



CROWN OFFICE
& PROCURATOR
FISCAL SERVICE

SCOTLAND'S PROSECUTION SERVICE

OPERATIONAL PERFORMANCE COMMITTEE
MINUTES OF MEETING HELD ON 26 JUNE 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)
- Fiona Roberts Head of Management Information Unit (FR)
- Sharon Duffy Serious Casework Compliance & Resource Manager (SD)
- Gioia Ezzi Secretariat

BY VC:

- Fiona MacLean Non-Executive Director (FMacL)
- Ruth McQuaid PF, Local Court West (RMcQ)
- Graham Kerr Head of Business Management, Operational Support (GK)

APOLOGIES:

- Helen Nisbet Head of ICU and Brexit Team (HN)
- Anthony McGeehan PF, Policy and Engagement (AMcG)

1. Welcome & Apologies

The DCA welcomed everyone to the meeting, apologies were noted.

2. Minutes of previous meeting

The Previous minutes were agreed.

3. Outstanding Actions

- Action 44 – ongoing, continued to September OPC.
- Action 45 – ongoing
- Action 46 - ongoing, members to feedback comments. Continued to July OPC.

4. Monthly stats/indicators

HIGH COURT (HC)

Paper3(b) is redundant and to be removed from future agendas. National statistics with performance against Key Performance Indicators (KPIs) is to be substituted.

Input levels remain high;

Reported major crime cases have dipped in May but this coincides with an increase in sexual offence reports;

There are a large amount of homicides at the moment and also suspicious deaths which have significant resource impact as they have to be investigated fully;

Performance levels remain high with additional case preparers almost all in place, looking to see figures increasing once they are all trained;

Indicting pressures – dealing with more cases and carrying 3 vacancies;

Age profile showing improvement;

Precognitions in hand age profile coming down;

A year ago there were 60 cases over a year old which is now down to 39.

In process of developing a High Court improvement plan with the project having 7 chapters. This is to include specialist large cases and there requires to be a discussion with Specialist Casework. Very much at evolution stage and realistically a 2 year plan focusing on value and quality and risk of compliance with KPIs.

LOCAL COURT (LC)

National Initial Case Processing Unit (NICP)

Work in progress of 16,500 which is 5.6 weeks of work;

Cases over 10 weeks reduced to 10,900;

Carrying vacancies and absorbed bulk of new starts;

Extra staff not due before August/September;

Sheriffdoms have been tasked with marking and not vast pool of experienced staff in sheriffdoms;

It is not anticipated that figures will improve over summer holiday period.

Proposal for potential retention by LC of staff who are due to come to Serious Casework Group (SCG) in August. DCA Local Court circulated an update to senior team and is in discussion with DCA Serious Casework regarding impact on SCG if staff transfer was to be delayed.

There was discussion around filtering of business to identify cases which should be transferred to SCG. OPC owns the corporate risk for not processing casework appropriately so the chair posed the question re how concerned should the

organisation be, given quality concerns around the police, about the potential for any HC type cases being miscoded and within the current work in progress?

Discussion concluded that COPFS has to trust that the cases are "coded" appropriately by the police otherwise the only way to mitigate risk is by reading and marking them all. The risk might be low of that happening but the impact on the organisation could be high(er) if the police have made a poor call at the beginning.

Sheriff & Jury (S&J)

Figures are good at moment;

Meeting 4 week marking target and 8 week target in March, April and May;

Half of sexual offence cases are being reported in terms of new KPI (8 months).

Performance on Petition Warrants - teams met with High Court to discuss how to separate cases in terms of transparency and easily audited version. KD mentioned that some KPIs whilst general rule starting from Standard Police Report (SPR) dates some do not lend themselves to that eg pre petition and looking at devising business rules which will be brought to OPC.

Petition warrant KPIs is a wider discussion.

ACTION 47: KD to pull a paper together for discussion with feed in from Local Court.

There is more of a focus now on economic crime, with aspiration that each sheriffdom would have an Economic Crime Unit. Will reach out to Specialist Casework for sharing of knowledge

The Lord Advocate wants to look across Scotland and working with government to develop an economic crime strategy. Driving police to bring up quality and standards of reporting and will seek input

Specialist Casework

Work is almost complete regarding preparation of a suite of Management Information (MI) that will identify activity and age profile, rather than by way of manually generated spreadsheets. Very close to providing a healthcheck in Specialist Casework (SC) Units.

