

OPERATIONAL PERFORMANCE COMMITTEE

MINUTES OF MEETING HELD ON 27 JANUARY 2021

BY MS TEAMS

Present:

Lindsey Miller	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 MacLean	Non-Executive Director (FM)
Fiona Roberts	Head of Management Information Unit (FR)
Graham Kerr	Head of Business Management, Local Court (GK)
Sharon Duffy	Serious Casework Compliance and Resource Manager (SD)
Gioia Ezzi	PA DCA – Serious Casework (Secretariat) (GE)

1. Welcome and Apologies

The DCA welcomed everyone to the meeting, there were no apologies.

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. **Action ongoing, continue to next meeting.**

Action 7/20: Functions to share with Fiona Roberts papers with suggestions for KPIs by mid Jan. **Action ongoing.**

Functions to finalise papers and proposals to be pulled together with high level recommendations to be circulated for final sign off at next OPC then feedback to Executive Board on 17 March.

4. Monthly stats/KPIs

High Court (HC)

In addition to the papers submitted to the Committee PF High Court advised that:

- Extraordinarily high levels of new business has tailed off slightly.
- Fairly erratic year in terms of case numbers, flow and trends making it difficult to measure due to fluctuating levels of business.
- Sexual offences are still generally going up.
- The High Court programme continuing to run, and HC staff are trying to maintain throughput of work. On one view it would seem that the system is getting through more trials than prior to lockdown, but that is an incomplete picture due to the inability for example. at the moment to accommodate multiple accused trials.
- There are still some members of staff reporting welfare issues. KD & HC Assistant Head of Business (HoBM) met with most virtually with clear emphasis to look out for each other and look after yourself and to report issues.

Local Court (LC)

- Continuing to engage with Scottish Courts & Tribunal Service (SCTS) to try and streamline the processes.
- SCTS have steadily increased the capacity for solemn business with the roll out of remote jury centres
- There are still pre covid levels of summary business, and while some court programmes have been reduced in line with current public health restrictions, there are still custody cases and part heard trials ongoing along with particular categories of domestic abuse cases and child witness cases.
- Some case marking distributed to Sheriffdoms.
- Outstanding Sheriff trials have increased in lockdown from 13,000 to 28,000.
- Plans are in place to address marking work in progress within Sheriffdoms and additional OT resource.
- National Initial Case Processing Unit (NICP) reporting work in progress at 20,000 last week, but through a combination of measures that was quickly reduced to 18,200.
- With regard to summary cases, ongoing need to service witnesses and victims.
- Solemn side has live indictments with a 135% increase from 1,400 to 3,300 and 15% rise in new petitions over last year. Over 1,000 new petitions coming in per month. Police given overtime and not telling LC. Just about meeting solemn target. Willing to apply more overtime if anyone is willing to take it. Added two additional SLMs to sheriffdoms struggling the most.

LRM asked if we are measuring the right things in terms of KPIs. The Committee noted that we are meeting published target, but that can be achieved through marking the custodies and undertakings, but the challenge of dealing with the work in progress demonstrates that there is a body of cases which are older than 4 weeks. RMcQ

advised overall volume seems to be on the measurement but the police reported a significantly larger number of cases in one week, and this has been the position for last few weeks running.

With the additional cases in the system but not yet resolved, there is more pressure on the Victim Information & Advice (VIA) teams to keep victims witnesses and complainers updated. HC embarking on review on whether processes can be streamlined and while roles in HC and LC VIA are different HC will share with LC once review completed.

FM enquired if there was any change in sickness absences. The Committee notes a huge reduction in LC, sickness is down since March and sitting at 2%, 1.6% of which is long term. Childcare issues have hit heavily and LC in situation where people require to leave their homes to work in the offices and courts which are still open. LRM advised figures overall down for sickness absence, but that potentially masks other issues and there is feedback of people struggling at home working who may be should not be working.

Specialist Casework (SC)

Echo issues of staff welfare. JH advised the meeting that the concerns reported by HC and LC colleagues about staff welfare were being experienced in some of the SC units. She drew to the particular attention of the meeting the issues in the Scottish Fatalities Investigation Unit (SFIU) and the Covid Deaths Investigation Team (CDIT).

JH reported that she considered that there was currently insufficient legal resource to mark new deaths and to process post mortem reports. This issue has arisen due to the sharp increase in the number and nature of deaths being reported to COPFS during the pandemic and the recent improvement in performance of service providers in tackling their backlog in toxicology analyses and post mortem reports. She also considered that there was insufficient admin staff resource to process the backlog of post mortem reports

CDIT and SFIU had experienced an unprecedented rise in the number of reported deaths since October 2020 and a significant increase in December 2020 and January 2021. Staff were just about managing to take the initial reports but work on the further investigations which were required had stalled. Particular pressure was being felt keeping nearest relatives up to date. It was considered that the resource available to take the initial reports could not be sustained, particularly with the need for staff to conduct FAIs; take leave; and to carry out other caring responsibilities including home-schooling.

In relation to legal and non-legal staff across SFIU and CDIT, it was clear that the increase in workload including backlogs, the nature of the work, and new ways of working (processes and remotely) without the in-office support from colleagues was having a significant impact on the wellbeing of staff with a number of SFIU staff citing work related stress.

The units had experienced not only an increase in covid deaths but other deaths considered to be associated with the pandemic including drugs deaths, suicides, decomposed bodies and medical deaths as a consequence of a failure to seek or secure medical attention for chronic conditions. Such deaths required significant handling at the outset as post mortem examination will almost always be required. JH reported that although she had explored every available option to resolve this situation within Serious Casework Group this had unfortunately resulted in a request to the Senior Executive Team for additional resource.

At the January SC Leadership Board meeting, managers had reported feeling ill-equipped to deal with their own and their staff’s mental health problems. It was agreed that the Deputy HoBM and one of the department Mental Health Ambassadors would deliver sessions to the managers in the function, to include how to access available support. The first of these sessions had been delivered and had been very well received. Managers had appreciated the open and frank session and felt that it would encourage others to speak up. The session had been recorded and was available to view.

FM enquired re Op Venetic – wondered if whether mechanism in place to review learning from these type of cases. JH explained it is not one case but a number of cases and that we have very close liaison with police in reporting these cases and a strategic group has been set up. Sharing that info for those kinds of similar operations which are more likely to come to SC but if involved other functions more than happy to share how we have approached that in working with partners if other functions are involved in similar operations.

Policy & Engagement (P&E)

- As with others functions systemic increase in demand.
- There is a systemic reduction in available resource across COPFS as a result of the current lockdown and consequential child care demands. This reduction in available resource applies to P&E also.
- Legal staff already approached to assist with case marking overtime.
- COPFS are engaged with SG and the UKG in relation to the authorisation of Forensic Scientists under section 16 of the Road Traffic Offenders Act.

ACTION: AMcG to share relevant briefing with KD.

5. Key Performance Indicators

See action 7/20.

6. Risk Register

For noting - Corporate Risk Register recast this month and was circulated to all corporate risk owners/managers. Risk 3 is a wider Human Resource piece of work but given to LRM to sight all on that risk and potential assisting with scoring. Main one for members to note is risk 5 as OPC as manager and LRM as owner. Propose that to pull together some proposed actions require to achieve target score and potential rescore risk and circulate with next month's papers. SD will assist with this work.

7. AoB

GK has been advised that National Standard Statement dip sampling exercise was still required which is time consuming for staff. LRM to raise as chair of the Disclosure Reference Group.

8. Date of Next Meeting

Wednesday 3 March 2021