

Operational performance committee

Minutes of meeting held on 28 April 2021 by Microsoft Teams

Present:

- Stephen McGowan Deputy Crown Agent – Serious Casework (Chair) (DCA)
- Ruth McQuaid Procurator Fiscal, Local Court West (RM)
- Jennifer Harrower Procurator Fiscal, Specialist Casework (JH)
- Kenny Donnelly Procurator Fiscal, High Court (KD)
- Anthony McGeehan Procurator Fiscal, Policy and Engagement (AM)
- Fiona McLean Non-Executive Director (FM)
- Fiona Roberts Head of Management Information Unit (FR)
- Gioia Ezzi PA DCA – Serious Casework (Secretariat) (GE)

Apologies:

- Graham Kerr Head of Business Management, Local Court (GK)

1. Welcome and Apologies

The DCA welcomed everyone to the meeting, apologies were noted.

2. Minutes of previous meeting

The minutes of last meeting were agreed and can be published.

3. Outstanding actions

Action 49: Victim Information & Advice (VIA) remit regarding sexual offence victims.

Paper 6 on VIA remit provided by RMcQ. A VIA review was completed in 2015 due to new legislation. At that time we committed to a review when the legislation was implemented which it now is. That review is complete. This looked closely at whether right service was being provided to the right people. The paper was tabled at OPC because of the operational impact of the proposal.

The review considered 3 different options:

- Only provide service to people legally deemed vulnerable;
- Opt-in service for victims who would fall outwith vulnerable witness categories.
- Maintain status quo which was the recommendation.

After discussion, OPC content with recommendation of status quo and the paper to be submitted to Senior Executive Team for final sign off with wider issue in regard to resourcing to be looked at. Heads of Business Management for Serious Casework and Local Court to advise on resource planning/analysis.

Action: ongoing.

4. Monthly stats

High Court (HC)

- Operational performance has dipped through lockdown which had started well but now reporting fewer cases and indicting fewer cases with same number of cases being submitted as previous year.
- Precognition work in progress was up 52% in the last year. Cases Indicted awaiting trial was up 237% since March 2017. Matter of concern due to a combination of factors; wellbeing, caring responsibilities, efficiency of homeworking. Require to look at balancing efficiency with staff wellbeing. Work has started on planning around this and where there can be improvements.
- One of the major concerns in particular is in regard to post indictment cases. A significant amount of resource is currently deployed maintaining those cases for Preliminary Hearings (PHs) and Continued PHs, which is detracting from the resource available for new cases. Work is being done to review whether a different model can be adopted for post indictment caseload, and whether we can prepare new cases by adapting the process to maximise the way we use resource.

Local Court (LC)

- Same issues as HC in terms of rises in cases, backlog, outstanding trials, wellbeing.
- End of year figures, considering what has happened in the last year did reasonably well. That heartening performance was noted by OPC.
- National Initial Case Processing Unit (NICP) end year Take & Implement figure was 76% with Work in Progress at 14,000. NICP is now in a slightly steadier position.
- Sheriff & Jury met internal Key Performance Indicator (KPI) indicting 77% within 8 months.

- Issue is with age profile which is sitting at 10% and should be 5%. Sheriffdom Fiscals are keeping a close eye on this.
- Sexual offences – meeting KPI for initial marking at 88% marked in 4 weeks but not meeting indicting targets of receipt of police report. As a challenging KPI has been set, looking for gradual improvement.
- Outstanding summary trials sitting at just under 35,000.
- Worth noting is 128% increase in live indictments, but recovery plan only includes 2 additional courts, one in Dunfermline and one in Dumfries.

Specialist Casework (SC)

JH advised that CAAPD are currently being inspected by Independent Inspectorate of Prosecution and an issue has arisen regarding one published target which relates to completing investigation of complaints of criminal conduct and advising complainer within 12 weeks in 90% of cases. Inspectorate Report will highlight this. Will revert to OPC with some recommendations to improve target and what can be done to improve the product which is received.

Policy & Engagement (P&E)

The current Coronavirus Acts expire on 30 September 2021. The Coronavirus Acts enable a response to the continuing pandemic but have also enabled improvements that should be features of a modern criminal justice system e.g. electronic processes. These improvements provide valuable efficiencies. COPFS will continue to engage with the Scottish Government as to how these improvements might be made more permanent.

5. Final Key Performance Indicators 2020/2021

Paper 5 was noted which gave an update on final performance. FR asked if it would be useful to draw up similar paper for 2021/22 and will liaise with individual functions.

Discussion took place over what looks like a stable performance but does not match what has been described in updates. It was recognised that it would be transitional and that there is a lag in the KPIs as the cases came to the point where the performance was reported.

Staff have advised that working towards KPIs has been problematic, due to generally a cultural problem around 'targets' and managers are being asked to emphasise that these KPIs represent a check on the health of work in the system, rather than a target to work to.

6. New Key Performance Indicators

Papers on new KPIs were produced for the Executive Board and were signed off. FM advised from the EB the need for KPIs to be more meaningful, concern is that

they are seen as something to comply with but in fact they are there to create an improvement culture, they are a healthcheck not a target.

7. AoB

There was no AoB.

Date of Next Meeting: 26 May 2021