



<b>Meeting</b>	<b>SPA Policing Performance Committee</b>
<b>Date</b>	<b>12 March 2024</b>
<b>Location</b>	<b>Video Conference</b>
<b>Title of Paper</b>	<b>Joint Review of Diversion from Prosecution – Improvement Plan Update</b>
<b>Presented By</b>	<b>CS Pat Campbell</b>
<b>Recommendation to Members</b>	<b>For Discussion</b>
<b>Appendix Attached</b>	<b>Appendix A – Summary of Improvement Activity with Impact on Service Delivery</b>

## PURPOSE

The purpose of this paper is to provide Members with a summary of Police Scotland’s progress on delivery against recommendations from the Joint Review of Diversion from Prosecution 2023.

This is the first progress report presented to the committee on this issue.

Members are invited to discuss the content of this paper.

## 1. BACKGROUND

- 1.1 In February 2023, HM Inspectorate of Prosecution in Scotland published the Joint Review of Diversion from Prosecution. This report detailed a review by a number of inspecting bodies, namely HM Inspectorate of Constabulary in Scotland (HMICS), HM Inspectorate of Prosecution in Scotland, the Care Inspectorate and HM Inspectorate of Prisons for Scotland and aimed to assess the operation and impact of diversion from prosecution in Scotland.
- 1.2 The report detailed **34** recommendations, of which **4** were for Police Scotland. The recommendations for Police Scotland were;
- Police Scotland should ensure that reporting officers have an appropriate level of awareness of the overarching principles of diversion from prosecution, including the role of partner agencies, and a good working knowledge of the national guidelines on diversion.
  - Police Scotland should ensure that internal police guidance, standard operating procedures and templates provide adequate information to guide reporting officers on the completion of Standard Prosecution Reports (SPRs) as they relate to diversion.
  - Police Scotland should ensure that adequate supervision and quality assurance processes are in place to improve the quality of SPRs relevant to diversion.
  - Police Scotland should ensure that information known to the police that is relevant to the diversion assessment, such as that held on the Interim Vulnerable Persons' Database, is included in SPRs.

## 2. PROGRESS WITHIN REPORTING PERIOD

- 2.1 Police Scotland play a significant role in terms of diversion from prosecution in making sure that information is available within the Standard Prosecution Report (SPR) to assist COPFS in any decisions towards diversion.
- 2.2 Whilst none of the recommendations have been formally closed during this reporting period, significant work has been ongoing to progress the improvements needed to meet the requirements of the recommendations.

- 2.3 CJSD have been delivering inputs to all Local Policing Divisions via their Service Delivery or Criminal Justice Chief Inspectors and messaging has been developed for the Force Intranet explaining diversion from prosecution and when and how it can be used.
- 2.4 A review of all training materials, guidance, and template SPRs is currently ongoing to ensure they contain appropriate guidance on diversion from prosecution.
- 2.5 All Case Management resources have been briefed to assess SPRs and where diversion from prosecution may have been appropriate, they will contact the reporting officer and provide supportive guidance.
- 2.6 An SPR Quality Improvement Programme has been established to ensure the quality of information included in an SPR is up to standard, which will include an assessment of the inclusion of information from iVPD.
- 2.7 COPFS and Police Scotland are currently engaged in redeveloping the SPR template (SPR3), which will clearly identify the information that COPFS require and will have mandatory fields for completion to ensure that suitable antecedent information and consideration of diversion is included by reporting officers. It is anticipated that this will progress throughout Spring 2024.
- 2.8 Whilst Direct Measures are separate to Diversion from Prosecution and were outwith the scope of this inspection, work is also ongoing to raise awareness and encourage the appropriate use of Direct Measures.

### **3. FINANCIAL IMPLICATIONS**

- 3.1 There are no financial implications in this report.

### **4. PERSONNEL IMPLICATIONS**

- 4.1 A training package is being developed that will require to be completed by all Police Scotland officers up to the rank of Inspector.

### **5. LEGAL IMPLICATIONS**

- 5.1 There are no legal implications in this report.

**6. REPUTATIONAL IMPLICATIONS**

6.1 There are no reputational implications in this report.

**7. SOCIAL IMPLICATIONS**

7.1 There are no social implications in this report.

**8. COMMUNITY IMPACT**

8.1 The improvements delivered by these recommendations will undoubtedly improve the service to the public and therefore the communities Police Scotland serves.

**9. EQUALITIES IMPLICATIONS**

9.1 There are no equality implications in this report.

**10. ENVIRONMENT IMPLICATIONS**

10.1 There are no environmental implications in this report.

**RECOMMENDATIONS**

Members are invited to discuss the content of this paper.

## Appendix A – Summary of improvement activity with Impact on Service Delivery

Recommendation	Recommendation Description	What we've done	Impact on Service Delivery
R08 – Awareness Raising	Police Scotland should ensure that reporting officers have an appropriate level of awareness of the overarching principles of diversion from prosecution, including the role of partner agencies, and a good working knowledge of the national guidelines on diversion.	<p>CJSD have been delivering inputs to all Local Policing Divisions via their Service Delivery or Criminal Justice Chief Inspectors and messaging has been developed for the Force Intranet explaining diversion from prosecution and when and how it can be used.</p> <p>An interactive training package is currently being developed, which will provide further information on diversion along with practical examples of when community based sentences have improved outcomes. It is planned to host this package on the Moodle online training package in order to monitor completion.</p>	The staged delivery of training and awareness raising will improve understanding of diversion from prosecution and ensure that more officers are including information relevant to this in SPRs. This will contribute towards COPFS ability to use diversion and consider more community based sentences, which often lead to better outcomes, reduced re-offending and reduces pressure on an overburdened system.
R09 – Guidance	Police Scotland should ensure that internal police guidance, standard operating procedures and templates provide adequate information to guide reporting officers on completion of Standard Prosecution Reports (SPRs) as they relate to diversion.	A review of all relevant training materials, guidance and template SPRs is currently ongoing to ensure they contain appropriate guidance on diversion from prosecution.	A review of documents will add to the training delivered and ensure officers are reminded to consider diversion when completing SPR templates.

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R10 – Quality Assurance	Police Scotland should ensure that adequate supervision and quality assurance processes are in place to improve the quality of SPRs relevant to diversion.	All Case Management resources have been briefed to assess SPRs and where diversion from prosecution may have been appropriate they will contact the reporting officer and provide supportive guidance.	This level of quality assurance by Case Management will ensure that the training and guidance is being complied with and reduce the number of missed opportunities for diversion.
R11 – Service Delivery	Police Scotland should ensure that information known to the police that is relevant to the diversion assessment, such as that held on the Interim Vulnerable Persons’ Database, is included in SPRs.	<p>An SPR Quality Improvement Programme has been established to ensure the quality of information included in an SPR is up to standard, which will include an assessment of the inclusion of information from iVPD.</p> <p>The development of SPR3 will provide mandatory fields that reporting officers must complete and will enhance the antecedent information being provided.</p>	This provides a further level of quality assurance, which will allow for an assessment of improvements following the delivery of training and to establish any further action(s) required.