

Agenda Item 4

Meeting	Forensic Services Committee
Date	7 May 2024
Location	Via MS Teams
Title of Paper	HMICS Assurance Review of
	Forensic Toxicology Provision –
	Improvement Plan and timeline.
Presented By	Fiona Douglas, Director of Forensic
	Services
Recommendation to Members	For discussion
Appendix Attached	Yes – action plan summary

PURPOSE

To provide members with an update on progress on the HMICS Assurance Review of Forensic Toxicology Improvement Plan and timeline for delivery.

1. BACKGROUND

- 1.1 In June 2022, the Chair of the Scottish Police Authority requested HMICS conduct an Assurance Review of SPA Forensic Services Toxicology Section.
- 1.2 This following the disclosure that a number of drug driving cases had been marked as 'no proceedings' by the Crown Office and Procurator Fiscal Services (COPFS).

2. FURTHER DETAIL ON REPORT TOPIC

- 2.1 On 13th July 2022, HM Chief Inspector of Constabulary Scotland (HMICS) published the 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 <u>report</u> on their findings on 25th April 2023. HMICS made 25 recommendations for improvement, highlighting a number of key areas including strategy, planning, process, management, reporting, scrutiny and prevention in relation to drugs driving.
- 2.3 In response to the publication of the HMICS report, Forensic Services, SPA and Police Scotland developed action plans to address the recommendations where the organisations were the identified Action Leads.
- 2.4 Good progress continues to be made in terms of Forensic Services, SPA and Police Scotland addressing the recommendations, with three recommendations being closed by HMICS.
- 2.5 Detailed updates were provided to the Forensic Services Committee on 30 October 2023 and 5 February 2024.
- 2.6 Since the last date, further progress has been made in relation to the recommendations, with updates provided to HMICS in February 2024 and April 2024. A further update will be provided to HMICS during June 2024.
- 2.7 The appendix provides a summary of updates regarding recommendations since the previous report to the Forensic Services Committee.

3. FINANCIAL IMPLICATIONS

3.1 There <u>are</u> financial implications in this report, specifically the additional staff associated with the Forensic Services Operating Model, the review of the processes with a view to reducing / reclaiming costs and the review of current and future procurement of drug driving analysis outsourcing to ensure best value.

4. PERSONNEL IMPLICATIONS

4.1 There <u>are</u> personnel implications associated with this paper, specifically the ongoing recruitment of staff associated with the Forensic Services Operating Model and the review of workload and work allocation with Criminal Toxicology team.

5. LEGAL IMPLICATIONS

5.1 There <u>are</u> legal implications associated with this paper, specifically any cases which could not be pursued to prosecution and any potential change in the legislation to allow reclaiming of costs associated with drug driving activities.

6. REPUTATIONAL IMPLICATIONS

6.1 There <u>are</u> reputational implications associated with this paper, specifically any drug-driving cases which could not be pursued to prosecution.

7. SOCIAL IMPLICATIONS

7.1 There <u>are</u> social implications associated with this paper, specifically the impact from drug-driving and seeking to gain a better understanding of the scale and nature of drug driving in Scotland (also in combination with drink driving).

8. COMMUNITY IMPACT

8.1 There <u>are</u> community implications associated with this paper, specifically the impact on communities from drug-driving and seeking to gain a better understanding of the scale and nature of drug driving across Scotland (also in combination with drink driving).

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.



Appendix A – Improvement Plan Summary and Timeline (Updates since February 2024 report)

No	Recommendation	Action Lead	Actions	RAG	Target	Narrative
1	Police Scotland, SPA Forensic Services and Crown Office and Procurator Fiscal Service should work with Scottish Government to collate and produce data to facilitate an assessment of the scale and nature of drug driving in Scotland. This should include a review of combination drink and drug driving behaviour.	Police Scotland	1. Engage with SIPR, Police Scotland, COPFS and Scottish Government regarding HMICS recommendation. 2. Agree baseline for data analysis collaboratively. 3. Task Analysis & Performance Unit to collate data re nature and scale of drug driving in Scotland (with ref to baseline criteria). Including a combination of drink drug driving behaviour. 4. Further engagement with external organisations regarding additional data and research.		Q3 24/25	Dialogue has continued between Police Scotland and a leading Academic to explore opportunities to obtain additional data and research.

