

Operational Performance Committee

Minutes of meeting held on 8 June 2022 by Microsoft Teams

Present:

Stephen McGowan	Deputy Crown Agent – Serious Casework (Chair) (DCA)
Jennifer Harrower	Procurator Fiscal, Local Court (JH)
Laura Buchan	Procurator Fiscal, Specialist Casework (LB)
Kenny Donnelly	Procurator Fiscal, Policy and Engagement (KD)
Graham Kerr	Head of Business Management, Local Court
Fiona Roberts	Head of Management Information Unit (FR)
Robert Tinlin	Non-Executive Director (RT)
Gioia Ezzi	PA DCA – Serious Casework (Secretariat) (GE)

Apologies:

Ruth McQuaid	Procurator Fiscal, High Court
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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 closed**

Action 2/22 Feedback to be provided in respect of draft recovery mapping report. Feedback provided. **Action closed**

Action 3/22 Report to include emphasis on cases relying in emergency statutory extensions. **Action closed**

Action 4/22 Communication of reducing age profile. **Action closed**

Action 5/22 Re 4/22 to be raised at Executive Board. EB content. **Action closed**

4. Monthly Stats/Key Performance Indicators

High Court (HC)

- HC stats are static, nothing exceptional to note.
- Work being done on remodelling potential Key Performance indicators (KPIs) in HC which will be circulated to members for comment, mainly all have been agreed within HC function.
- There is ongoing remodelling work within Scottish Courts & Tribunal Service (SCTS) in clearing backlogs. Aiming to indict 100 cases a month into system which will need to find a home.
- Principal aim is to reduce number of cases within statutory extension, mitigate risk to us to get through those cases.

Local Court

- Management information is being worked on.
- JH gave an update in relation to the summary case management pilot, which is the renamed EPR pilot. Delay restart of the pilot provisionally to first week in September. Lot of expectation on the results of that which could result in a lot less pre for many thousands of trials.
- Confirm still considering KPI's in Sheriff & Jury (S&J) both for sexual offences and child witnesses. These to be brought back to committee for consideration.
- National Initial Case Processing (NICP) – not a huge reduction in overall number of unmarked cases, the numbers in NICP have been strengthened by creating a programme of secondment for 2nd year trainees which was mentioned at last committee and seeing a positive impact from that but that has been somewhat negated by holiday weekends where there have been fewer days to mark cases with police still reporting same amount.
- Age profile has improved, particular focus on unmarked cases from 2020 and older and there has been a substantial improvement.

Specialist Casework

- Significant amount of time and work over course past few weeks into a submission for additional resource for Covid Deaths Investigation Team (CDIT), in terms of projection of figures and staff required to deal with those deaths.
- Movement of legal and admin staff from Scottish Fatalities Investigation Unit and Health & Safety Investigation Unit into new Custody Deaths Unit and

transfer of work into that unit and how we are going to resource that in longer term from pool of people already have.

- Serious & Organised Crime Unit had and continue to have a good run of convictions, mostly in relation to pleas and sentencing and continue.
- This week is first week that all staff are back in the offices for hybrid model of working. It is working well and managed well and can see that pattern of work being retained.

Policy & Engagement

- Very busy, but number of things looming legislative wise. UN Convention of Rights of the Child Bill (UNCRC) which partly fell foul of Supreme Court is back before parliament with view to amending it, due to that there is a review of policies and processes. Bill out for comment, age for referral to reporter increased from 16 to 18, reflecting on UNCRC definition of an adult, accused 16, victim 18, does raise number of challenge issues.
- Bail Release and from Custody Bill published at parliament next week. Primary change is that bail can be refused initially on grounds of public safety.
- The Bill which follows on from Lady Dorrian's report into management of sexual offences has paper out for consultation which may lead to fairly significant changes.
- Current extension of time provisions in old coronavirus acts expires on 30 September. There is a new Bill live before parliament which has been published and consulted on and now there is a series of proposed amendments. Seek to continue to influence that and appear to have government on side on that. KD provided clarification that if the timebar provisions did not go through and what would be the challenges and priorities. Necessary to get through this period in a balanced way.

5. Recovery Mapping

GK went through paper 5 on LC recovery mapping. Draft paper sets out what is being done, but also what can actually be achieved. First part is business plan in LC, undertaking numerous things to help recover quickly with lot of it refocusing efforts in different areas. Not at the stage to provide figures but will start to become clearer moving through the year. In relation to S&J recovery mapping, output on case prep over last 3 years basis to form prediction from where we should be, based amount of case preparers and investigative assistants in which there has been a significant increase in resource but that has not borne out on output due to pandemic, lack of training, new to job, but this will start to stabilise.. In relation to S&J court recovery, can only go on what is happening in courts at moment. Summary, better news, can see intermediate diets falling.

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

Action: Serious Casework Recovery Mapping paper – Central Operations Team to produce this. GE to schedule meeting with DCA & RR.

6. AoB

There was no AoB.

Date of Next Meeting: 6 July 2022