



Meeting	Forensic Services Committee
Date	08 May 2025
Location	Webex
Title of Paper	Drug Driving Update
Presented By	Susan Ure, Operations Crime Manager
Recommendation to Members	For discussion
Appendix Attached	No

PURPOSE

To provide members with an update on progress of the Criminal Toxicology Drug Driving workload.

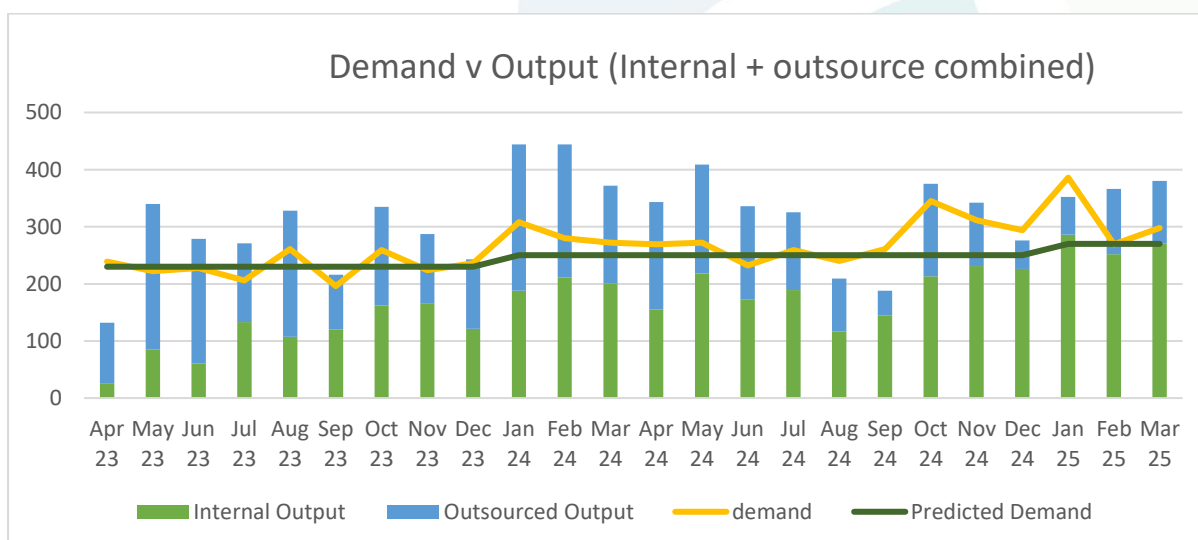
The paper is submitted for discussion.

1. BACKGROUND

- 1.1 In October 2019, Section 5A of the Road Traffic Act 1988 came into force in Scotland. This legislation set out a specific offence of driving with a specified controlled drug above a prescribed limit. In addition, Section 4 of the Road Traffic Act sets out an offence of driving while impaired or unfit to drive. Section 4 offences are significantly more difficult to prove in court for a range of reasons including the subjectivity of the roadside field impairment test.
- 1.2 Within legislation, and since the COVID Pandemic, a temporary statutory time limit of 12 months was introduced. This legislative statutory time limit returned to six months on 30 November 2024 for incidents post this implementation date.
- 1.3 SPA Forensic Services (FS) and Police Scotland (PS) have on a monthly basis, an agreed capacity for the submission of drug driving samples which, forecasts a demand of 250 cases per month, stretching to 270 when required. **Note:** *additional planning is undertaken for the annual festive campaign with additional outsourcing arrangements in place to assist the management of increased demand during this period.*

