

OPERATIONAL PERFORMANCE COMMITTEE

MINUTE OF MEETING HELD ON 6 MARCH 2020 CROWN OFFICE, EDINBURGH

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)
Emily Hood	Trainee (minuter)

By VC:

Anthony McGeehan	Procurator Fiscal, Policy and Engagement (AM)
Kenny Donnelly	Procurator Fiscal, High Court (KD)

Apologies:

Graham Kerr	Head of Business Management, Operational Support (GK)
Sharon Duffy	Serious Casework Compliance and Resource Manager (SD)
Fiona MacLean	Non-Executive Director (FM)
Fiona Roberts	Head of Management Information Unit (FR)

1. Welcome and Apologies

The DCA welcomed everyone to the meeting. Apologies were noted.

2. Minutes of previous meeting

Previous minutes were agreed.

3. Outstanding actions

Action 49: Victim Information & Advice (VIA) remit. Discussed Victim’s Right to Review and VIA Remit discussed. Concerns raised over lack of uniform approach across service. **Action ongoing with AM and RM.**

Action 1/20: PRSP – Paper on Sheriff and Jury sexual offences. Members content, no issues raised. **Action closed.**

Action 2/20: Petition Warrant KPIs – KD to provide update before end of month. JH to link with KD on paper for issue of specialist KPIs. Update before end of March for OPC. **Action ongoing.**

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Action 3/20: “Case a day” marking initiative – paper to be discussed as substantive agenda item under Local Court update. **Action closed.**

4. Monthly stats/Key Performance Indicators (KPIs)

High Court

Committee members noted pressures at both preparation and post indictment phases.

There continues to be an increase in sexual offence work. Cases indicted and awaiting trial were discussed between Lord Advocate (LA) and Lord President (LP) who met to discuss pressures placed on court.

Pressure on teams is increasing for cases indicted and awaiting trial. More challenges for PWIP. Progress of KPIs is slow.

Meetings with teams across country have been held to discuss increased input. Staff are engaged and there is a good uptake in participation in the High Court improvement plan. Inspectorate for Prosecutions had a meeting with KD and outcome was positive. Opportunities to provide help and reduce journey times need to be identified. Concern on workload for case preparers for cases where no trial date is set due to ongoing challenges with additional work and enquiries.

There are combined pressures such as underestimating the length of trials and preliminary hearing courts becoming busier so length of time for case preparation is slower. Late allocation at trial is a problem across all High Courts – need to ensure quality of case preparation and focus on indicted and awaiting trial.

COP26 planning meeting with police about large scale disorder – pressure may be put on Saltmarket. LA and LP have suggested Saltmarket be closed for this period of time, clerks should be informed of this. Problem with traffic and accommodation for reallocation to central belt courts – Dundee, Aberdeen and Inverness identified as possibilities. Possibility of conferring court status similar to the Fatal Accident Inquiry (FAI) process to other buildings but capacity issues – will need further consideration. Noted that COVID-19 carries a risk for trials and COP26 planning.

Local Court (LC)

National Initial Case Processing Unit (NICP)

NICP current figures at 12,808 amounting to 3.9 weeks’ worth of work – committee members noted the significant improvement. The issue now is 9,500 cases are over 10 weeks old.

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Staffing across LC was discussed and the high percentage of unaccredited deutes and a recognition that training and planning for accreditation needs to be regularised across service. There is also the issue of people transferring and vacancies not being filled until the latest rounds of recruitment are completed.

Sheriff & Jury (S&J)

Increase in petitions. In Tayside, Central and Fife 58 cases aged 8 months over. Other sheriffdoms asked to help for case prep. S&J KPI at 83%. There is good progress being made with indicting and reporting.

Summary

Committee members noted that “case a day” marking was a success and agreed that there was no need at present to repeat it, but it is to be kept under review by NICP and committee.

Committee members also discussed the fact that working in court with iPads and “case a day” initiatives raises issues around resilience and training for staff and the need for business continuity plans to be updated to reflect whether staff can cover the full range of summary duties. 40 iPads currently have been issued and not turned on this calendar year.

Committee members were asked to reflect on skills of staff within functions and see if it is necessary for all staff to have core duties relating to court and marking. Issue is some staff across service are deskilled in the use of iPads and summary courts. Difficult to organise rotations at local court level.

Specialist Casework

JH highlighted Annex A for Scottish Fatalities Investigation Unit (SFIU). Case Management Panel (CMP) process was a success and saw change in profile with number of older cases being closed. The next challenge will be FAIs awaiting court availability.

LA met with Sheriffs Principal to discuss increase in FAIs which means that as SFIU reduce the work in progress the impact will be felt on the court programme.

CMP process is not having the same effect on the Health & Safety Investigation Unit (HSIU). Senior Legal Managers and Principal Deutes from SFIU finding CMPs helpful and members reflected that the process was to demonstrate senior support and investment, as well as monitoring journey time and resource. HSIU remains a concern in terms of volume of business and age.

Policy & Engagement

The committee discussed the Unacceptable Actions policy. Published policy describes right to appeal, and AM is looking at the current approach with a view to bringing to the committee a proposed approach for dealing with appeals from other functions.

7. AoB

RM – Action to update on Quality Group for May meeting.

8. Date of Next Meeting

End of March.