2	SPA and Police Scotland should consider an auditable mechanism to assess impact of new legislation in terms of resource, budget, policy and public confidence	SPA	 Review current mechanism and identify potential changes. Implement agreed changes. 	Q4 23/24 Re-forecast completion date being reviewed	Joint Research and Evidence Forum Terms of Reference (ToR) has been approved and submitted to HMICS. Dialogue continues to review the likely completion date.
3	SPA Forensic Services, Police Scotland and Crown Office and Procurator Fiscal Service must work together and identify solutions and timelines to 'stand down' outstanding interim and exceptional measures, still in place, to support drug driving justice provision.	FS	 Engage with Police Scotland and COPFS regarding HMICS recommendation. Agree actions necessary to facilitate a 'stand down' of outstanding interim and exceptional measures to support drug driving provision. Communicate end date for 'stand down'. Communicate final position to Op HITCH. 	Q3 23/24 from FS perspective (but closure may need agreement of long term sustainable model) Re-forecast completion date Q1 24/25	Good progress continues to be made in relation to inhouse service delivery regarding drug driving cases, taking into cognisance the likely reduction of the statutory time limit in due course. Good progress is also being made by our outsource provider in relation to outsourcing service delivery (also taking cognisance of the likely reduction in statutory time limit). The overall position has improved greatly from the historical position regarding timeliness of service provision for drug driving analysis and reporting. Dialogue will continue to take place regularly with partners regarding performance (inhouse and outsourced) and

					the timescales to 'stand down' remaining exceptional measures to support drug driving justice provision. This will exclude the implementation of a long-term sustainable solution. It is anticipated that formal agreement to 'stand down' remaining exceptional measures will be explored during Q1 24/25.
4	SPA and SPA Forensic Services should review the drug driving analytical and reporting process and seek ways to reduce costs.	FS	1. Engage with SPA re HMICS recommendation. 2. Review existing documentation (process maps) and technological developments regarding process improvements in analytical process to identify cost reductions. 3. Review existing documentation (process maps) and technological developments	Q3 23/24 Re-forecast estimated completion date Q1 24/25	One of the new drug driving analytical methods has been accredited by UKAS and was implemented during Q4. It is anticipated that the second new method will be accredited and implemented (following sign-off by UKAS) during Q1 24/25. The Criminal Toxicology team is working closely with the Post Mortem Toxicology team to improve resilience and to capture synergies from joint working. A streamlined method of reporting results has been implemented in-house, which

			regarding process improvements in reporting process to identify cost reductions.		should improve the overall process. The draft overarching Toxicology strategy has been shared with stakeholders during Q4 23-24.
5	SPA and SPA Forensic Services should review current and future procurement of drug driving analysis outsourcing to ensure best value.	FS	1. Engage with SPA regarding HMICS recommendation. 2. Engage with Procurement regarding HMICS recommendation re the current procurement contract for outsourcing. 3. Explore opportunities with Procurement to improve provision of best value in current and future contracts, as part of the annual contract review process.	Q3 23/24 Re-forecast estimated completion date Q4 23/24 A further reforecast of estimated completion date Q1 24/25 has been required as a result of further exploratory work being requested.	A summary of the landscape, learning and proposals was finalised and submitted to HMICS, with a suggestion for closure of the recommendation during Q4 23/24. Further dialogue with HMICS re this recommendation has resulted in further exploratory work being undertaken by Forensic Services. It is anticipated that a further update will be provided to HMICS, with a suggestion for closure in Q1 24/25.
6	SPA and SPA Forensics Services should consider the available evidence in other jurisdictions to	SPA	1. Engage with HMICS about potential jurisdictions to	Q1 24/25	No further work is being completed on this recommendation at this time as a result of the current

