

OPERATIONAL PERFORMANCE COMMITTEE

**MINUTES OF THE MEETING HELD ON 20 JUNE 2018
CROWN OFFICE, EDINBURGH**

Present:

Lindsey Miller	Deputy Crown Agent Serious Casework (Chair) (DCA)
Kenny Donnelly	PF, Sexual Offences (PF SO)
Helen Nisbet	Assistant PF, Specialist Casework (APF SC)
Sharon Duffy	Serious Casework Compliance & Resource Manager (SC R&CM)
Gioia Ezzi	Secretariat

By VC:

Ruth McQuaid	PF, Local Court West (PF LC West)
Graham Kerr	Head of Business Management, Operational Support (HBM OS)
Anthony McGeehan	PF, Policy and Engagement (PF P&E)
Liam Murphy	PF, Specialist Casework (PF SC)
Fiona MacLean	Non-Executive Director (Non XD)

Apologies:

Stephen McGowan	PF, High Court (PF HC)
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1. Welcome & Apologies

DCA welcomed everyone to the meeting, apologies were noted. Sharon Duffy was introduced to everyone as the new Compliance Manager for KPIs.

2. Minutes of previous meeting

Previous minutes agreed.

3. Outstanding Actions

Action 31 – Meeting of 3 DCAs to discuss disconnect with 3 committees has been paused meantime due to resource transfer and other issues. **Action: ongoing**

Action 37 – Sexual offence training – taken forward with Learning and Development. **Action: closed**

4. Monthly stats/indicators

High Court

- General trends noted as per last month – work is increasing steadily
- Figure for target compliance this month was 57% which is to do with the profile of cases received (many are custodies).
- 113 new petitions received last month, 46 for Major Crime. Looking at options to allocate custody business.
- There is no suggestion of an upturn in police work and the police have not taken any executive action of any nature to increase reports. There is no obvious reason for increase in major crime –just a slight surge but HC staff continue to analyse trends.
- Level in sexual offences and homicide is not dropping.
- Challenges continuing regarding resource situation.
- PF Specialist Casework and PF Major Crime to meet regarding serious & organised crime work and major crime – potentially to tweak model of allocation and preparation.
- Increase in outputs in 3 disciplines - sexual crime, major crime and homicide - with number of reports to Crown Office rising. Age profile is also improving. Teams credited for this in testing times.
- Pre petition work in hand is where we want to be. Success due to pre petition improvement plan with focus now on post petition improvement plan with PF Sexual Offences working on a process to address.

Local Court

NICP

- Work in progress rising, sitting at 14,326 of unmarked reports. Proportion out of target at 54%.
- Currently sitting with 5 vacancies and due to hit period of peak leave.
- Take & Implement Figure is sitting at 81% but custodies and undertakings are now the focus.
- The group discussed whether the T&I published target added value to the work of NICP and was the correct measurement as it did not necessarily highlight the health of the business – that was better assessed through the proposed LC KPIs. It was recognised that if COPFS was to dispense with this target that may have an impact on criminal justice partners;
- The 26 week target is still a live reference point and an area of interest with a recent Parliamentary Question on the subject. Due to Summary Justice Reform trials may not be fixed routinely which suggests that we may require to revisit system targets for case resolution.

Summary

Adjournments are back down from last month; these saw a spike in March but as mentioned at previous OPC the spike was assessed in all likelihood to be attributable to the inclement weather.

Sheriff & Jury

- Target compliance sitting at 79%.
- Tayside Central & Fife have higher number of cases sitting at 10 months.
- Monitoring new structure for sexual offences case preparation. There is now bespoke training for staff on this.

