



Criminal Action Scotland

Whenever a Child Maintenance Group (CMG) employee suspects a paying parent, receiving parent, third party or employer of criminal activity they may send a referral to the Financial Investigation Unit (FIU) or enforcement, see [Financial Investigation Unit \(FIU\) - Summary](#) for more information. The subject of referral will determine who owns the case. For more information refer to [Suspicion of Criminal Activity](#).

The purpose of this activity is for an Enforcement Case Manager or an Investigating Officer (IO) within the FIU to forward a case for prosecution when there is sufficient evidence to prove that a criminal offence has been committed.

When a criminal referral is made, it will be assigned to an IO or Enforcement Case Manager who will gather information about the alleged offence. For more information refer to [Criminal Action - Decide](#). The IO or Enforcement Case Manager will be responsible for considering the criminal enforcement action on the case.

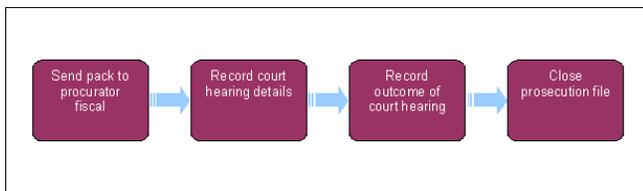
Once enough information has been gathered, the IO or Enforcement Case Manager will decide if the case should be forwarded for prosecution.

When an IO or Enforcement Case Manager in Scotland decides to forward a case for prosecution, they will refer the case to the Procurator Fiscal by registering the case on the Specialist Reporting Agencies (SRA) secure website.

When the Procurator Fiscal decides to pursue prosecution the IO or Enforcement Case Manager will record the hearing details on the system and monitor their progress until an outcome is reached. The system will prompt the IO or Enforcement Case Manager to check the case at regular intervals and record the current status of legal proceedings.

When a final outcome is received the case manager will close the prosecution file and notify any relevant parties of the outcome.

For more information refer to the Policy, Law and Decision Making Guidance 



This procedure uses the terms receiving parent and paying parent.

The receiving parent is the parent who receives or who is expected to receive child maintenance, known as the parent with care (PWC) or person with care (PeWC) on the system and in legislation. The paying parent is the parent who pays or who is expected to pay child maintenance, known as the non resident parent (NRP) on the system and in legislation.

Send Prosecution File To The Procurator Fiscal (PF)

- Before completing this process ensure that an interview under caution (IUC) has been completed or attempted. For more information refer to [Criminal Action - Decide](#).
- Locate the **Take Criminal Action** service request (SR):
 - **Process = Enforcement**
 - **Area = Take Criminal Action**
 - **Sub Area =** (one of the following offences)
 - **Employment Change Failure**
 - **Failure To Comply With DEO**
 - **Failure To Comply With Request**
 - **Failure To Notify CMG**
 - **No Info Provided**
 - **Provision Of False Info**
- Open the SR and set the **Status** to **In Progress**. Then complete the steps in the activity plan.



Do not set the **Status** to **Pending Assignment**. This will ensure that the SR stays with you while you are working on it.

- Check the prosecution file to ensure that the case is ready to be forwarded for prosecution. For more information refer to [Criminal Action - Decide](#).

5. Set the **Lock Assignment** flag to prevent any other case action from causing this SR to automatically re-allocate. For more information refer to [Case Routing - Enforcement](#).

 If the case group is not held within the functional area of criminal enforcement and change of status will cause the SR to be re-allocated to the segment that owns the case group. Using the Lock Assignment flag will prevent this happening.

6. Register the case by creating a record on the Specialist Reporting Agencies (SRA) website. To access the site, use the icon on your desktop.
7. When you receive the SRA number update the activity plan to show that the PF has accepted the case. Then update the **Criminal Action Details** form on the system:
 - SRA number
 - Case accepted (**Yes**)
 - Solicitor response date
 - Date to agency solicitor
 - Case accepted date

 Record the date that you received the SRA number in the **Date** fields.

8. Set a **Wait** period in the SR for three months to allow time for the PF to set the hearing dates.

 Consider the time bar when setting a Wait period. If the time bar is sooner than six months set a shorter Wait period as required.