2. CRIMINAL TOXICOLOGY - DEMAND, CAPACITY AND PERFORMANCE

Demand



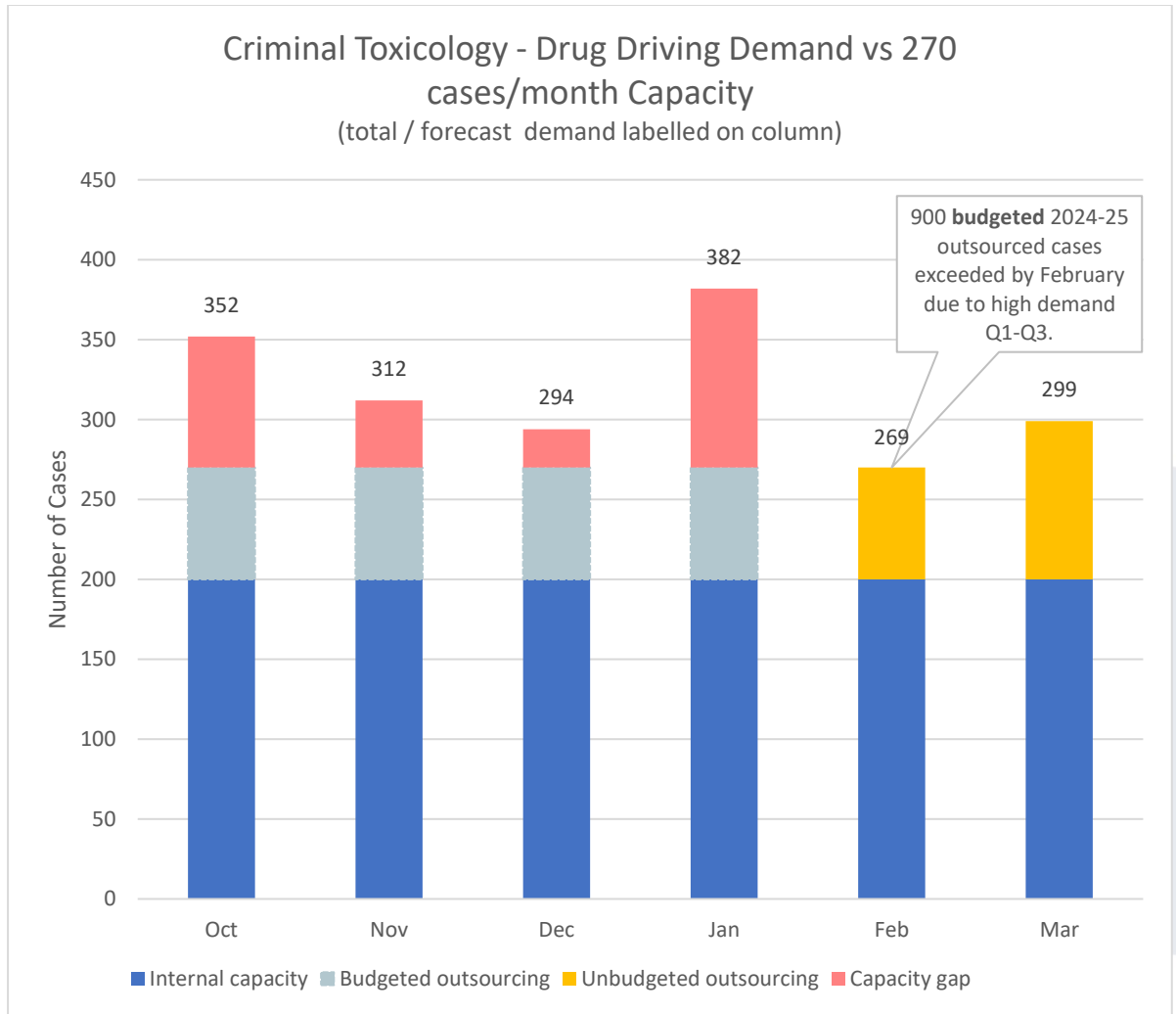
- 2.1 The Demand v Output Chart above highlights that combined output is broadly balanced to meet the increased demand. The increased

internal output combined with an increase in output from our outsource providers has ensured there is currently no backlog of drug driving cases either within SPA Forensic Services or with our outsource provider.

