

## OPERATIONAL PERFORMANCE COMMITTEE

### MINUTES OF THE MEETING HELD ON 17 MAY 2017 CROWN OFFICE, EDINBURGH

#### **Present:**

Lindsey Miller	Deputy Crown Agent Serious Casework (Chair)
David Harvie	Crown Agent
Stephen McGowan	PF High Court
Ruth McQuaid	PF Local Court West
Anthony McGeehan	PF Policy and Engagement
Gioia Ezzi	Secretariat

#### **By VC:**

Catriona Dalrymple	PF Local Court East & North
John MacFarlane	Senior Strategic Development Manager, Operational Support

#### **Apologies:**

Liam Murphy	PF, Specialist Casework
Graham Kerr	Head of Business Management, Operational Support

#### **1. Welcome & Apologies**

Lindsey welcomed everyone to the meeting. Apologies were noted as above. Liam was unavailable to attend due to fault with VC equipment but would provide written update.

#### **2. Minutes of previous meeting**

Minutes agreed.

#### **3. Action Tracker**

Action 12: The process of streamlining of confidential material is complete with finalised guidance to be circulated to OPC for sign off. Local Court are content with the process but require to identify suitable points of contact (likely to be Sheriffdom PFs) who are security cleared. **Action: ongoing.**

Action 20: Protocol for Sheriff & Jury/High Court final draft is with DCA Local Court with the intention ultimately of publishing on staff intranet. As part of this process the issue regarding transfer of productions was raised. There is a meeting planned with Judiciary to revisit protocol on movement of productions which will have to factor in the potential impact of the Estates Strategy. The group discussed the fact that if a

case floats at the High Court between Glasgow and Edinburgh for example, there are issues about transferring the productions (which happened on 37 occasions in the last financial year, with 12 of the requests for movement happening past 1pm the day before the case was due to call). **Action: ongoing.**

**New Action 25: Lindsey to add to agenda for next SCTC/PSoS/COPFS Tripartite meeting the issue of movement of productions.**

Action 24: All notes re ex-gratia payments to link into Local Court are now copied to John Dunn. The feedback identified recurring themes of inappropriate destruction of productions and execution of warrants. **Action: closed.**

**4. Remit**

Standing item.

**5. Monthly stats/indicators**

High Court

Headline figures similar to last month.

Performance dipped slightly in April, which is likely attributable to annual leave over the Easter period.

Homicide cases running at three per month, which is more manageable in terms of resourcing. There are still some significant homicide operations which require input and support from COPFS before the cases are reported and there has been a spike in baby deaths. Sexual offences pre-petition plan has the work in progress around 350 from almost 700 at this time last year. Approximately 50 are currently with Crown Counsel for instruction.

Major Crime Team have ongoing pressure with record month in terms of caseload and two thirds of those are custody cases.

The new process set out by the practice note of Evidence on Commission has commenced with constructive feedback from judges. The Committee expressed thanks in particular to Jamie Lipton of Policy and Engagement for his considerable work on the COPFS guidance.

Trials can now be fixed for September in the High Court as an additional court has now been freed up in Glasgow which had been out of commission due to long running trial (Operation Reticulate).

Resources still balanced although there continues to be issues with indicting.

## Local Court

*NICP*: Ruth advised of the resources issues in NICP.

Work in hand has increased slightly as a consequence of leave carried over and Easter holidays which was expected. 59% of cases are over four weeks old, 770 cases over a year old are with sheriffdoms to manage with expectation that a third will be cleared in six months. Cases over 10 weeks old are sitting at 6,000. A specific team consisting of 3.5 staff has been created to address this with the aim of reducing cases over four weeks old to be no more than 25% of the work in progress.

There is still assistance with custody marking on a Monday and with undertakings.

Aim is for NICP to be self-supporting by end of the year with a good work in progress figure of 10,000 but a number of hurdles will have to be overcome, especially with resources.

NICP would like to trial running with 25 deputies if all resource issues are addressed.

*Summary*: No real change over last year in complaints registered. Sheriff cases down 2,000 on last year and JP business down considerably from 10,500 to 5,500.

*Sheriff and Jury*: Precognition in hand figure, confident no sheriffdom has over 5 cases over 9 months old as we transition in to the new processes from 29 May.

Transition planning for new legislation is in a state of readiness, although will have an impact on targets.

Watching brief on PPR effect on new petitions.

## Specialist Casework

Aim is to obtain MI for each specialist unit which is concise, relevant and consistent with focus on volume, age profile and journey time.

Focus this month has been on Serious & Organised Crime Unit. This was a significant amount of work. Whilst not perfect it is the best attempt at meeting the aim. Can use this to

1. Flush out data integrity
2. Focus on priorities.
3. Use as template and can finesse as look across other specialist teams particularly HSD and WECU

Operation Escalade has grown as Crown Counsel have now added more accused – now sitting at eight. Last week a six-week extension was granted to time bars. Crown Counsel are now embedded with the team in Gartcosh.

Published targets – SFIU and CAAPD still meeting at 92% and 96% respectively.

CAAPD have focussed over last year on age profile of DPA cases. Starting point was over 100 and is now down to a handful.

Resources Committee was cancelled and so decision on bid to obtain resource to work on MI and dovetail with project approved by BIC will be taken at next meeting on 24 May.

### Policy & Engagement

A gap has been identified in current process re Victims' Right to Review (VRR) regarding decisions by Crown Counsel mid trial to discontinue proceedings. Decisions cannot be reversed and there is no review mechanism in accordance with current guidance. In order to manage this and engage effectively with victims there requires to be effective engagement with Crown Counsel to ensure that decision making can be explained. Any guidance on this is likely to reference the VRR model where Senior CC or the Law Officers would be involved in a review, albeit the decision itself cannot be reversed.

#### **Action 26: Lindsey & Stephen to raise at next Crown Counsel Management meeting.**

There has been a noted dip in performance at Enquiry Point due to a damaged cable, an office fire and a flood. This has identified the need to shore up our business continuity and contingency plan which is being revisited. Enquiry Point have also put in a place a Customer Service Survey concluding each phone call asking level of satisfaction and preferred mode of communication. Feedback will be given in due course.

### **6. Setting KPIs**

Issue was raised again by High Court (HC) on lack of management information which has been with Information Systems Division (ISD) for three years and has been prioritised by BIC at stage 2. Due to this HC are still relying on national spreadsheets which involves significant amount of manual intervention. This is exposing ability to deliver on requirements especially as Inspectorate has been told twice. Stephen now to meet with Head of ISD to progress.

Local Court (LC) feel published target for NICP is not best one, as it is too focussed on fresh business rather than other aspects of the work in hand. One issue to address is whether KPIs are measured in a number of weeks or numbers. Current resourcing issues in NICP are making it difficult to sign up to KPIs.

The Crown Agent advised that journey times remain a vulnerability, and we as an organisation require to have a good understanding on how long it takes to do things. Figures do not require to be published but a baseline can be set for internal targets.

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

**Action 27: All members to have aspirational targets available for next meeting.**

There is a group looking at S&J KPIs.

Anthony anticipates Policy will be revisiting targets especially Freedom of Information Requests (FOIs) as the Information Commissioner is looking at this.

## **7. AOB**

Lindsey provided an update on Case Review Panels. There had been a discussion with the SFO and serious casework assurance paperwork had been received from Jim Brisbane.

Stephen flagged Operation Latisse (child sexual exploitation/indecent images) that Police Scotland were proposing to do a similar operation in September and there are to be further discussions to see ops plan and to get an idea on number of cases.

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

Tuesday 20 June 2017 @ 2pm.