



Meeting	Forensic Services Committee
Date	03 February 2025
Location	Online
Title of Paper	HMICS Assurance Review of Forensic Toxicology Provision – Improvement Plan and timeline.
Presented By	Paul Stewart, Head of Function
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 provision and timeline for delivery.

The paper is submitted for discussion.

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 [report](#) on their findings on 25th April 2023. HMICS made 25 recommendations for improvement.
- 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 nine recommendations closed by HMICS, to date.
- 2.5 Detailed updates were provided to the Forensic Services Committee on 30 October 2023, 05 February 2024, 07 May 2024, 06 August 2024 and 28 October 2024.
- 2.6 Since the last Forensic Services Committee meeting, good progress has been made in relation to the recommendations, and further updates are provided to HMICS regularly, through the Strategic Oversight Board.
- 2.7 Forensic Services and Police Scotland are focusing activity on a number of recommendations linked to the reintroduction of the six-month timeline on 30 November 2024. It is anticipated a number

of recommendations will be submitted for closure by the end of Q1 2025/26.

- 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 are 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, the review of current and future procurement of drug driving analysis outsourcing to ensure best value and the development of the business cases for Core Operating System and the Long-Term Sustainable Solution.

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, the review of workload and work allocation with Criminal Toxicology team and the development of the business case for the Long-Term Sustainable Solution.

5. LEGAL IMPLICATIONS

- 5.1 There are legal implications associated with this paper, specifically any cases which could not be pursued to prosecution, any potential change in the legislation to allow reclaiming of costs associated with drug driving activities and the development of the business cases for Core Operating System and the Long-Term Sustainable Solution.

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 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 are 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 August 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	<ol style="list-style-type: none"> 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	Police Scotland has shared documentation with Transport Scotland to ensure Partners are sighted on the nature and scale of drug driving in Scotland. Dialogue continuing in relation to delivery plans for 2025. Police Scotland meeting with Transport Scotland to continue development of delivery plans for 2025/26. A national strategic overview of drug driving offences document (previously shared with Scottish Government in Sep 2024) has been updated detailing insights into trends for detection of drug driving offences.

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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	<ol style="list-style-type: none"> 1. Review current mechanism and identify potential changes. 2. Implement agreed changes. 		Q4 23/24	<p>Further dialogue took place with HMICS since the last update.</p> <p>This recommendation has been closed by HMICS.</p>
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	<ol style="list-style-type: none"> 1. Engage with Police Scotland and COPFS regarding HMICS recommendation. 2. Agree actions necessary to facilitate a 'stand down' of outstanding interim and exceptional measures to support drug driving provision. 3. Communicate end date for 'stand down'. 4. Communicate final position to Op HITCH. 		<p>Q3 23/24 from FS perspective (but closure may need agreement of long term sustainable model)</p> <p>Re-forecast completion date Q4 24/25</p>	<p>MOU provision of Drug Driving v1.5 uploaded to HMICS Egress for review and consideration.</p> <p>Six month timeline now live (30 November 2024). MOU review now complete and with partners for final sign off, MOU includes refreshed timeline agreed by all Partners and close monitoring of performance is taking place in the early stages of newly agreed targets being in place. Performance information will be available towards the end of Q4 when, data will be provided to inform and update this recommendation.</p>
4	SPA and SPA Forensic Services should review the drug driving analytical and	FS	<ol style="list-style-type: none"> 1. Engage with SPA re HMICS recommendation. 		Q3 23/24	<p>This recommendation has been closed by HMICS.</p>