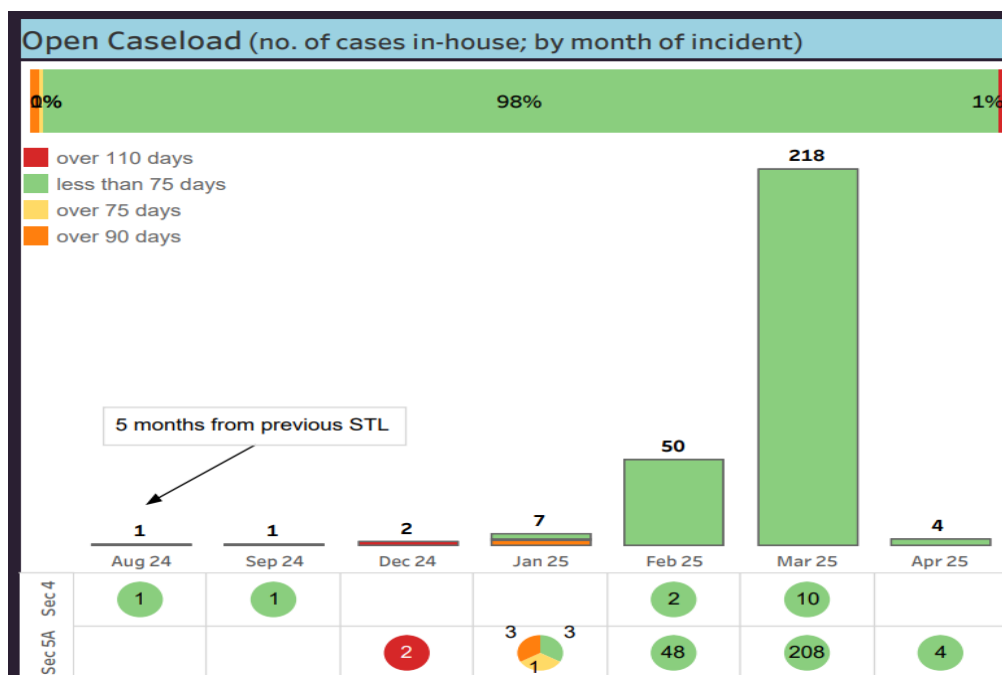
- 2.2 Data across Q3 reported a substantial increase in demand resulting in a 148 case submission over maximum internal capacity and a higher than normal use of outsourcing. This trend continued in January 2025 with demand peaking at 386. Demand reduced during the remainder of Q4, however, 143 cases above maximum internal capacity were submitted within this quarter. This continued increase in demand is 18% above the 270 case maximum internal capacity over the last six months.

Capacity

- 2.3 As reported previously internal capacity increased through 2023/24 through planned recruitment, training, and development activities. This resulted in a shift from an average of 109 drug driving cases being reported internally per month in 2023 to an average of 185 in 2024. The large increase in internal output over Q4, due in the main to the reduction of development work undertaken, has increased the 2024/25 average to 206 cases per month.
- 2.4 Internal output has reached maximum capacity with the Q4 average being 269 cases per month and further increases will be minimal without investment to increase the reporting scientists within the criminal toxicology team.
- 2.5 Our outsourcing partner has continued to provide additional support over Q4 2024/25, resulting in an average output of 118 cases (from the predicted 75). The requirement to increase the monthly case output was twofold, to meet existing levels of demand and, to reduce caseloads (across Q1 and Q2 in 2024/25). Average combined output in 2024/25 was 324 cases per month. The average demand over the same period was 318 cases per month.
- 2.6 For illustrative purposes the graph below is more generic in nature with internal capacity set at 200 and outsourcing capacity at 70, highlighting the total monthly forecast output as 270.
- 2.7 Challenges are evident as demand has exceeded expected capacity through Q3 and Q4 2024-25. In addition, fiscal challenges are identified and highlight planned outsourcing in February and March as being unbudgeted (due to consistently high demand across 2024/25). The overspend for 2024/25 is confirmed as £9k.



