

Meeting	SPA Authority Meeting
Date	25 August 2022
Location	Technology and Innovation Centre, Glasgow
Title of Paper	Forensic Services Director's Report
Presented By	Fiona Douglas, Director of Forensic Services
Recommendation to Members	For Discussion
Appendix Attached	No

PURPOSE

To update members on the recent key activities across Forensic Services.

1. BACKGROUND

1.1 This report is to update members on activities across SPA Forensic Services.

2. Drug driving toxicology

2.1 In June 2022, I provided a report to the Authority on the impact of sustained demand for drug-driving testing and analysis and capacity pressures. Since then, detailed analysis has been completed on the cases that cannot be progressed to prosecution because of forensic testing and analysis delays and having reached the current statutory 12-month time limit.

2.2 This analysis shows that, between the introduction of the legalisation in October 2019 and 20 May 2022, 384 cases were not progressed because of such delays. This is two fewer cases than reported to the Authority in June. During the same time period, more than 5,600 samples were processed and tested.

2.3 Due to the processes in place to prioritise the most serious cases, none of these 384 cases involve fatalities and just two involve an injury. Around one quarter of these cases (40) relate to traffic collisions while around one quarter (99) involve a potential repeat offender with analogous or previous convictions.

2.4 Initial reports for period from 21 May 2022 until 30 June 2022, indicate there are a further potential 49 cases that cannot be progressed with a further 11 cases for the whole month of July 2022 – which gives an indication of the progress made during the past two months and the improving position.

2.5 Forensic Services are currently in the final stages of agreeing a new outsourcing contract after the Scottish Government agreed to fund a further £370,000 of outsourcing this year. From September this new contract will help relieve some of the pressures from the continued higher-than-predicted demand for drug-driving toxicology services in Scotland.

2.6 As analysis of the 384 time-barred cases has progressed, work has continued to understand process issues and potential improvements which are being taken in the immediate and short term. This has included:

- Implementation of new processes in Police Scotland for the submission of samples to Forensic Services;
 - Recording of additional information in the initial crime report to allow better tracking, management and reporting of cases to COPFS;
 - Additional activity to address the backlog of cases within forensic services;
 - Acceleration of recruitment in Forensic Services to build capacity and resilience within the toxicology function.
- 2.7 Forensic Services are working closely with Police Scotland, COPFS and the Scottish Government to manage and minimise risks and to develop a sustainable system-wide solution that can meet future demand and mitigate against cases reaching their statutory time limit as a result of forensic testing and analysis in the future
- 2.8 HMICS agreed to carry out a review of the end-to-end process for obtaining, analysing and reporting drug driving blood sample results in order to support criminal proceedings. HMICS anticipate publishing the report on their findings in January 2023. HMICS have published the terms of reference for the Assurance Review which are [available to view here](#).
- 2.9 Updates on the progress of the drug driving service will continue to be reported to the Forensic Services Committee.

3. Senior Management Team appointments

- 3.1 From 1 August 2022 the newly-restructured Forensic Services Senior Management Team took up their new appointments with: Vicki Morton (Chief Operating Officer); Alan Connell (Head of Forensic Infrastructure and Support); Helen Haworth (Head of Function); Alastair Patience (Head of Function); Derek Scrimger (Interim Head of Function); Joanne Tierney (Head of Change and Development); Craig Donnachie (Head of Quality, Assurance and Information Compliance); and Kevin O'Hare (Communications and Engagement Specialist).
- 3.2 Gary Holcroft, who is also a Head of Function, is currently seconded to Project Weaver (the transfer of the Post Mortem Toxicology service from the University of Glasgow) and is also a member of the FS Senior Management Team. The remit and responsibilities of the Head of Function roles will transform as Forensic Services implements our New Operating Model.

- 3.3 This new structure was developed after a number of external reviews, including several by the SPA board and HMICS, which recommended changes in the FS SMT structure and governance.

4. Staff consultation

- 4.1 This week Forensic Services present a final update state to the Joint Negotiating and Consultative Committee (JNCC) about the Forensic Services staff consultation on organisational change.
- 4.2 This consultation started following the approval of the Full Business Cases for the Operating Model, Access to Laboratory, and Deployment of Scene Examination Projects by the SPA Board in September 2021, and approval by the Joint Negotiating Consultative Committee (JNCC) in October 2021.
- 4.3 There was extensive engagement with staff, partners, Trade Unions and Diversity Staff Associations to ensure effective implementation of Forensic Services organisational change activities. Staff brought forward many counter proposals during this process which allowed the original model to be improved and Forensic Services will now be moving to the implementation phase on this organisational change.

5. Financial settlement

- 5.1 I have had initial discussions with the Chief Executive of the SPA in her role as the accountable officer about the impact of the expectation of the flat-cash budget settlement for SPA in the coming year.
- 5.2 Previous to this discussion, it has been decided not to bring forward some organisational change plans – such as seven day working in the Forensic Services laboratories – given that this would need further investment which will be unachievable with the expected flat-cash budget settlement.

6. Op Weaver

- 6.1 The Cabinet Secretary for Justice Keith Brown made an informal visit to the new Glasgow laboratory being set up for the transfer of Post Mortem Toxicology services on 1 December 2022 along with the chairs of the Forensic Services Committee and the Scottish Police Authority.

- 6.2 Mr Brown toured the new facilities, including the laboratory areas, and held extensive discussions about with both Forensic Services and University of Glasgow staff about the benefits that transferring this service will bring the Justice and Health sectors in Scotland.

7. Skye and Wester Ross incident

- 7.1 Forensic Services offered extensive on-site support to Police Scotland following a series of incidents on Skye and in Wester Ross on Wednesday the 10 August which led to the death of John MacKinnon and to three other people being seriously injured.
- 7.2 Forensic Services Scene Examiners were deployed to all the scenes involved with Forensic Biologists and Firearms Scientists also in attendance. The Forensic Strategy was led by Forensic Services Lead Forensic Scientist for Major Crime.
- 7.3 A 39-year-old man has been charged with Mr MacKinnon's murder and the attempted murder of three other people.

8. FINANCIAL IMPLICATIONS

8.1 There are financial implications from the financial settlement mentioned in this report.

9. PERSONNEL IMPLICATIONS

9.1 There are no personnel implications associated with this paper.

10. LEGAL IMPLICATIONS

10.1 There are no legal implications associated with this paper.

11. REPUTATIONAL IMPLICATIONS

11.1 There are reputational implications associated with the drug-driving toxicology service provision.

12. SOCIAL IMPLICATIONS

12.1 There are no social implications associated with this paper.

13. COMMUNITY IMPACT

13.1 There are no community implications associated with this paper.

14. EQUALITIES IMPLICATIONS

14.1 There are no equality implications associated with this paper.

15. ENVIRONMENT IMPLICATIONS

15.1 There are no environmental implications associated with this paper.

RECOMMENDATION

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