assess the opportunities to	explore initially		position (i.e. status quo), and
reclaim forensic service	regarding		a suggestion of closure of this
costs and then work with	opportunities to		recommendation was
Crown Office and	explore cost		submitted.
Procurator Fiscal Service	recovery.		
and Scottish Government	,		This recommendation has
to establish if this is	2. Create Short Life		been closed by HMICS,
possible in Scottish	Working Group		although HMICS reserves the
criminal trials.	(involving SPA,		right to revisit this if the
eriminar eriais.	Police Scotland and		position changes.
	SPA Forensic		position changes.
	Services) to		
	explore the issue in		
	detail.		
	detail.		
	2 Engage with		
	3. Engage with		
	other forensic		
	science		
	organisations (or		
	criminal justice		
	systems) which		
	may have this		
	model (or		
	considered this		
	model) for service		
	delivery.		
	,		
	4. Engage with		
	COPFS and SG		
	regarding the		
	potential to		
	establish this within		
	Scottish criminal		
	trials.		
	titais.		

7	Police Scotland and SPA Forensic Services should improve how drug driving samples are tracked and managed, including the consideration of technological methods such as barcoding, networking and automation of processes and instruments.	FS	 Map current processes within Police Scotland and Forensic Services. Identify opportunities for improvements (with existing and new solutions). Implement improvements (with the available technology). 	Q1 25/26 (for identification of improvements in phase 1).	The new laboratory management system (more suited to Criminal Toxicology) continues to be utilised with Criminal Toxicology to good effect. A summary of the benefits of the introduction of this laboratory management system will be provided to HMICS. Further process mapping activities are being scheduled following the introduction of the newly introduced methods for drug driving (following sign-off by UKAS).
8	SPA Forensic Services, Police Scotland and Crown Office and Procurator Fiscal Service should consider opportunities for the Joint National Forensic Gateway to effectively manage all forensic submissions, including drug driving.	PSoS	1. Short Life Working Group to be considered to explore this recommendation.	Q3 23/24 Re-forecast estimated completion date being reviewed.	Good progress is being made in relation to this recommendation. Monitoring of the timeliness of drug driving submission (in addition to analysis and reporting timeliness) continues to be monitored. Standard Forensic Instruction (SFI) and process review/redesign is ongoing, with retention of direct submission being the preferred option.
9	Police Scotland and SPA Forensic Services should	FS	1. Request breakdown of high	Q2 23/24	The tri-partite service-specific MOU for drug driving has

	create a priority forensic analysis protocol that would establish high and standard risk categories for analysis and associated timescales for drug driving		and standard risk categories from Police Scotland and COPFS. 2. Draft timescales	Re-forecast estimated completion date Q4 23/24. A further re-	been agreed and signed by the partners. The MOU has established high and standard risk categories for analysis and associated timescales for drug driving.
	cases.		for completion of these risk categories (within the overall timescale permitted by the prevailing	forecast of estimated completion date Q1 24/25 based on the review of	A copy of the MOU has been submitted to HMICS. Feedback is being sought from Police Scotland in
			statutory time limit). 3. Update the Memorandum of	effectiveness being carried out.	relation to the effectiveness of the process for identifying and progressing high risk category (in particular) of cases.
			Understanding for Drug Driving to include these categories and indicative timescales.		It is anticipated that, following this review, a request to consider closure of the recommendation will be submitted to HMICS.
10	SPA Forensic Services must immediately progress the core operating solution plans and explore opportunities to interface with Police Scotland and	FS	 Present Interim Business Case to SPA Resources Committee. Develop Full 	Q1 24/25 (for FBC to be submitted to SPA Resources Committee)	The Full Business Case for Core Operating System continues to be developed by Forensic Services. It is anticipated that the Full
	Crown Office and Procurator Fiscal Service.		Business Case. 3. Present Full Business Case to SPA Resources	Re-forecast estimated completion date Q2 24/25	Business Case will be submitted to SPA Resources Committee for consideration in Q2 24/25.

