

Operational Performance Committee

Minutes of meeting held on 4 May 2022 by Microsoft Teams

Present:

Stephen McGowan	Deputy Crown Agent – Serious Casework (Chair) (DCA)
Ruth McQuaid	Procurator Fiscal, High Court (RM)
Jennifer Harrower	Procurator Fiscal, Local Court (JH)
Laura Buchan	Procurator Fiscal, Specialist Casework (LB)
Fiona Roberts	Head of Management Information Unit (FR)
Robert Tinlin	Non-Executive Director (RT)
Gioia Ezzi	PA DCA – Serious Casework (Secretariat) (GE)

Apologies:

Kenny Donnelly	Procurator Fiscal, Policy and Engagement (KD)
Graham Kerr	Head of Business Management, Local Court

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 1/22: Take forward recovery mapping with Heads of Business Management and MIU. **Action to remain open**

Action 2/22 Feedback to be provided in respect of draft recovery mapping report. **New Action: Report to include and emphasise in bold number of cases relying upon emergency statutory extensions (Ralph Riach to speak to Graham Kerr to replicate for Sheriff and Jury)**

4. Monthly Stats/Key Performance Indicators

High Court (HC)

- HC Report circulated, Healthcheck will also be circulated monthly with the report. The Healthcheck is being amended effectively to change the focus on what is being measured. The way it is presently laid out is not helpful and misses key pieces of information which are required in the current context of recovery.
- Key focus going forward for 2022/23 is reducing significantly amount of cases over 10 months old.
- Will communicate with staff in coming weeks change in focus on Healthcheck, changing Key Performance Indicators (KPIs), what that means in post covid world and what objectives are for the coming year.
- Require to improve marking performance and cut down on unread cases, how long sits in interim marking and on how long sitting in pre petition, with obvious need to increase productivity.
- Over course of next few weeks business staff asked to assist legal staff for more accurate picture on productivity for coming year. Productivity was static last year, it used to be higher and that is achieved will be the challenge.
- There are 861 precognitions in progress, 316 not in progress, pre pandemic reports sitting at 1,089, post pandemic reporting was under 900.
- Business dealt with by section 76 has gone down by 40% in last year.
- Focus is on reducing the age profile of cases, in particular the cases reliant on the emergency timebar extension. Other than custodies, there will only be one fast track route to indictment which is for cases where there are children as witnesses under 12, expecting accelerated performance in respect of those cases. These require to be reported earlier and tracking in more refined way in coming year.
- OPC agreed that the focus should be on reducing the age profile, particularly for cases over 10 months relying on timebar extension, cases involving witnesses under 12 and custodies. It is agreed that this be our focus notwithstanding that it will necessarily mean not meeting the published indicting target. RMcQ to communicate this to teams so that they are clear of our expectations. DCA to raise at Executive Board (EB)

ACTION: RMQ to communicate decision to teams

ACTION: DCA to raise at Executive Board

Local Court

- Currently reviewing management information and healthchecks with work being done on making these more meaningful.
- In relation to National Initial Case Processing Unit (NICP) there has been a fairly significant change in resourcing with 6 trainees starting with NICP already

seeing the benefit. These second year trainees are with NICP at any one time for period of 10 weeks and supplement NICP for a number of reasons, not least to reduce the age profile and backlog but also in preparation for summary case management pilots due to commence in July and also in relation for the movement of undertaking cases going back into NICP.

- In relation to recovery paper, will discuss with Graham Kerr.

Specialist Casework

- FR has extended invitation to discuss Management Information (MI). Looking at meaningful MI in respect of Serious & Organised Crime Unit (SOCU) and Health & Safety Investigation Unit (HSIU) on managing oversight of complex investigation, which can take significant part of senior legal time and is not recorded.
- Understandably strong focus on HC, but indicated at last OPC mindful of large and complex serious & organised crime cases and potentially large and complex Fatal Accident Inquiries (FAI) which have potential to impact on how to progress large cases.
- In relation to priority, have had to and establish specific teams across Scottish Fatalities Investigation Unit (SFIU) & HSIU in regard to the Stonehaven train derailment, custody deaths team, the Queen Elizabeth University Hospital deaths and business plan from Covid Deaths Investigation Team (CDIT) into expanding team in the coming months which feeds into the HSIU modernisation.
- SOCU progressing well in terms of ability to get through cases with a number of positive results in recent months.
- Working on teams returning to offices soon with planned approach and will monitor productivity in terms of that return.

Policy & Engagement

Paper circulated. Nothing was flagged.

5. Recovery Mapping

DCA invited views on how we could improve our analysis of workloads v available resources. There was a discussion as to how we improve our ability to do this and in particular whether we have skills to work out what resource we need to do any particular task. There was general agreement that we should build resource internally, look at skills across organisation but could consider bringing in someone who could assist in empowering our own people to deliver.

6. AoB

FR advised that LC paper 2f is actually report on KPIs from last year. Will discuss with RMcQ HC Key Performance Indicators (KPIs) and Healthcheck and update in next couple of months. Likewise, meeting with LB to look at Specialist.

Date of Next Meeting: 8 June 2022