



Meeting	Forensic Services Committee
Date	05 February 2024
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

HMICS Assurance Review

- 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 two meetings of Short Life Working Group having been held since 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.

Statutory Time Limit

- 2.4 It is worth noting that the statutory time limit did not revert to 6 months from December 2023, so there was no adverse impact to ongoing cases.
- 2.5 Dialogue is ongoing with partners and the Scottish Government regarding the potential implications when the statutory time limit returns to 6 months, from 12 months, in due course.
- 2.6 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 cases to mitigate against the risk of cases reaching the statutory time limit.

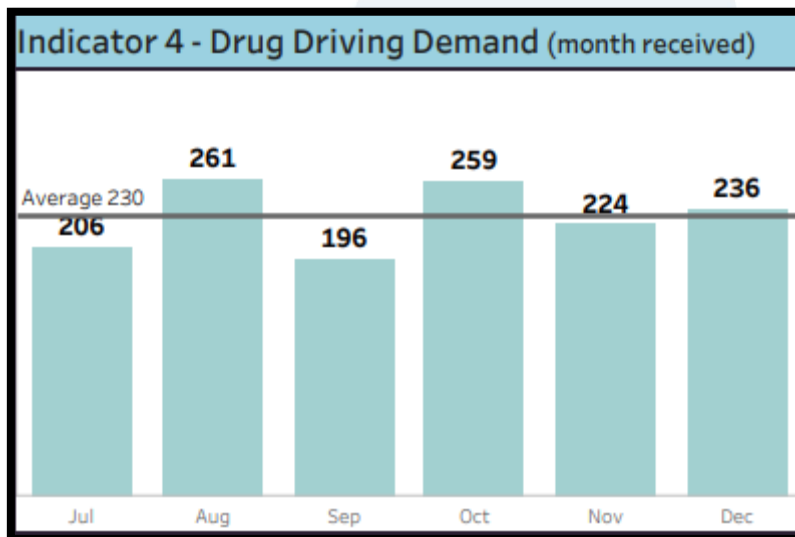
Staffing

2.7 The Forensic Services Operating Model Project makes provision for an increase in capacity for Toxicology services. Recruitment activity has continued in relation to this, with the latest vacancies as a result of internal promotion.

2.8 Criminal Toxicology staff remain fully committed to processing cases in a 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.

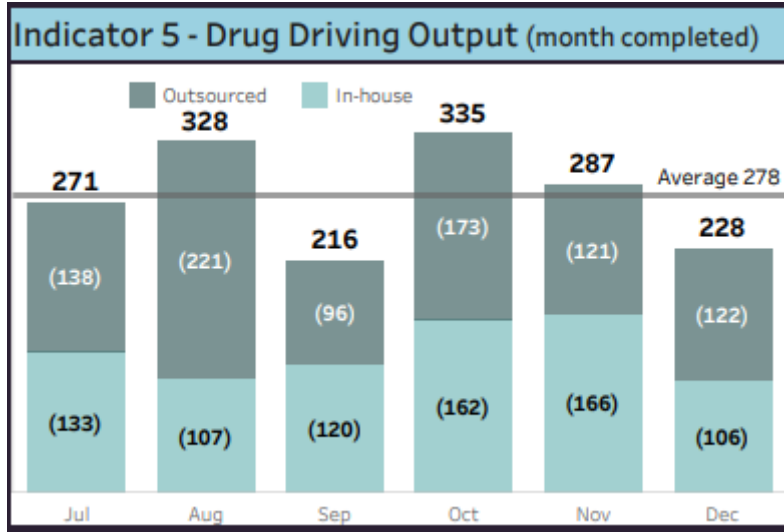
Level of Demand

2.9 The demand for Section 5A and Section 4 cases is detailed below. The increase in demand in August and potentially October (due to delayed submissions) 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.



