

OPERATIONAL PERFORMANCE COMMITTEE

MINUTES OF THE MEETING HELD ON 8 MARCH 2017 CROWN OFFICE, EDINBURGH

Present:

Lindsey Miller	Deputy Crown Agent Serious Casework (Chair)
Stephen McGowan	PF High Court
Ruth McQuaid	PF Local Court West
Gioia Ezzi	Secretariat

By VC:

Liam Murphy	PF Specialist Casework
Anthony McGeehan	PF Policy and Engagement

Apologies:

Catriona Dalrymple	PF Local Court East & North
Helen Nisbet	Assistant PF Specialist Casework
Graham Kerr	Head of Business Management, Operational Support

1. Welcome & Apologies

Lindsey welcomed everyone to the meeting. Apologies were noted as above. Stephen Woodhouse not now attending meeting as he has moved onto another role.

2. Minutes of previous meeting

Minutes agreed.

3. Action Tracker

Action 12: Liam gave an update on position of streamlining of confidential material process. There has been a further meeting with the police to discuss the process for provision of material in relation to text letters and highly sensitive schedules where dedicated, appropriately vetted (in terms of the Disclosure manual) points of contact in COPFS will be nominated and the police are content with that approach. There are ongoing discussions with the police regarding the process of provision of other types of confidential briefings where the options are to continue with provision of this material by hard copy with a particular protective marking, or inclusion on a Highly Sensitive Schedule. Previous COPFS position was that hard copy briefing was appropriate and the background to this decision is to be revisited given the revised and agreed procedures now in place for Highly Sensitive Schedules. Police Scotland have been tasked with doing some further work on this and there is to be another meeting when that work has been completed. **Action: ongoing.**

Action 18: Advocacy training – This now sits with the Crown Agent to discuss with Jennifer Harrower as Advocacy Champion. **Action: closed.**

Action 19: Specialist Casework options papers – Options paper submitted to BIC which was approved to go to scoping stage (stage 2). OPC members would welcome more clarity on what that means in terms of timing and, more importantly, prioritisation as it has an impact on timescales for revising service wide KPIs and targets. There is also an ongoing piece of work within the BIC remit in relation to High Court and the prioritising of a system of management information where a commitment has been given to the Inspectorate that new processes would be put in place by end of March. **Action: closed.**

New Action 23: Lindsey to raise with Chair of BIC on how matters are being prioritised.

4. Remit

Issues with crossover of committees re action no. 19.

5. Monthly stats/indicators

High Court

Pre-petition work is currently at 546, which represents excellent progress in implementation of the pre-petition plan but is still too high.

This year, there has been 20% increase in murders, and an increase in major crime cases requiring a reallocation of work across all high court teams with the anticipated knock on effect on pre-petition sexual offence cases in particular.

As an example of the impact of this spike in business, PSoS Major Investigation Teams have added 44 additional detective officers, one DCI and a Detective Superintendent. High Court teams are absorbing this.

Backlog of cases at the High Court is down from 35 weeks to 30 weeks and it is anticipated that this will reduce further to 25 weeks by end of September as a result of additional courts being made available and a better control of the court diary. There is also a manifested effort by Crown Counsel to bring down trial times.

Local Court

NICP: NICP WIP figure has been steadily reducing in past few weeks due to support offered by way of additional markers and SCS assistance for both signing and marking.

The longer term issues for NICP include balancing the WIP against meeting the Take and Implement target, which can be perceived to give an incentive to deal with the newly reported cases rather than older ones. LC senior management are

“Releasable under the Freedom of Information (Scotland) Act 2002 after the next meeting”

considering a number of options in relation to WIP, looking afresh at the T&I target and the staffing profile in both NICP and the wider LC function local court. There followed a discussion on NICP resources, attracting right people for the NICP role, staff rotation, the potential to move away from hub structure if there was a case to be made that would assist with recruitment and court timing issues.

There is concern over meeting the take and implement figure of 75% but it is anticipated that it will be met by year end.

Sheriff and Jury: 70% indictment service target with better performance in the West than the East/North. A resourcing analysis is being carried out across the Sheriffdoms to look at differences in practice/staffing profiles which might account for this difference.

Summary: Relatively positive; the number of outstanding trials and complaints across the country is reducing.

Specialist Casework

As part of the rolling programme on MI information, the Business Team produced MI for WECU. Liam advised of the resource required to produce and maintain the MI and flagged the sustainability of this in the current system as an issue as the programme continues with other specialist units. It took a Band D manager 120 hours to pull together and it is estimated that it will be two days each month for a Band B to maintain in the absence of a system solution. The WECU MI identified data integrity issues and is the basis of a business plan for reducing the age profile of the cases. The resource for production of HSD is similar and was also discussed. Work to identify journey times will require manual interrogation of each case. The difficulties for the OPC moving to the next stage of setting new KPIs and targets without a uniform baseline from which to work was discussed. Lindsey agreed to roll this into discussion with Chair of BIC.

Policy & Engagement

Three items to note:

1. VRR and complaint figures published 8 March 2017.
2. FOI targets - There followed discussion on reasons why the COPFS compliance target is 80% and not 100% and members noted that parts of business require to spend a lot of time trying to secure information and data to respond to requests where there is no uniform Management Information. Members agreed that given the ongoing issues with provision and production of better management information, the target should remain at 80% as it is the Scottish Government target and is also, more importantly, in terms of our business a realistic target.
3. Brexit – there is already resource dedicated to the technical aspects of the process and the impact on COPFS and the criminal justice system, on which the head of ICU is leading. The group discussed and agreed it would be appropriate to bring together a group to oversee wider issues such as cases in contemplation now which may be impacted by the Brexit procedures, and

this was recognised as an emerging risk. For example there are a number of Home Office initiatives around biometrics (both fingerprints and DNA) and processes across the EU that are not being progressed meantime, but in which the Scottish Government has an ongoing interest. This additional group is likely to consist of Policy and Specialist Casework with wider operational input and Anthony as head of Policy and Engagement has offered to Chair. Group members were content with that proposal.

6. Case Review Panels

Work is ongoing formalising this process. Jim Brisbane had provided briefing on how case management and case review panels work in CPS. Liam advised that the CPS have both Case Review Panels and Case Management Panels. Lindsey and Liam have been invited to attend both. There was a discussion in relation to the difference between them, their composition, remit and independence with the view being expressed by some OPC members that review panels (akin to a full debrief) require to be overseen by someone independent from the case. Members agreed that it was for this committee to set criteria for the debrief.

7. AOB

There was an update on the strategic meeting with the Law Officers which was very positive, where the LOs want OPC to revisit targets and KPIs, tying that into Fair Futures getting recruitment right – i.e. right people for the right jobs.

8. Date of Next Meeting

Wednesday 12 April 2017.