			4. Depending on decision regarding business case, the roll out of the new Core Operating System.		The subsequent steps of the process will require supplier engagement, so will require procurement activity.
11	SPA Forensic Services should work with Police Scotland and review the storage and movement of drug driving samples end to end, to ensure that all efficiencies, sample degradation risks, forensic integrity and health and safety matters have been considered and implemented.	FS	1. Engage with Police Scotland re the HMICS recommendation. 2. Document processes for storage and movement of drug driving samples end-to-end. 3. Consider efficiencies, sample degradation risks, forensic integrity and health and safety matters. 4. Implement improvements.	Q1 24/25 (for phase 1)	Dialogue has continued regarding the work of the SLWG in relation to the review of packaging of drug driving samples and also regarding the review of the areas in the end-to-end process. A training event regarding proposed changes has been scheduled in Q1.
12	SPA, SPA Forensic Services, Police Scotland and the Health Boards of Scotland must collectively consider the service	PSoS	1. Engage with SPA, Police Scotland and Health Boards re the HMICS	Q3 24/25	Work is ongoing in relation to a National Review of Custody Heathcare and also through the Short Life Working Group in relation to the review of

	provision for drug driving within the scope of the Memorandum of Understanding between Police Scotland and all geographic Health Boards, regarding custody healthcare and forensic medical services in police custody.		recommendation. 2. Short Life Working Group to consider implications on MOU regarding custody healthcare and forensic medical services in police custody. 3. Position Paper to be presented to Op HITCH.		packaging of drug driving samples Target remains on track for Q3 24/25.
13	SPA Forensic Services should, as a matter of urgency, review current working practices including workload and work allocation for all staff involved in the delivery of drug driving forensic service provision.	FS	 Review working practices, workload and work allocation for all staff involved in the delivery of drug driving service provision. Consider potential improvements. Implement improvements. 	Q2 23/24 Re-forecast estimated completion date now Q1 24/25	Dialogue with HMICS has continued. Evidence of recruitment (aligned to Operating Model) has been submitted to HMICS. In light of increased demand (above expected levels) during Q4, Forensic Services will be outsourcing additional drug driving casework to ensure caseload and service delivery remains with acceptable levels.

					The update report on Drug Driving, being submitted to the Forensic Services Committee for this meeting, will be submitted as evidence to HMICS, with a suggestion for closure.
14	SPA Forensic Service managers must ensure they have effective management structures and performance management information in place to ensure proactive oversight and scrutiny in terms of work allocation, demand and capacity assessment, as well as performance.	FS	1. Highlight HMICS recommendation at FS Performance Board. 2. HoFs to consider whether this recommendation would be met within their area/s of responsibility. 3. For any area/s where there may be gaps in governance and oversight, necessary changes to be implemented (this will require consideration of the changes implemented as a result of the move to the Target Operating Model).	Q4 23/24 Re-forecast for Q1 24/25 due to a delay in implementation of one of the new drug driving analytical methods.	The transition to the new Operating Model structure took place at the start of Q1 24/25, as planned. The introduction of a new drug driving method was implemented during Q4, as scheduled, with the second method due to be implemented during Q1 24/25. Management Information continues to be produced for all disciplines across Forensic Services, with regular reporting and scrutiny. Where demand exceeds available capacity (as agreed with partners), additional outsourcing will be employed to ensure caseload and service remains within acceptable levels.

