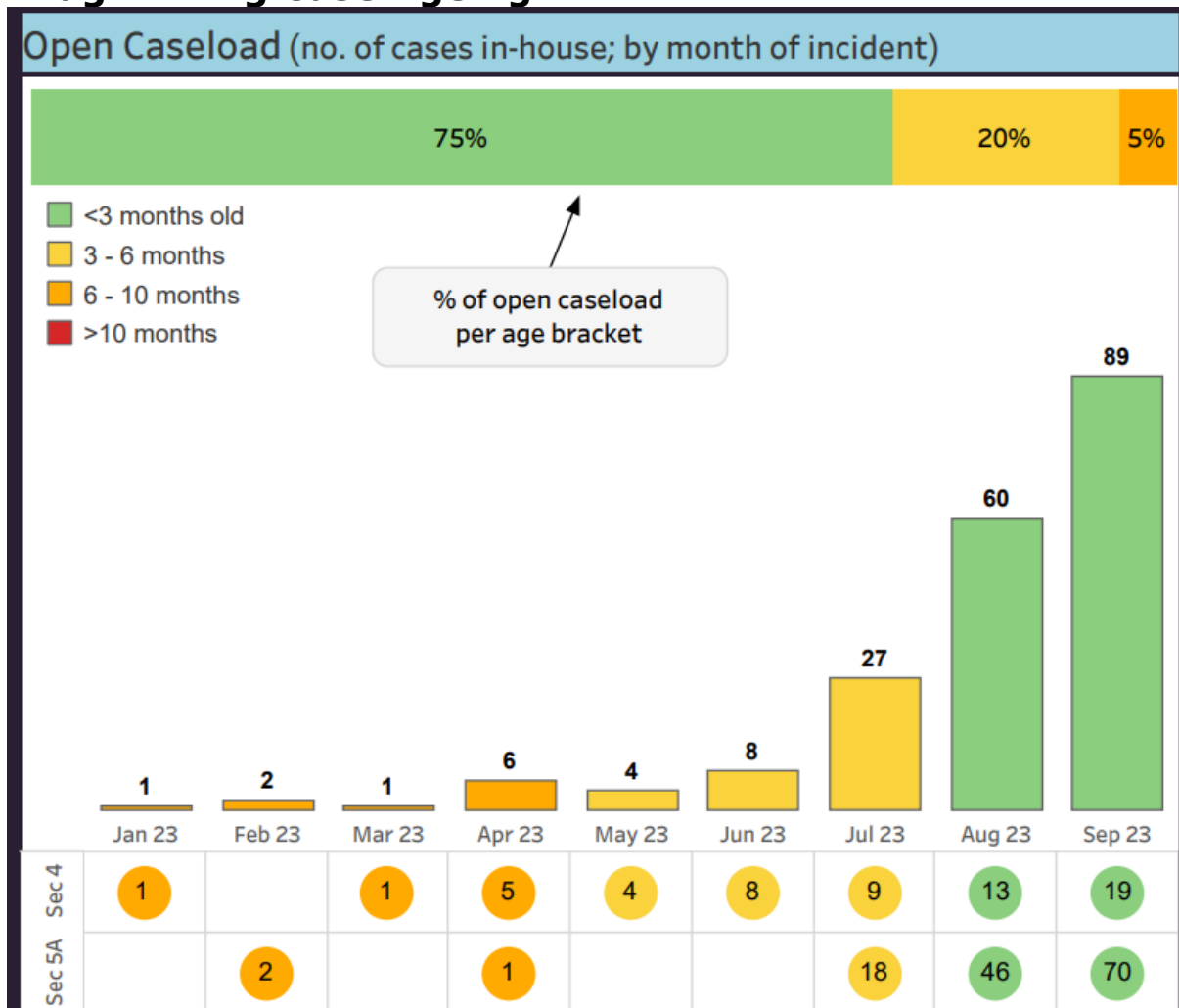


2.15 The demand for Section 5A and Section 4 cases is detailed below. The increase in demand in August relates to the Police Scotland Drug Driving summer campaign. The current demand is at the higher end of capacity but currently demand and output is balanced by the ongoing outsourced activity:-



2.16 A more detailed performance update regarding the drug driving service is provided in the following pages and in the Q2 Performance Report (also submitted for discussion at the Forensic Services Committee).

Drug Driving Case Ageing



Drug Driving demand and output remain broadly in balance through a combination of internal reporting and ongoing outsourcing provision.

Internal capacity is being increased through 2023/24 as a result of the planned recruitment, training and development activities. As anticipated, in-house output has remained relatively low through Q2 but is anticipated to improve in Q3 when the new methods can be implemented post a UKAS 'extension to scope' visit scheduled in November 2023. Outsourcing is being used to mitigate the capacity gap.

The number, and subsequent reported age, of completed outsourced cases is being managed closely, in collaboration with the contracted supplier. The supplier is building additional capacity to meet our demand, to ensure the service meets our current and any future needs.