Level of Output

2.10 The combined output, split between in-house and outsourced, is detailed below:



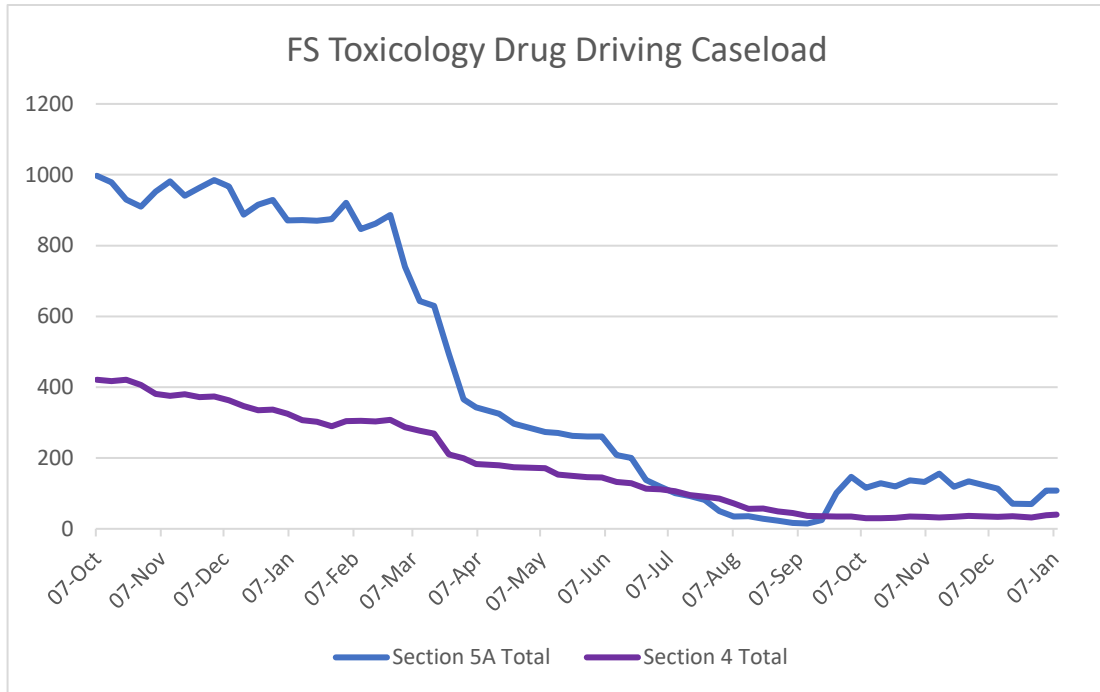
2.11 It is worth noting that during October '23 and November '23 in-house outputs were higher than previous months, with a lower output over the following month, as anticipated. The outlook remains positive.

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

In-House Casework

2.13 The Drug Driving In-House caseload profile is provided below:

Drug Driving In-House Analysis (W/c 08 Jan 23)