15	SPA Forensic Services should work with Crown Office and Procurator Fiscal Service and the Scottish Courts and Tribunal Service to establish a pragmatic and realistic approach to report and evidence submission for drug driving, and consider criteria for SPA Forensic Services professional witnesses and opportunities for remote evidence provision.	FS	1. Engage with COPFS and SCTS regarding the HMICS recommendation. 2. Identify current position and potential improvements. 3. Implement potential improvements.	Q1 24/25 (for phase 1) Re-forecasting ongoing regarding estimated completion date (in relation to Digital Evidence Sharing Capability, DESC)	A more streamlined method reporting has been introduced in-house and by our outsource partner. In the absence of a full national roll-out of remote evidence provision for all Courts, evidence of the streamlined method of reporting being introduced within Forensic Services will be submitted to HMICS with a suggestion for closure of the recommendation. If/when Digital Evidence Sharing Capability is rolled out to include Forensic Services, this will be considered as a/the method for report and evidence submission for drug driving (this will be outwith phase 1).
16	SPA Forensic Services and Police Scotland should assure that data retention, data processing and production management guidance is cognisant of the handling and management of blood samples and associated	FS	Engage with Police Scotland regarding the HMICS recommendation. Identify current position and potential	Q1 24/25	Forensic Services and Police Scotland continue to work closely to ensure the robust application of data retention and appropriate timeliness of sampling, submission, processing and reporting of drug driving samples.

	data obtained for the purposes of sections 4 and 5A of the Road Traffic Act 1988.		improvements regarding data retention, data processing and production management. 3. Implement potential improvements.		The new case management system which was implemented into Criminal Toxicology is now well embedded. Forensic Services has received accreditation for one of the new Drug Driving analytical methods, which was implemented during Q4 23/24. It is anticipated that the second new method will be implemented during Q1 24/25.
17	SPA should review the functionality and membership of the Forensic Services Committee to provide effective and robust governance, providing an effective platform for Police Scotland, Crown Office and Procurator Fiscal Service and the Police Investigations and Review Commissioner to hold SPA Forensic Services to account in terms of the quality and delivery of service provision.	SPA	1. Proposals are under development. 2. Following engagement, review proposals will be presented to the Authority 24 August 2023, for implementation October 2023.	Q3 23/24 Re-forecast estimated delivery date Q4 23/24	The review of the functionality and membership of the Forensic Services Committee has been completed. Feedback has been received from stakeholders on principles around performance and service delivery. The Forensic Services performance Framework has been submitted to HMICS, with suggestion for closure. This recommendation has now been closed by HMICS.

19	SPA Forensic Services must urgently address drug driving analysis and reporting turnaround times, cognisant of sixmonth statutory timescales.	FS	1. Continue to outsource cases aggressively (within agreed finances), in order to mitigate against pressure on FS staff and to improve in-house turnaround times. 2. Review and report progress regularly, taking cognisance of a return to 6-month statutory timescale in due course. 3. Create/update the MOU for Drug Driving detailing the expectations for end-to-end process timeliness.	Q2 23/24 (for in-house casework) Re-forecast estimated completion date Q1 24/25 (to take into account improved performance regarding outsourcing)	Good progress is being maintained in relation to the analysis and reporting turnaround times, cognisant of six-month statutory timescales. The performance of service delivery from outsource partner has continued to improve, with timeliness returning to contractual levels which, when taken in conjunction with in-house performance, is providing additional assurance about readiness for the return to six-month statutory timescales. A service-specific MOU has been agreed and signed by all parties and has been submitted to HMICS. Up-to-date performance information will be submitted to HMICS during Q1 24/25 with a suggestion for closure of the recommendation.
	prioritise the recruitment of toxicology staff – as outlined in the Forensic		staff (4 x Forensic Analyst, 1 x Capability Team	Re-forecast estimated	position (as detailed in the Forensic Services Operating Model) for Criminal Toxicology

	Services Operating Model – to ensure current drug driving demand levels can be met in the short term.		Manager) has been prioritised and is being finalised. 2. Reassigned one member of staff from the Drugs team to Toxicology in June 23 to increase internal capacity for Drug Driving.	completion date Q4 23/24	staff has been provided to HMICS, with the suggestion of closure of this recommendation.
			3. SFA staff being trained to report Section 5A cases, thus freeing up Senior Forensic Scientists to report more complex cases (e.g. Section 4 cases).		
20	SPA and Police Scotland should develop a drug driving Enforcement Model that incorporates incremental growth and investment for innovation and technology with an adjoining public communication plan.	PSoS	1. Assess nature and scale of drug driving. 2. Review potential for development of enforcement model. 3. Consider revision of longer-term strategy in light of nature and	Q3 24/25 for understanding nature and scale of drug driving. Development of the enforcement model can be undertaken in the intervening period, through	Good progress continues to be made understanding the nature and scale of drug driving (see recommendation 1), with the pilot within N Division being scheduled for the first half of 24/25, as planned. The overarching Forensic Services Toxicology strategy has been developed and