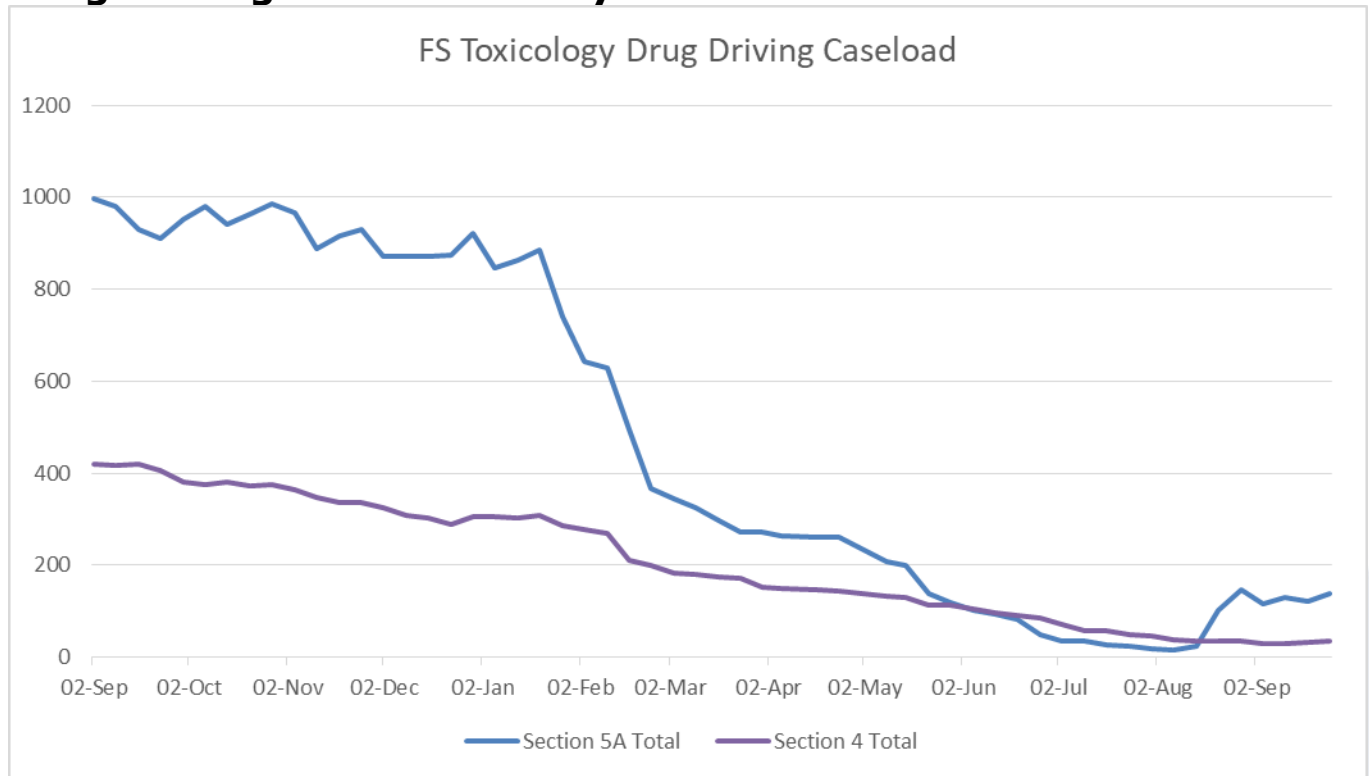
Drug Driving Outsourcing

Since October 2022, c.2750 drug driving cases have been outsourced to commercial providers, which is in line with outsourcing plan developed last year using funding provided by the Scottish Government. The number of cases outsourced is decreasing in line with plan (and our increasing internal capacity).

Month	No. Sent
Oct-22	400
Nov-22	300
Dec-22	400
Jan-23	200
Feb-23	200
Mar-23	200
Apr-23	200
May-23	200
Jun-23	140
Jul-23	140
Aug-23	100
Sept-23	80



Drug Driving In-House Analysis



Cases Close to Time-Bar (10 weeks of STL)	
Section 4: 0	Section 5A: 0

Volumes of internal outstanding drug driving casework (Section 4 and Section 5A) have decreased significantly since Autumn 2022 to the current steady and manageable position. As at w/c 02 October 2023, there been no cases within 10 weeks of statutory time limit (i.e. currently 12 months from the date of incident), which is a consistent position.

2.17 Updates on the progress of the drug driving service will be reported to the Forensic Services Committee and Authority meetings.

3. FINANCIAL IMPLICATIONS

3.1 There are financial implications in this report, specifically the costs associated with outsourcing and the additional staff associated with the Forensic Services Operating Model.

4. PERSONNEL IMPLICATIONS

- 4.1 There are personnel implications associated with this paper, specifically the recruitment of staff associated with the Forensic Services Operating Model.

5. LEGAL IMPLICATIONS

- 5.1 There are legal implications associated with this paper, specifically the cases, as detailed above, which could not be pursued to prosecution.

6. REPUTATIONAL IMPLICATIONS

- 6.1 There are reputational implications associated with this paper, specifically the drug-driving cases for Forensic Services and the wider justice sector.

7. SOCIAL IMPLICATIONS

- 7.1 There are social implications associated with this paper, specifically the impact on communities from drug-driving cases not being pursued.

8. COMMUNITY IMPACT

- 8.1 There are community implications associated with this paper, specifically the impact on communities from drug-driving cases not being pursued.

9. EQUALITIES IMPLICATIONS

- 9.1 There are no equality implications associated with this paper.

10. ENVIRONMENT IMPLICATIONS

- 10.1 There are no environmental implications associated with this paper.

RECOMMENDATION

Members are requested to discuss the information contained in this report.