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	reporting process and seek ways to reduce costs.		<p>2. Review existing documentation (process maps) and technological developments regarding process improvements in analytical process to identify cost reductions.</p> <p>3. Review existing documentation (process maps) and technological developments regarding process improvements in reporting process to identify cost reductions.</p>		<p>Re-forecast estimated completion date Q2 24/25</p>	<p>The streamlined method of reporting (single witness) is being used routinely in drug driving cases.</p> <p>The second new drug driving analytical method has been accredited by UKAS at the end of Q1 24/25 and will be implemented during Q2 24/25. This will result in two more efficient methods being used for drug driving analysis.</p> <p>The Criminal Toxicology team continues to work closely with the Post-Mortem Toxicology team to improve resilience and to capture synergies from joint working.</p> <p>The draft overarching Toxicology strategic plan has been reviewed following feedback from stakeholders and is going through in-house governance. Once approved internally, it will be shared with partners and HMICS.</p>
5	SPA and SPA Forensic Services should review current and future procurement of drug driving analysis	FS	<p>1. Engage with SPA regarding HMICS recommendation.</p> <p>2. Engage with Procurement</p>		<p>Q3 23/24</p> <p>Re-forecast estimated completion date Q4 23/24</p>	<p>Further dialogue took place with HMICS since the last update.</p> <p>This recommendation has been closed by HMICS.</p>

	outsourcing to ensure best value.		<p>regarding HMICS recommendation re the current procurement contract for outsourcing.</p> <p>3. Explore opportunities with Procurement to improve provision of best value in current and future contracts, as part of the annual contract review process.</p>		<p>A further re-forecast of estimated completion date Q1 24/25 has been required as a result of further exploratory work being requested.</p>	
6	<p>SPA and SPA Forensics Services should consider the available evidence in other jurisdictions to assess the opportunities to reclaim forensic service costs and then work with Crown Office and Procurator Fiscal Service and Scottish Government to establish if this is possible in Scottish criminal trials.</p>	SPA	<p>1. Engage with HMICS about potential jurisdictions to explore initially regarding opportunities to explore cost recovery.</p> <p>2. Create Short Life Working Group (involving SPA, Police Scotland and SPA Forensic Services) to explore the issue in detail.</p>		<p>Q1 24/25</p>	<p>Further dialogue took place with HMICS since the last update.</p> <p>This recommendation has been closed by HMICS.</p>

			<p>3. Engage with other forensic science organisations (or criminal justice systems) which may have this model (or considered this model) for service delivery.</p> <p>4. Engage with COPFS and SG regarding the potential to establish this within Scottish criminal trials.</p>			
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	<p>1. Map current processes within Police Scotland and Forensic Services.</p> <p>2. Identify opportunities for improvements (with existing and new solutions).</p> <p>3. Implement improvements (with the available technology).</p>		<p>Q1 25/26 (for identification of improvements in phase 1).</p> <p>Introduction of further technological improvements are likely to be linked to the development of the long-term sustainable model.</p>	<p>The paper produced in June remains the current position. No further progress can be made internally until implementation of the new Core Operating System.</p> <p>PSoS have implemented a new powerBI report which will assist in the tracking of drug driving samples from the time productions are lodged and go through the police submission process. This report will highlight any samples which</p>

						have not been transferred to SPA FS within the 14 day from incident date target. These samples can then be investigated and progressed as required.
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.		Re-forecast estimated completion date Q2 24/25	Paper submitted to HMICS with proposal to close. (Discussed at September Board meeting).
9	Police Scotland and SPA Forensic Services should create a priority forensic analysis protocol that would establish high and standard risk categories for analysis and associated timescales for drug driving cases.	FS	1. Request breakdown of high and standard risk categories from Police Scotland and COPFS. 2. Draft timescales for completion of these risk categories (within the overall timescale permitted by the prevailing statutory time limit). 3. Update the Memorandum of		Q2 23/24 Re-forecast estimated completion date Q2 24/25.	This recommendation has been closed by HMICS.

			Understanding for Drug Driving to include these categories and indicative timescales.			
10	SPA Forensic Services must immediately progress the core operating solution plans and explore opportunities to interface with Police Scotland and Crown Office and Procurator Fiscal Service.	FS	<ol style="list-style-type: none"> 1. Present Interim Business Case to SPA Resources Committee. 2. Develop Full Business Case. 3. Present Full Business Case to SPA Resources Committee. 4. Depending on decision regarding business case, the roll out of the new Core Operating System. 		<p>Q1 24/25 (for FBC to be submitted to SPA Resources Committee)</p> <p>Re-forecast estimated completion date Q1 26/27</p>	This recommendation is at risk and under management control. Engagement continues - a project plan was approved on 17 December 2024 at the FS COS & Data Migration Project Board.
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	FS	<ol style="list-style-type: none"> 1. Engage with Police Scotland re the HMICS recommendation. 2. Document processes for storage and movement of drug driving samples 		<p>Q1 24/25 (for phase 1)</p> <p>Re-forecast completion date Q2 24/25</p>	SPA FS update remains the same. Minimal risk to sample storage now there is no backlog. Closure of this action sits with the implementation of the new kits which sits under PSoS control.