- 2.8 In relation to managing capacity and demand Forensic Services have, as per the Memorandum of Understanding (MOU), moved to a more fixed process in managing late submissions. On a sliding [time] scale samples will be categorised in a way that will result in limited or restricted analysis being undertaken or in extreme cases, samples will be rejected. To date there has been no requirement to reject any sample due to late submission.
- 2.9 With regard to open cases, the graph below highlights the open caseload (by month of incident) and the positive direction of travel relative to the six-month Statutory Time Limit (STL). It should be noted there are a small number of cases (2 in total, reduced from 7 in Q3) out with a six-month timeline. These cases are late submissions to Forensic Services; however, these are not at risk of exceeding statutory time limits given that the 12-month STL applies.



Note: Cases received before 30 November 2024 have an STL of 12-Months

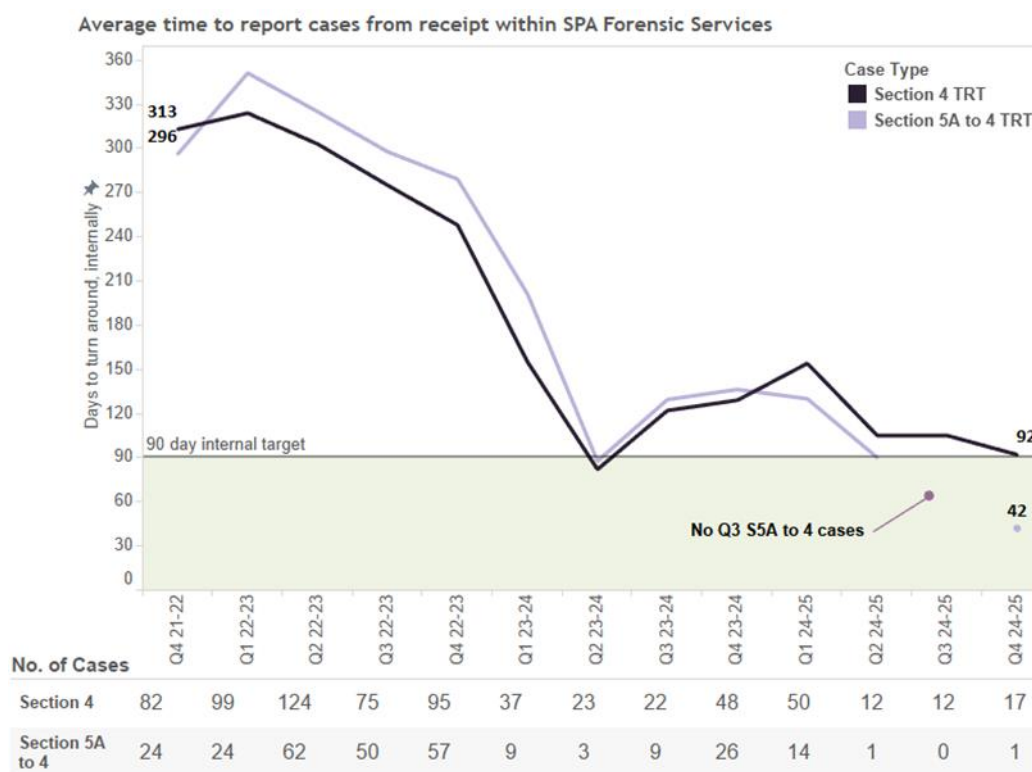
Outsourcing

- 2.10 At the time of writing, Forensic Services continue to be supported by a single [external] supplier. Scheduled outsourcing is utilised to support staff abstraction during development work planned throughout the year and an annual budget is in place to manage this. Increases in demand over the forecasted levels require additional outsourcing (or a reduction in development activity) to increase internal capacity. This additional outsourcing comes at a financial cost not planned for within the annual budget.
- 2.11 Reliance on a single provider and the unpredictable demand both within Scotland and the remainder of the UK remains the subject of ongoing engagement and has been registered as an increasing risk within Forensic Services.
- 2.12 The most recent engagement with the FS external supplier provides continued assurance in relation to outsourcing requirements up to 100 samples per month. Additional capacity is likely to be available from Q2 2025-26 however, this will require pro-active engagement on a month-to-month basis and is not fully guaranteed at this time.
- 2.13 External supplier engagement remains ongoing with short and medium term options subject to further discussions and dependant on available budget.