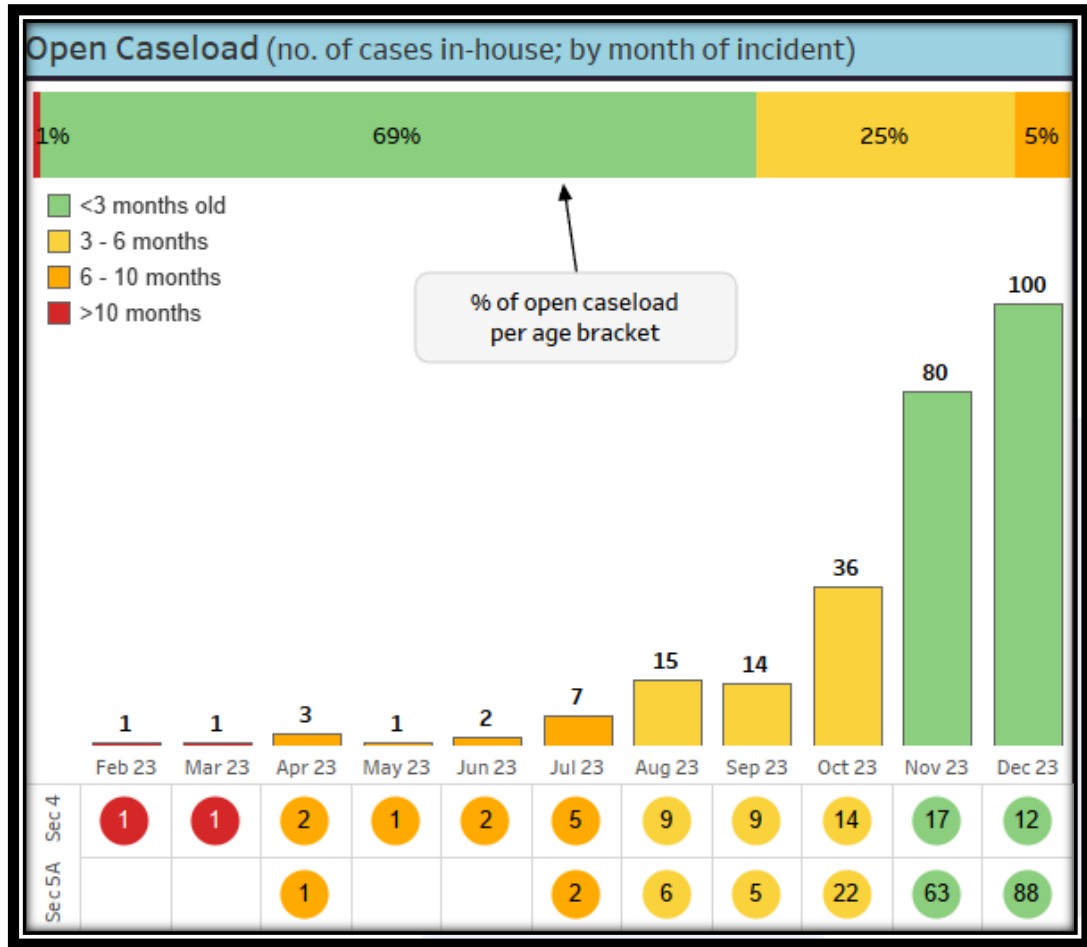


2.14 Volumes of internal outstanding drug driving casework (Section 4 and Section 5A) have decreased significantly since Autumn 2022 to the current steady and manageable position.

2.15 This 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 Criminal Toxicology team has remained low through Q3 and has reduced from a historically higher level.

2.15 As of w/c 08 Jan 24, there were two cases within 10 weeks of statutory time limit (i.e. currently 12 months from the date of incident). One instance was due to a late submission of the case and the second was due to the complexity of the analysis and the transition of a case from the initial Section 4 analysis to a request from COPFS. Despite the delays, neither case is at risk of exceeding the statutory time limit, although processing of these cases will require prioritisation by Police Scotland and COPFS.

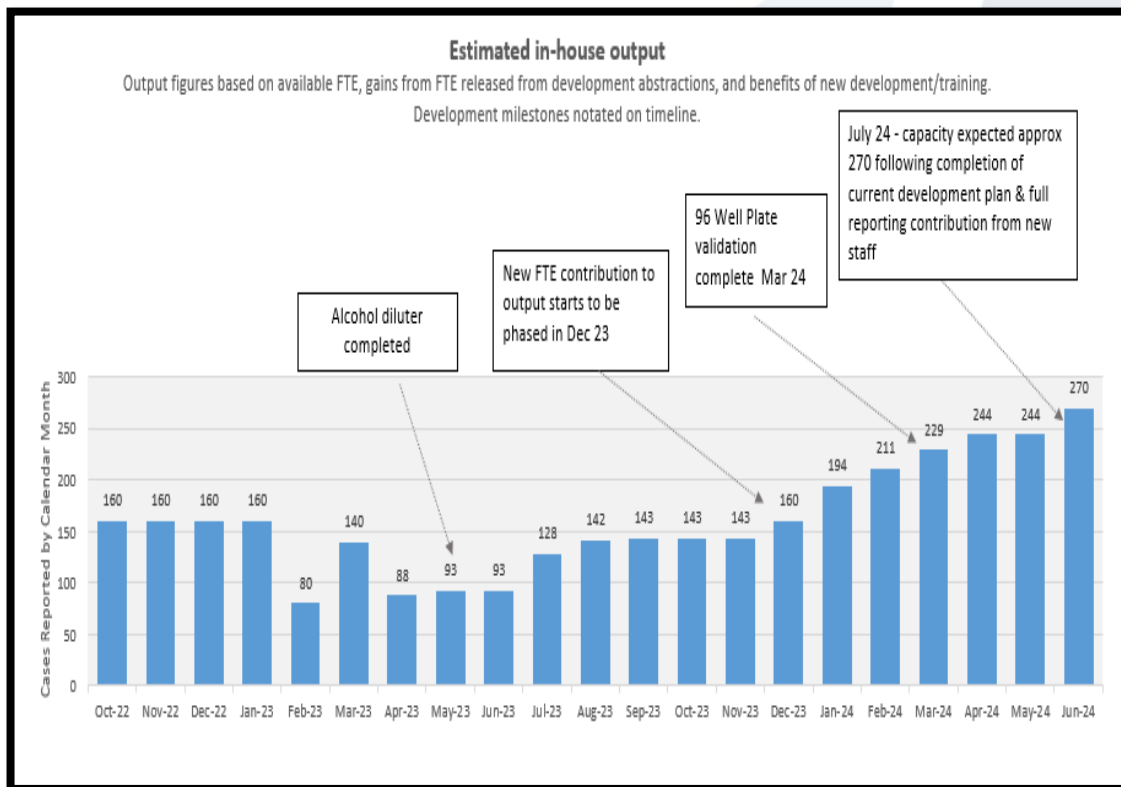
Drug Driving Case Ageing (w/c 08 Jan 24)