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	considered and implemented.		<p>end-to-end.</p> <p>3. Consider efficiencies, sample degradation risks, forensic integrity and health and safety matters.</p> <p>4. Implement improvements.</p>			
12	SPA, SPA Forensic Services, Police Scotland and the Health Boards of Scotland must collectively consider the service 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.	PSoS	<p>1. Engage with SPA, Police Scotland and Health Boards re the HMICS recommendation.</p> <p>2. Short Life Working Group to consider implications on MOU regarding custody healthcare and forensic medical services in police custody.</p> <p>3. Position Paper to be presented to Op HITCH.</p>		<p>Q3 24/25</p> <p>Re-forecast completion date Q4 24/25</p>	Criminal Justice Services Division leading on this activity. An update will be sought and circulated to the HMICS Oversight Board.
13	SPA Forensic Services should, as a matter of urgency, review current working practices including	FS	<p>1. Review working practices, workload and work allocation for all staff involved</p>		<p>Q2 23/24</p> <p>Re-forecast estimated</p>	This recommendation has been closed by HMICS.

	workload and work allocation for all staff involved in the delivery of drug driving forensic service provision.		<p>in the delivery of drug driving service provision.</p> <p>2. Consider potential improvements.</p> <p>3. Implement improvements.</p>		completion date now Q1 24/25	
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	<p>1. Highlight HMICS recommendation at FS Performance Board.</p> <p>2. HoFs to consider whether this recommendation would be met within their area/s of responsibility.</p> <p>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</p>		<p>Q4 23/24</p> <p>Re-forecast for Q1 24/25 due to a delay in implementation of one of the new drug driving analytical methods.</p>	Linked to recommendation 3. Introduction of reviewed MOU and performance monitoring measured against new six-month timeline required prior to submitting evidence for closure.

			to the Target Operating Model).			
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	<ol style="list-style-type: none"> 1. Engage with COPFS and SCTS regarding the HMICS recommendation. 2. Identify current position and potential improvements. 3. Implement potential improvements. 		<p>Q1 24/25 (for phase 1)</p> <p>Re-forecasting completion date (for aspects within control of FS) Q2 24/25.</p>	<p>The previous paper was submitted however HMICS require further discussion. There are further improvements which can be made and require discussion.</p> <p>No plans to roll out remote evidence to lower courts at this time.</p>
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 data obtained for the purposes of sections 4 and 5A of the Road Traffic Act 1988.	FS	<ol style="list-style-type: none"> 1. Engage with Police Scotland regarding the HMICS recommendation. 2. Identify current position and potential improvements regarding data retention, data processing and production management. 3. Implement 		<p>Q1 24/25</p> <p>Re-forecast completion date Q2 24/25</p>	<p>PSoS continues to work closely with FS to ensure the robust application of data retention and appropriate timeliness of sampling, submission, processing and reporting of drug driving samples.</p> <p>FS Criminal Toxicology data retention, data processing and production management processes meet the requirements, however the introduction of a new Core Operating System (cross-reference HMICS</p>

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			potential improvements.			recommendation 10) in FS will derive further benefits.
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	<ol style="list-style-type: none"> Proposals are under development. Following engagement, review proposals will be presented to the Authority 24 August 2023, for implementation October 2023. 		<p>Q3 23/24</p> <p>Re-forecast estimated delivery date Q4 23/24</p>	This recommendation has been closed by HMICS.
18	SPA Forensic Services must urgently address drug driving analysis and reporting turnaround times, cognisant of six-month statutory timescales.	FS	<ol style="list-style-type: none"> Continue to outsource cases (within agreed finance), in order to mitigate against pressure on FS staff and to improve in-house turnaround times. Review and report progress regularly, taking cognisance of a return to 6-month statutory timescale 		<p>Q2 23/24 (for in-house casework)</p> <p>Re-forecast estimated completion date Q1 24/25 (to take into account improved performance regarding outsourcing and overarching</p>	Linked to recommendation 3 and 14, it is anticipated all three recommendations will be submitted for closure when performance information is available following the introduction of the new six-month timeline and, performance management arrangements are implemented by all partners.