9. On the due date, confirm whether the PF has set the hearing dates by checking the SRA website. If no decision is recorded or if the case has been purged from the SRA website, call the PF instead. Then complete the relevant steps:
 - No hearings set – go to **step 10**
 - Hearings set – go to **step 18**
 - Case rejected – go to **step 11**

10. If the PF has not yet set the hearing dates, monitor the case for an update by setting a suitable **Wait** period in the SR. On the due date, go back to **step 8**.

 Consider the time bar and any other information that you have gathered from the PF when setting a Wait period.

Case Rejected

11. Complete **steps 12 - 13** if the PF rejects the case. If the case is not rejected, go to **step 14**.

12. Record the rejection reasons in the **Criminal Action Details** form:

- Case accepted (change this to **No**)
- Rejection reason
- Outcome of criminal action

13. Close the SR to complete this process. If you need to gather more information or release the party from caution. For more information refer to [Criminal Action - Decide](#).

 If prosecution is considered later on, a new SR will be generated.

Record Hearing Details And Monitor Case For Update

14. Record the hearing details on the system by completing **steps 15 - 17**. Repeat these steps when subsequent hearings are arranged.

 If the party pleads guilty at any stage, go to **step 24**.

15. Update the relevant fields in the **Criminal Action Details** form:

- Court details
- Court name
- Court hearing date
- Date of next hearing

 You can record the next two hearing dates in the **Criminal Action Details** form. In addition to this, create a record for each hearing in the Hearing Records screen. Refer to **step 16**.

16. Create a new record in the **Hearing Records** screen for each hearing that is arranged. Record the following information:

- Court hearing date
- Court hearing type (**Local/Centralised**)

- CMG rep required (**Yes** or **No**)

17. Monitor the case for an update by setting a **Wait** period in the SR for the day after the hearing date. Then go to **step 18**.

Record Hearing Outcome

18. Find out the hearing outcome by checking the SRA website. Call the PF if there is no information or if the case has been purged from the SRA website. If the investigative officer was the expert witness they may have already notified you of the outcome.

19. Record the hearing outcome by completing the relevant steps:

- Case adjourned – complete **steps 20 - 23**
- Case not adjourned – complete **steps 24 - 28**



Complete **steps 21 - 23** whenever further hearings are arranged. E.g. when Intermediate Diet and Trial dates are arranged following the Pleading Diet or vice versa.

20. If the case is adjourned, or when a further hearing is arranged, update the following fields in the **Criminal Action Details** form:

- Date case adjourned
- Reason for adjournment



Record the next hearing in the **Reason For Adjournment** field. If the next hearing is an Intermediate Diet, select **Intermediate Date** in the drop down menu.

21. Update the **Hearing Records** screen with date that the outcome was received.

22. Record any relevant information about the court hearing outcome in the **Notes**.

23. Record the details of the next hearing/s and monitor the case for an update by completing **steps 13-16**.

24. If the case is not adjourned or the party pleads guilty, update the **Criminal Action Details** form:

- Date of closure/court outcome decision
- Outcome of criminal action
- Fine imposed and sum of fine
- Expenses granted by the court

25. Update the **Hearing Records** screen with date that the outcome was received.

26. Record any relevant information about the hearing in the **Notes**.

27. Set a **Wait** period in the SR for 21 days to allow time for the party to appeal.

28. Once the appeal period has elapsed check if the party has appealed.

- Party appealed – go to **step 18**
- Party not appealed – go to **step 29**

Record Final Outcome And Close Prosecution File

29. If the party has not appealed, dismantle the prosecution file. Ensure that any relevant documents are returned to their originating areas and copies retained where applicable.

30. Tell the owning line of business of the outcome if you didn't instigate the criminal action yourself, and the case is not held in enforcement.

31. When you call the owning line of business, tell them that they need to remove the **Lock Assignment** flag. Then record in the **Notes** that you have done this.



When the lock assignment is removed, this will allow the case group to move automatically to a different line of business if required.

32. **Close** the SR.

33. If the criminal action was taken due to non-provision of information and this information is still required, consider your next course of action. For more information refer to [Criminal Action - Decide](#) and [Investigative Action](#).

[Case Routing - Enforcement](#)

[Criminal Action - Decide](#)

[Criminal Action \(Scotland\)](#)

[Investigative Action](#)

[Suspicion of Criminal Activity](#)

[Financial Investigation Unit \(FIU\) - Summary](#)