- 2.16 The open caseload (by month of incident) graph illustrates that good progress has been made in relation to reporting cases in a much more timely fashion (aligning directly with the % turnaround compliance reported below). A very small number of cases are now at the older end of caseload profile, but these are justifiable.
- 2.17 In Q3, 94% of drug driving cases have been reported internally within the agreed timescales (from receipt of the case to reporting) – this represents a consistently strong performance over Q2 (96%), both of which are a significant improvement on Q1 (78%).
- 2.18 With the reduction in internal caseload, and associated casework demands, the Criminal Toxicology team has continued to progress the equipment validation, method development and staff training activities in order to increase in-house capacity.

Toxicology Development Plan

- 2.19 With the reduction in internal caseload, and associated casework demands, the Criminal Toxicology team has continued to progress the equipment validation, method development and staff training activities in order to increase in-house capacity.
- 2.20 Internal capacity is being increased through 2023/24 as a result of the planned recruitment, training and development activities. As anticipated, in-house output increased during Q3 (vs Q2). It is anticipated to improve further in Q4 if/when the new methods can be implemented post the completion of the actions raised during the UKAS 'extension to scope' visit in November 2023, and the new methods become well embedded. Outsourcing is being used to mitigate the capacity gap.



- 2.21 The Toxicology Development Plan continues to progress broadly in line with expectations, albeit with some external dependencies.

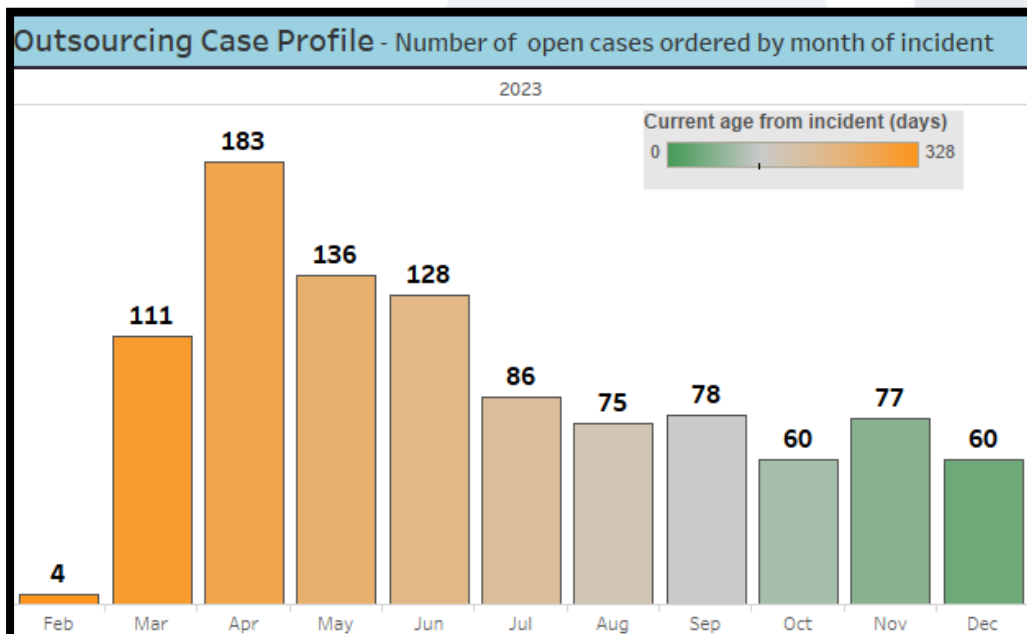
Outsourced Casework

- 2.22 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.
- 2.23 The outsourcing contract implemented in September 2022 continues to be utilised 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 over the last 6 months).
- 2.24 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 regarding volumes is provided later in this report).
- 2.25 Since October 2022 (to end Dec 23), c.2800 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 being outsourced is decreasing in line with plan (and our increasing internal capacity).