- 2.14 From a cost perspective, outsourcing a batch of 50 cases results in a financial commitment of approximately £15k.

Performance

- 2.15 Internal performance for Section 5a cases remains on target with the rolling average meeting the 95% target and the Q4 average sitting at 98%.
- 2.16 Internal performance for Section 4 cases continues to improve with the current turn-around-time (TRT) for completion of section 4 cases averaging at 92 days.



- 2.17 The proportion of Section 4 work remains at around 6% of our total drug driving caseload – a relatively low proportion of the total drug driving workload.
- 2.18 The number of Section 5a to Section 4 conversion cases remains very low with the one reported case being reported well within the 90 day target.
- 2.19 Work continues to progress and improve the Section 4 process to ensure this case category can be processed and continually reported within the 90-day target. Section 4 cases continue to be prioritised

on receipt and follow a clearly defined schedule of work to aid continuous improvement in this area.

Toxicology Development Plan

2.20 Version 3 of the Toxicology Development Plan commenced in April 2024 and concluded at the end of March 2025. The plan focused on three main areas:

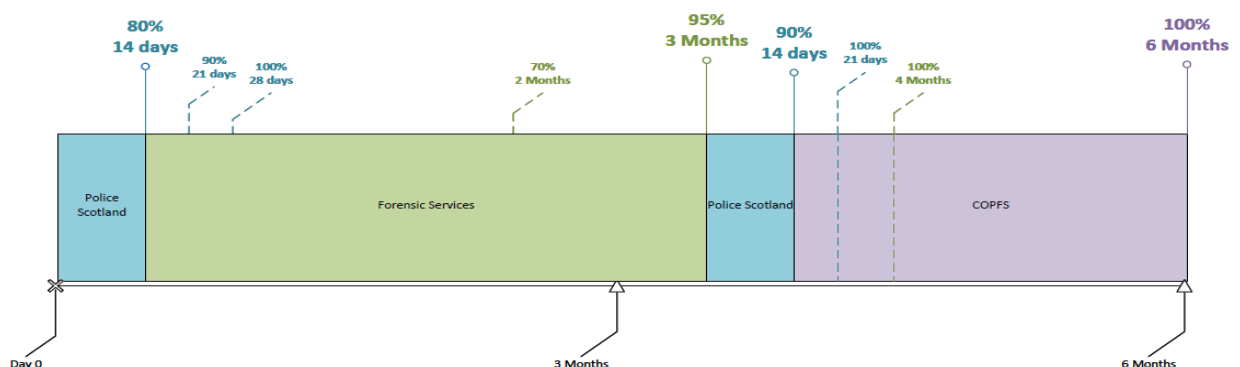
- Section 5a method and instrumentation – completed on schedule.
- Introduction of new drug panels – ongoing as per schedule and will continue within Version 4 as planned.
- Staff training – completed on schedule with Senior Forensic Analysts now reporting investigative cases. Further training is ongoing.

2.21 Version 4 of the Toxicology Development Plan commenced in April 2025. The plan focuses on three main areas:

- Introduction of new drugs panels.
- QToF instrument – method development, validation and implementation.
- Alcohol instrumentation – replacement of end of life equipment.