Helicopter Incident Investigation Unit (HIIT) – decision has now been taken in the second of 2 helicopter cases, which is the Sumburgh case. It will proceed by way of Fatal Accident Inquiry (FAI) with no criminal proceedings. FAI to be conducted by Crown Counsel (CC) and aiming to have notification with court by late summer. Clutha FAI recommences at Hampden on Monday 1 July 2019 and the plan is for written submissions to be submitted by the end of July and oral submissions in the first week in August 2019.

Criminal Allegations against the Police Division (CAAPD) – last week the interim independent police review by Dame Elish Angiolini QC was published. There is reference in report on comments from police and Police Independent Review Commissioner (PIRC) re absence of timescales from COPFS perspective which is clearly not accurate and there is no mention of our published targets. One of the recommendations is how all organisations who are involved in his area of work can come together and make the process more efficient with focus on timescales. Meeting with CAAPD on how to take that forward and report back to OPC.

Health & Safety Investigation Unit (HSIU) – there was case with an associated death and mandatory FAI which caused SC to conduct a comprehensive audit of cases over 2 years old in every unit. What emerged from the audit was that there were old cases in the Serious & Organised Crime Unit (SOCU), but we were able to demonstrate active progress with no significant periods of inactivity.

Same cannot be said for some cases in the Scottish Fatalities Investigation Unit (SFIU) but more especially in HSIU. Audit identified 17 cases with a related death more than 2 years old. Already in place to address that is the modernisation project within SFIU and the prioritisation of directing additional resources to these units. SC is working on a plan to tackle the legacy work and to establish a legacy caseload team to tackle those cases with key milestones and timelines. A Case Management Panel (CMP) process which has been helpful for other large cases (in SOCU) will also be established.

JH to chair the CMPI on a monthly basis with report to OPC which can be fed into the Executive Board (EB). There are specific issues that require to be addressed in strategy to tackle this and they are around the risks for reputation within the department so there is need for a media strategy but also requires a specific Victim Information & Advice (VIA) strategy as it was identified during the audit that in relation to some HSIU cases there had been a deliberate decision not to interact with nearest relatives.

Committee members are content with what JH is proposing. FMcL added that it was good to see real progress being made but assurance is required and activity put in place to make sure that it does not happen again. Actions will be put in place, and debriefs from CMPs inputted into that process.

KD mentioned that development of MI also key to this as a contributing factor.

POLICY AND ENGAGEMENT

Nothing by way of exceptional reporting. Flag Victim Right to Review (VRR) update at previous meeting that there were proposals for Law Officers (LOs) to change test. Meeting with LOs last week and test will remain one of reasonableness.

KD speak to AMcG separately re VRR policy not being compatible with ongoing solemn proceedings which have been discontinued.

5. KPIs

FR - as far as reporting in contact with everyone in different ways and hopeful for consistency soon.

DCA has asked for feedback from all functions on exactly where they are sitting with compliance against KPIs in August meeting and would like update from each function.

6. Remit

DCA asked committee members if happy with revised remit. FMcL mentioned that no assurance on performance improvement. To be added.

GK – discussion over whether should be other business manager to attend meeting but learning and development input required.

7. Risk Register

Risk to case work is corporate risk which sits with Chair of OPC as owner and risk manager is this committee. Appropriate that there is discussion every couple of months to see where risk is sitting. Grateful for views and thoughts on appropriateness of current risk score and target risk score. Discussion that 2021 is realistic timescale.

ACTION 48: Function leads to report in terms of action plans to mitigate risk across casework for each function with breakdown.

To be added to Agenda for September meeting.

8. AOB

Ransomware forensic attack– KD gave a brief update; the Scottish Police Authority provides forensic service to COPFS and had backlog in biology cases, the short term plan being to outsource work to suppliers in England. The primary contractor in England was subject to a ransomware attack on IT systems, and Home Office had to shut down business. There was no evidence that data was manipulated. Expert witness statement has been asked for that there was no compromise to data.

9. Date of Next Meeting

24 July 2019.