Specialist Casework

- SFIU still meeting published targets. Inspectorate of Prosecution is due to return to check progress on their recommendations from previous review.
- SOCU – Escalade 4 is now being worked on after executive action was taken. This is the largest seizure of drugs since Police Scotland came into existence. This custody case has not been allocated but is receiving active attention due to resource issue. Preparation will also incorporate an additional High Court case which is linked to the wider operation.
- Journey times and age profile of SFIU and HSD cases have been provided to Lord Advocate following recent adverse media reporting. Unallocated cases and age profile likely to increase.
- First Case Management Panel (CMP) has taken place for Operation Ariston which is an economic crime pre petition case involving bribery and corruption within the public sector. Participants including PF Specialist Casework, SLM and DCA Serious Casework found this useful and felt that it set the right supportive culture for future panel. Issues were flagged and tried to resolve these in right spirit and culture. DCA advised although focus predominantly on organised crime cases, CMPs could work equally as well in other cases, for example, multiple victim historical sexual offence cases, human trafficking cases etc which are likely to last longer than 4 weeks.

Policy and Engagement

- Legal vacancies are critical in Response & Information Unit (RIU) next month and although currently recruiting, might impact on RIU performance. Statutory time limits for FOI, Subject Access Requests and Victim Right to Review rather than internal performance measures will require to be the focus.
- Victims Right to Review (VRR) – it was noted that a lack of uniformity had been identified in relation to the starting point for the 20 day timeline. A uniform approach had now been adopted with the starting date confirmed as the date of receipt by COPFS. There will be a short term impact on target performance as a result. The VRR stats will require to be refined to reflect that there may be a period of dialogue with victims about whether it is truly a request for review and, on receipt of further information from COPFS about decision making information, the requestor may not wish a review and the fact that often the 20 day target is properly irrelevant in the event of the victim providing additional new information requiring investigation by eg the police.

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- The Committee noted that not all ministerial correspondence (MCS) was being answered within the Scottish Government wide “aiming point” of 20 days and recognised that if it is not prioritised is there a reputational risk. The meeting recognised that meeting the 20 day target requires a number of different contributions across Functions and Ministers.

5. KPIs

DCA thanked Compliance Manager on work on the KPI paper which had been distributed to all members along with the Scottish Government Internal Audit Report. From the findings of the Internal Audit report and proposed KPIs for all functions a draft strategy is to be produced.

The KPI paper was drafted from the papers from the functions from last August before the requirement for resource transfer was identified by the work of the OPC.

The group recognised that it requires to set out purpose of KPIs going forward and have recommendations signed off by the Executive Board. It is very much a corporate response and proposal from the committee, not functional. The view is to have management information healthcheck for all operational casework from September with the Compliance Manager working with functional Business Managers to produce a report every month for OPC.

It was recognised that not all KPIs will be met at the start of the but the service requires a benchmark going forward. This will link into the work on the strategic plan with the objective to meet all KPIs in the lifetime of the strategic plan (i.e. 3 years)

DCA asked if there were any concerns:-

High Court

Cases with child witnesses/accused under 8 years old, consideration is being given to amending this to under 12 and would look to try to get data on that.

Local Court

Issue is what can be achieved with only 25 staff in NICP.

DCA advised that KPIs are required to measure health of the business and, for instance, if there is a significant dip an explanation would have to be given to the committee.

Specialist Casework

Concern was expressed over the quality and lack of evidence base for some of the assertions in the Internal Audit report. Supportive of the taking forward of KPIs to provide a proper healthcheck of our business.

KPIs for specialist were given last August and require to be sense checked to ensure that they are still relevant. There is also the Victim Strategy and Family Liaison Charter to take into consideration which will require cross function consideration. In addition, the collation and monitoring of these KPIs will be

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based on spreadsheets which will be labour intensive and there are capacity issues in relation to this work which may require consideration to a staggered implementation plan.

The Committee recognised that KPIs are to dovetail and underpin the objectives in the strategic plan which is a 3 year plan. KPIs although aspirational require to be achievable ‘We believe we can achieve these in 3 years’. If they are not achievable then OPC requires to identify this and review the reasons why. If the KPIs require to be revised then this would be brought back to OPC for recommendation to EB but they require to be started.

Comments on paper to be feedback to OPC Secretariat for inclusion in final report by Monday 25 June

The Committee discussed whether September 2018 is achievable to commence the process for monitoring the new indicators given the ongoing issues with management information, DCA advised that timeline can be revised but we require to start somewhere.

6. AOB

None.

7. Date of Next Meeting

Wednesday 18 July 2018.