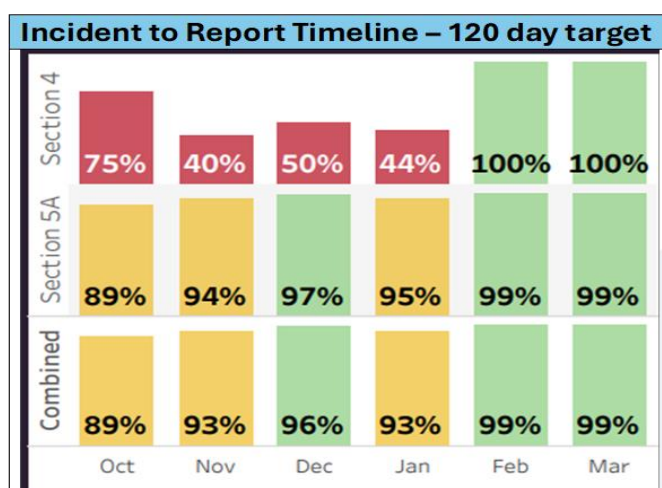
Six-Month Timeline

2.22 The six month timeline as agreed within the updated Drug Driving MOU remains in play with performance against target reported monthly via Operation Hitch.



Drug Driving 6 Month STL all Partners Timeline with Stretch Targets

- 2.23 The collective flexibility introduced via the stretch targets detailed within the timeline above is used to ensure increased compliance from incident date through the Police Scotland and Forensic Services processes to the production and submission of the FS report back to Police Scotland as detailed below.



LONG-TERM SUSTAINABLE MODEL

- 2.24 Since the approval of the Initial Business Case (IBC) for the Long-Term Sustainable Model (LTSM) work has commenced with partners to progress to the Final Business Case (FBC) with a view to delivering a sustainable criminal toxicology service for the people of Scotland.
- 2.25 The LTSM project board inaugural meeting held in April 2025 set the scene and pace of work required whilst a full day workshop introduced key players to the project team. Prioritisation of the development of the FBC across all stakeholders remains under discussion.

3. SUMMARY

- 3.1 This report highlights the current demand associated with Drug Driving and the methods employed by Forensic Services to meet that demand, through a hybrid model of internal and external resourcing.
- 3.2 The implications of increasing demand highlight the requirement for capacity and demand to be the subject of multi-agency planning to ensure close alignment.

- 3.3 Ongoing development work and training, alongside the significant progress made in clearing the historical backlog, have provided a platform on which Criminal Toxicology are in a good position to meet agreed levels of demand.

4. FINANCIAL IMPLICATIONS

- 4.1 There are financial implications in this report, specifically the costs associated with outsourcing. The Forensic Services revenue budget for 2024/25 covered planned outsourcing, however, unplanned outsourcing due to higher-than-expected levels of demand resulted in a £9k overspend (£304K spend versus £295K budget). This figure is lower than previously forecasted due to the reduced amount of outsourcing utilised in Q4, a large credit note received from our outsourced providers (~£13K) and considering 2023/2024 year-end adjustments (~£18K).
- 4.2 There are additional financial considerations associated with budget requirements for 2025/26. The planned outsource costs will be fully supported via the £300k budget provided. If demand continues to grow at the current higher than expected rate of ~20% then the outsourcing spend will also increase beyond £300k. As an example, a 10% increase in baseline demand could require ~£75K additional funding.

5. PERSONNEL IMPLICATIONS

- 5.1 There are no current personnel implications associated with this paper, given the recruitment of staff is now complete at the time of writing this report.

6. LEGAL IMPLICATIONS

- 6.1 There are legal implications associated with this paper, specifically the risk of cases being unable to proceed to prosecution.

7. REPUTATIONAL IMPLICATIONS

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

8. SOCIAL IMPLICATIONS

- 8.1 There are social implications associated with this paper, specifically the impact from drug-driving on the roads in Scotland.

9. COMMUNITY IMPACT

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

10. EQUALITIES IMPLICATIONS

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

11. ENVIRONMENT IMPLICATIONS

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

RECOMMENDATION

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