			scale of drug driving and development of the enforcement model.	pilots, for example.	shared with stakeholders during Q4. A business case for the long – term sustainable model for drug driving is being developed by Forensic Services.
21	SPA Forensic Services should review its Estates Strategy in respect of toxicology provision and consider the development of a dedicated road traffic facility.	FS	1. Explore existing models for a dedicated road traffic facility. 2. Consider long-term strategy for Toxicology, considering the separate business units of Post Mortem Toxicology and Criminal Toxicology, which are now both within Forensic Services. 3. Consider Estates strategy taking cognisance of the long-term strategy for Toxicology services within FS.	Q3 23/24 (for review) Re-forecast estimated completion date Q4 23/24 for overarching Toxicology Strategy (but will exclude timescale for implementation of long-term sustainable model)	The review has been completed and the overarching Forensic Services Toxicology strategy (which will seek to capture synergies between the Criminal Toxicology and Post-Mortem Toxicology team) has been developed and shared with stakeholders (including HMICS) during Q4 23/24. It is likely that the synergies captured will not result in the creation of a dedicated road traffic facility, but will provide additional benefits including resilience. Once feedback has been considered, it is anticipated that the finalised strategy will be submitted to HMICS, suggesting closure of this recommendation.

22	SPA and SPA Forensic Services must, as a matter of urgency, articulate the delivery of forensic service provision (as laid out in section 31 of the Police and Fire Reform (Scotland) Act 2012) to manage expectations of agencies and to ensure	FS	 Decide which staff members will be involved in this review. Review the terms of the Police and Fire Reform (Scotland) Act 2012. 	Q2 23/24 Re-forecast estimated completion date Q4 23/24.	The tri-partite overarching MOU for provision of forensic services (which articulates the delivery of forensic service provision) has been provided to HMICS. This recommendation has now been closed by HMICS.
	understanding of what is required by those in SPA Forensic Services		3. Agree what the delivery of forensic science provision entails, in terms of additional clarity (e.g. reference to MOU)		
23	Police Scotland should include drug driving prevention activity within its current road safety prevention activity.	PSoS	1. Evidence current prevention activity including Road Safety Scotland material and other campaign/preventa tive comms. 2. Plan for 2024 campaign with recognition of HMIC recommendations and partner activity.	Q3 24/25	The success of recent campaigns has been reviewed by Police Scotland. Positive feedback has been received in relation to recent campaign activity. A longer-term solution for road safety is being explored, with consideration from other jurisdictions.
24	Scottish Government should consider refreshing	Scottish Government	TBC by Action Owner	Q1 24/25	Current position (as per previous update) has been

	its Road Safety Framework to 2030 to include drug driving, given the growing prevalence in Scotland.				communicated formally to HMICS, for consideration for closure.
25	Police Scotland should work with Transport Scotland and other organisations to establish long-term co-ordinated engagement and education campaigns and programmes aimed at raising awareness of the drug driving law.	PSoS	Cross refer to action 23 1. Evidence current prevention activity including Road Safety Scotland material and other campaign/preventa tive comms.	Q3 24/25	Police Scotland continuing to engage with partners regarding the campaign and programmes aimed at raising awareness of the drug driving law.
			2. Plan for 2024 campaign with recognition of HMICS recommendations and partner activity.		

Key:

Complete or submitted with re	ecommendation for closure
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Good progress towards completion

On target and under management control

At risk or late – but under management control

At risk or late – not under management control, remedial action required

Abbreviation	Entity

PSoS	Police Service of Scotland
FS	Forensic Services
SPA	Corporate SPA
SG	Scottish Government

