

**OPERATIONAL PERFORMANCE COMMITTEE**

**MINUTES OF THE MEETING HELD ON 24 OCTOBER 2018  
CROWN OFFICE, EDINBURGH**

**Present:**

Lindsey Miller	Deputy Crown Agent Serious Casework (Chair) (DCA)
Anthony McGeehan	PF, Policy and Engagement
Jennifer Harrower	PF, Specialist Casework
Ruth McQuaid	PF, Local Court West
Fiona MacLean	Non-Executive Director
Fiona Roberts	Head of Management Information Unit
Sharon Duffy	Serious Casework Compliance & Resource Manager
Rosslyn Walsh	Minutes

**By VC:**

Nicky Patrick	PF, Homicide & Major Crime
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**Apologies:**

Helen Nisbet	Assistant PF, Specialist Casework
Gioia Ezzi	Secretariat

**1. Welcome & Apologies**

DCA welcomed everyone to the meeting, apologies were noted.

**2. Minutes of previous meeting**

Previous minutes agreed.

**3. Outstanding Actions**

Action 31 – Terms of Reference – Members noted the change in remit for the Business Improvement Committee and agreed OPC remit review should be a substantive item on next month’s agenda. **Action: ongoing**

**4. Monthly stats/indicators**

**High Court**

High Court are in a similar position to last month. October has shown an increase in the number of new petitions. There is a real pressure in relation to custodies in major crime and the increase in petitions. Still operating overtime to cover custodies and address casework. This position will be static at best pending recruitment of additional staff. There has been an increase in custodies in Aberdeen. Timing of resource injection will be part of Depute recruitment

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process. One option is to try and release a case preparer from Operation Engagement if a Crown Junior is to be appointed.

### **Local Court**

#### National Initial Case Processing Unit (NICP)

NICP are effectively monitoring their KPIs. The Take and Implement target is being met. There are now 1,000 less cases bringing the total figure to less than 14,000 cases. Hopeful that this drop will continue as staffing resource is increased and that all additional resources will be in place by April 2019. 50% of NICP business is over 10 weeks old. This will be the hardest target to achieve. Interim marking continuing to reduce and a drop in age profile - ultimately what local court want to see is only 5% of business over 50 weeks (currently sitting at 15%). NICP has to as part of resource injection take back work not currently doing so will look to deal with undertakings and some of the Monday custodies when staffing is increased.

#### Sheriff & Jury (S&J)

The Key Performance Indicators (KPIs) are being met. Cases at the 8 month indicting stage should be no more than 5%; this figure is currently sitting at 2%.

#### Summary

The overall business coming in is consistent, however, summary are experiencing a drop in business although this is not significant. Outstanding trials are down 23% in Sheriff Court and down 11% in JP trials this year, except in Glasgow.

### **Specialist Casework**

As of 21 October 2018 Civil Recovery Unit have had an additional £780,000 remit to the Consolidated Fund in one week alone providing a notable change in the figures.

The Committee noted that a significant amount of management time is spent across Specialist Casework in particular trying to pull the relevant data together for OPC and for KPI monitoring.

### **Policy and Engagement**

Staffing in the team has been reduced from 4 lawyers to 1 lawyer in the Response and Information Unit (RIU). As recruitment continues target compliance may drop further before improvements can be seen.

There has been an upheld complaint decision by the Scottish Public Services Ombudsman (SPSO) which is critical of handling of a case across a number of functions. It is to be recommended to the Law Officers that all recommendations made are accepted. The decision by SPSO may receive some negative media coverage but the issues raised are well known. The key learning to be taken

from this is about co-ordination of complaint response. This involved a family with multiple representatives raising complaints through multiple routes including letters, e-mail and via their elected representatives. It was thought that the complaints were being dealt with as one however an avenue of complaint was technically left outstanding which allowed a critique that concerns hadn't been addressed. To minimise the risk of this happening again there will have to be better liaison between Private Office, Policy and Engagement and Functions. In order to demonstrate compliance with SPSO we may have to issue operational reminders reflecting best practice.

## **5. KPIs**

The Chair noted that it has been challenging for the compliance manager to obtain full engagement from all functions to inform meetings about the new KPI's and the approach each function is taking. High Court has not engaged at all.

Each function was asked to complete a questionnaire:

1. What process do you have in place for extracting and preparing your monthly KPI report for OPC?
2. Have you identified (or anticipate) any significant issues that may impact on your functions delivery of new KPIs?
3. Have you been able to utilise the MI book to capture/extract new KPI data?
4. Do you require any additional information on COPFS KPI strategy?
5. If you have anything further you wish to add

Local Court was the only function to return a completed questionnaire and only Local Court and one head of unit from serious casework attended the meeting arranged to determine what approach the Business Teams should take regarding KPI data and responses to the above.

The chair expressed concern that each function is dealing with “arrangements” for our KPI's in isolation. Where KPI's cross functions the chair expressed an expectation that the process being put in place to capture KPI's should be uniform across COPFS.

### Local Court

There are challenges in the preparation of sexual offences cases. Local Court colleagues are hoping to start monitoring this, have an implementation plan in place and have identified what can be monitored within the current data availability but noted that there will be manual counting for some time in relation to the 8 and 9 month indicting stage. Hopeful to meet this KPI by December 2019 or January 2020. The committee was advised that it will be difficult to meet KPIs for initial marking for sexual offences where input with forensic or cyber analysis is necessary. There is difficulty with cases involving children under the age of 8, children over 8 but under 16 and those requiring additional support such as vulnerable adults. KPIs have not yet been fully established in terms of stakeholders for example, forensics and cyber suppliers.

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There has been engagement with these stakeholders who have been made aware of the KPIs. There is an issue with quality of police reports in the first place, particularly with Local Court where there are less specialist teams and more dealings with divisional officers. A training programme is being developed in conjunction with the police with the hope that this will begin to be delivered next year. Accreditation has been put in place for sexual offence deputies. It was noted that Crown Counsel turnaround time for marking is a factor which will have to be taken into account.

The last thing to do in NICP will be to clear the unmarked cases. This will help in getting the over 10 weeks old figure down to 10%. This will be difficult and have therefore set the target for achieving this at March 2020. Additional resources should make this easier.

No further implementation plan is in place for Sheriff and Jury as they are meeting their KPIs. Aiming to take back Sheriff and Jury marking from the North and East by the end of March 2019 or the beginning of April 2019. The age profile for Sheriff and Jury is mostly being addressed. It is an incremental process for implementing and meeting the KPIs.

#### High Court

A lot of work is going into how to collect statistics. Capture of current workload for identified priority categories to establish how far we need to go. Identify which categories to progress towards KPI compliance first. Difficulty is indicting and preliminary hearing dates attached to a case - staged approach for business managers to work on. Crown counsel aspect is an issue.

#### MIU

Will pull together full stats at the end of the year for internal use.

### **6. AOB**

None.

### **7. Date of Next Meeting**

Wednesday 28 November 2018.