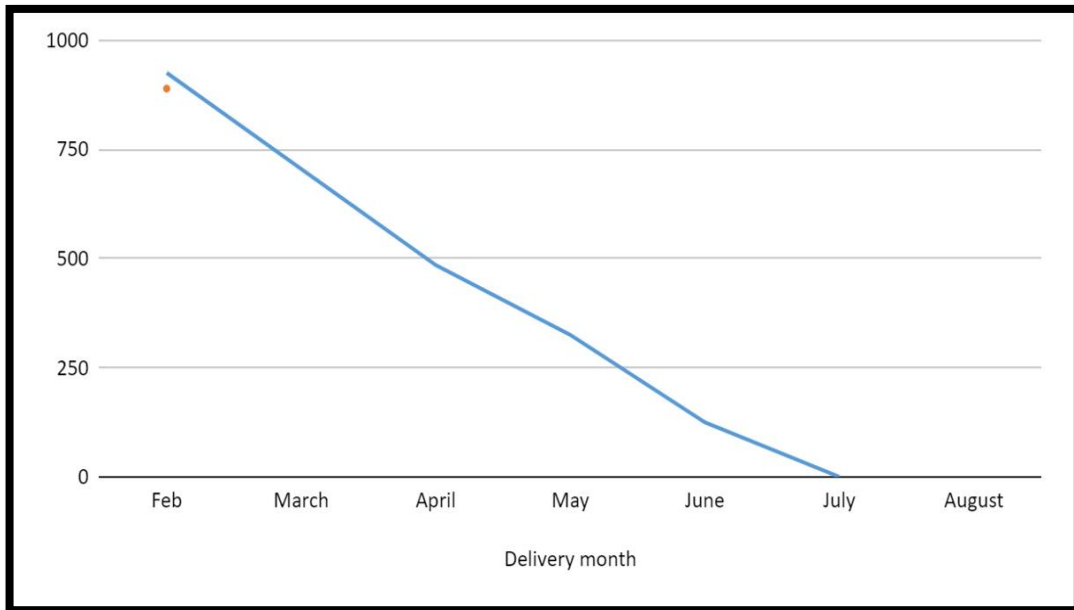
Month	No. Sent
Oct-22	400
Nov-22	300
Dec-22	400
Jan-23	200
Feb-23	200
Mar-23	200
Apr-23	200
May-23	200
Jun-23	140
Jul-23	140
Aug-23	100
Sept-23	80
Oct-23	80
Nov-23	80
Dec-23	80
Jan-24	30
Feb-24	30
Mar-24	30

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- 2.26 Forensic Services noted a deterioration in the timeliness of provision of drug driving reports from our outsource partner during the latter part of Q3 2023/24. Concerns were escalated immediately to the Senior Management Team of the outsource partner, who met with us to discuss our concerns.
- 2.27 The outsource partner confirmed that unforeseen case processing issues resulted in a delay regarding the reporting our drug driving cases, beyond the timescale originally anticipated. As a result, extensive dialogue has taken place regarding the current, and future, positions with Senior Management of the outsource provider. Forensic Services have received a firm assurance that the position will not deteriorate further (beyond that seen in the latter part of Q3), and actions have been taken which have resulted in an immediate improvement in the position moving into Q4, which is projected to continue improving weekly from this point onwards.
- 2.28 Despite the delays, no cases are at risk of exceeding the current 12-month statutory time limit, although processing of these delayed cases will require prioritisation by Police Scotland and COPFS.
- 2.29 The outsourcing casework profile and Work In Progress (WIP) projections are shown below (both graphs correct as of W/c 08 Jan 24):



Outsourcing Casework Work In Progress (w/c 08 Jan 24)



- 2.30 The above graph takes into account cases that have already been submitted to the outsource provider, and those which are scheduled to be submitted during the remainder of 23/24.
- 2.31 It should be noted that significant improvements in the outsourcing case profile have been seen since the implementation of the corrective and preventive measures detailed in 2.7.
- 2.32 Consideration has been given to the 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 has been made.
- 2.33 Due to the requirement to continue with the Criminal Toxicology development plan activities, it is anticipated that c.960 drug driving cases will require to be outsourced during 24/25.

Concluding Remarks

- 2.34 It is important to note that the toxicology development plan activities being undertaken do not preclude the requirement for a long-term sustainable model for drug driving.

2.35 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 any cases which could not be pursued to prosecution.

6. REPUTATIONAL IMPLICATIONS

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

7. SOCIAL IMPLICATIONS

7.1 There are social implications associated with this paper, specifically the impact from drug-driving.

8. COMMUNITY IMPACT

8.1 There are community implications associated with this paper, specifically the impact on Scotland's communities from drug-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.