			<p>in due course.</p> <p>3. Create/update the MOU for Drug Driving detailing the expectations for end-to-end process timeliness.</p>		<p>provision of evidence to HMICS)</p>	
19	<p>SPA Forensic Services must prioritise the recruitment of toxicology staff – as outlined in the Forensic Services Operating Model – to ensure current drug driving demand levels can be met in the short term.</p>	FS	<p>1. Recruitment of staff (4 x Forensic Analyst, 1 x Capability Team Manager) has been prioritised.</p> <p>2. Reassigned one member of staff from the Drugs team to Criminal Toxicology in June 23 to increase internal capacity for Drug Driving.</p> <p>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).</p>		<p>Q3 23/24</p> <p>Re-forecast estimated completion date Q1 24/25</p>	<p>This recommendation has been closed by HMICS.</p>

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	<ol style="list-style-type: none"> 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 scale of drug driving and development of the enforcement model. 		<p>Q3 24/25 for understanding nature and scale of drug driving.</p> <p>Development of the enforcement model can be undertaken in the intervening period, through pilots, for example.</p>	<p>The Shetland pilot launched early December 2024 and time is required to assess the impact of pilot in terms of submissions to laboratory. The 'Enforcement Model' has been established.</p>
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	<ol style="list-style-type: none"> 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. 		<p>Q3 23/24 (for review)</p> <p>Re-forecast estimated completion date Q2 24/25 for overarching Toxicology Strategy (but will exclude timescale for implementation of long-term sustainable model)</p>	<p>IBC for Long Term Sustainable Model uploaded to HMICS Egress for review and consideration.</p> <p>This recommendation is linked to Long Term Sustainable Model (LTSM) work assessing future demand, capacity and capability. The IBC is currently going through internal governance, a further update will be available early in 2025.</p>

			3. Consider Estates strategy taking cognisance of the long-term strategy for Toxicology services within FS.		
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 understanding of what is required by those in SPA Forensic Services	FS	<p>1. Decide which staff members will be involved in this review.</p> <p>2. Review the terms of the Police and Fire Reform (Scotland) Act 2012.</p> <p>3. Agree what the delivery of forensic science provision entails, in terms of additional clarity (e.g. reference to MOU)</p>	Q4 23/24	<p>Further dialogue took place with HMICS since the last update.</p> <p>This recommendation has been closed by HMICS.</p>
23	Police Scotland should include drug driving prevention activity within its current road safety prevention activity.	PSoS	<p>1. Evidence current prevention activity including Road Safety Scotland material and other campaign/preventative comms.</p> <p>2. Plan for 2024 campaign with</p>	Q3 24/25	The Drink/Drug driving campaign was launched in December 2024 and will run until mid-January 2025. The results of campaign will be broken down into police command areas and shared.

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			recognition of HMICS recommendations and partner activity.			
24	Scottish Government should consider refreshing its Road Safety Framework to 2030 to include drug driving, given the growing prevalence in Scotland.	Scottish Government	1. Review recommendation. 2. Provide Annual Delivery Plan		Q2 24/25	HMICS continue to engage with Transport Scotland on Annual Delivery Plan.
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/preventative comms. 2. Plan for 2024 campaign with recognition of HMICS recommendations and partner activity.		Q3 24/25	Duplication of update for recommendations 23/25 due to interdependencies. The Drink/Drug driving campaign was launched in December 2024 and will run until mid-January 2025. The results of campaign will be broken down into police command areas and shared.

Key:

Closed by HMICS
Complete or submitted with recommendation for closure
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