

**OPERATIONAL PERFORMANCE COMMITTEE**

**MINUTES OF MEETING HELD ON 25 SEPTEMBER 2019  
CROWN OFFICE, EDINBURGH**

**Present:**

Lindsey Miller	Deputy Crown Agent – Serious Casework (Chair) (DCA)
Kenny Donnelly	PF, High Court (KD)
Jennifer Harrower	PF, Specialist Casework (JH)
Graham Kerr	Head of Business Management, Operational Support (GK)
Sharon Duffy	Serious Casework Compliance and Resource Manager (SD)
Gioia Ezzi	PA DCA – Serious Casework (Secretariat) (GE)

**By VC:**

Catriona Dalrymple	PF, Local Court East & North (CD)
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**Apologies:**

Anthony McGeehan	PF, Policy and Engagement (AM)
Ruth McQuaid	PF, Local Court West (RM)
Helen Nisbet	Head of ICU and Brexit Team (HN)
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. CD was welcomed who was covering Local Court business.

**2. Minutes of previous meeting**

Previous minutes were agreed.

**3. Outstanding actions**

**Actions 44 to 50** – all continued to next month.

**4. Monthly stats/Key Performance Indicators (KPIs)**

High Court

There continues to be an increase in new petitions, 6% this year. Decrease in homicides but the numbers are small and fluctuate frequently. Main change is major crime showing a dip of 17% from last year. Increased reporting in sexual offences of a further 16%. This upward trend has continued over 4 months. There has been no feedback from police in relation to initiatives etc which could explain this trend.

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Reported in press the police have increase in sexual and violent crime. Precognitions in hand mainly on a downward trajectory, although precognitions over 7 months appears to the contrary. 40 cases over 12 months old from receipt of SPR (down from 60 at this point last year). 11% projected increase of indictments issued. KPI compliance across the reporting to CO is increasing.

Indictment team is currently 3 members of staff down. This is fairly significant in terms of maintaining compliance with KPIs and HC function may have to consider deploying additional resource to keep up with the level of reporting. The number of cases indicted and awaiting trial continues on an upward trajectory. Business Managers are preparing a forecast which will hopefully assist meaningful discussion with Scottish Courts and Tribunal Service (SCTS) about work in progress and likely impact on court programming going forward

Statistics re compliance with disclosure requirements as set out in the manual – there is work being done to assess compliance but further analysis is required and the statistics will be refined in coming months

Section 67 notices – journey towards compliance with KPIs is likely to increase the use of section 67 notices in the interim which is a concern as there are already large amounts of section 67 notices being lodged.

#### Local Court

##### National Initial Case Processing Unit (NICP)

Volume of work in progress has increased. Police have reported more cases in last 2 weeks – increased reporting by almost 1,000 and NICP is now receiving 3,600 cases per week. DCA Local Court has been asked for further plan in relation to tackling the work in progress and now looking to release staff elsewhere in business to assist in dealing with the caseload.

Staffing – there are currently 30 deutes in NICP; 3 are on maternity, 13 are unaccredited and 4 or 5 are new to the organisation. The fact that two thirds of staff within NICP are unaccredited has been raised with Senior Executive Team.

Summary – positive picture in terms of management of summary business.

##### Sheriff & Jury

Meeting performance targets; the Committee noted that a very different resource profile is being utilised than in NICP and this resource cannot be reallocated to NICP as the staffing complement includes an increased number of Investigative Assistants (IAs) and Band D case preparers who cannot be deployed in NICP.

In sexual offences there is an acceptance that older cases will not meet KPI but progress is encouraging with dedicated sexual offence teams in place and ring fencing of that resource.

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Petition increase in certain sheriffdoms is significant; increases not necessarily all sexual offences but also violent crime. Lothian and Borders petition cases increased from 346 to 500 cases

Indictments sitting in system is increasing and there is not sufficient court capacity at present. Senior leads in local court are working with Sheriff Clerks to increased sheriff and jury courts to try and clear outstanding indictments. There are 1,302 indictments live in the system with particular increases in Lothian and Borders and Tayside, Central and Fife.

General increase in new petitions in all sheriffdoms apart from North Strathclyde. This is being managed with resource in place in terms of IAs and Band B admin staff.

Victim Strategy pilot in sheriff and jury in Glasgow is to be extended and rolled out then recommended as per the IPS recommendations. It will however only kick in at the institution of proceedings and not before, unlike the High Court process, given the volume of cases.

### Specialist Casework

Serious & Organised Crime Unit (SOCU) – There was an indication at last meeting regarding increase in precognitions in this area of work. Analysis continues to be done on this increase and further information will be available for next OPC.

Scottish Fatalities Investigation Unit (SFIU) – there continues to be a dip in performance against published targets due to the diminution in toxicology service provision. This has a knock on effect on the ability of pathologists to provide a final post mortem report per our target. FR has this in hand by way of an explanation included in published figures as discussed at last month’s OPC. Situation is worsening which is not unexpected due to the ongoing uncertainty with the toxicology service provision. Performance against target for SFIU slipped from 72% to 59% in terms of 12 week target.

SFIU & Health & Safety Investigation Unit (HSIU) Case Management Panels (CMPs) on cases more than 2 years old were due to take place in September but have now been rescheduled to 7 and 8 October and JF will report back to the next OPC on the outcome

Disclosure – analytical work being done in terms of compliance with disclosure targets

### Policy & Engagement

Committee members considered policy papers in detail and these were noted.

## **5. Annual Audit Report**

The committee noted the update of progress against the Internal Audit recommendations which has been submitted to the Audit and Risk Committee and the DCA SC will attend the next ARC to discuss with members.

## **6. Parliamentary Question on case marking stats**

PQ on case marking stats was noted.

**ACTION: DCA to ask trainee to review full transcript and produce note which will be circulated for next meeting along with the transcript.**

## **7. AoB**

The Scottish Government has advertised for 20 legal posts and many of COPFS staff have applied – this may affect performance across a range of disciplines if staffing levels cannot be maintained

Awareness was raised regarding the Scottish Child Abuse Inquiry (SCAI) where the Benedictine cases were about to finish. These have been the most traumatic for the team. Whilst no COPFS staff have been asked to give evidence, quite a number of witness statements have criticised individual members of COPFS staff which has caused the team an increased amount of work in regard to making Law Officers aware and supporting staff. The committee noted the care and attention taken by the SCAI team when providing updates to staff who may have been the subject of criticism

## **8. Date of Next Meeting**

30 October 2019