

OPERATIONAL PERFORMANCE COMMITTEE

**MINUTES OF THE MEETING HELD ON 29 JANUARY 2019
CROWN OFFICE, EDINBURGH**

Present:

Lindsey Miller	Deputy Crown Agent Serious Casework (Chair) (DCA)
Kenny Donnelly	PF, High Court
Ruth McQuaid	PF, Local Court West
Helen Nisbet	Assistant PF, Specialist Casework
Graham Kerr	Head of Business Management, Operational Support
Fiona Roberts	Head of Management Information Unit
Fiona MacLean	Non-Executive Director
Gioia Ezzi	Secretariat

By VC:

Jennifer Harrower	PF, Specialist Casework
Anthony McGeehan	PF, Policy and Engagement

Apologies:

Sharon Duffy	Serious Casework Compliance & Resource Manager
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1. Welcome & Apologies

DCA welcomed everyone to the meeting, apologies were noted.

2. Minutes of previous meeting

Previous minutes agreed.

3. Outstanding Actions

Action 41: Management Information Unit (MIU) have collated data by crime type for Sheriff & Jury and High Court new petitions. Work is ongoing to analyse the data, to identify trends or other changes in the nature of the case load by crime type. **Action: continued.**

Action 42: Victim Information & Advice (VIA) remit consultation ongoing. VIA Key Performance Indicators (KPIs) would suggest a move to advise victims in advance of proceedings. Issues require to be progressed and will be in a position to update more fully at March OPC. **Action: continued to March OPC.**

4. Monthly stats/indicators

High Court (HC)

Resourcing pressure continues with some staff in post, but still some vacancies to be filled.

Surge in major crime continues. Significant increase on last year and projecting a further 16% increase to 49% in major crime.

Major crime was not considered a pressure point at the time of the bid for resources, but the increase in that work means that resource allocation requires to be kept under review to reflect the change in workload. The Committee recognised that there is an increased risk in delivery for KPIs in major crime.

Age profile of work was improving, but has started to increase slightly. The Committee noted the use of overtime to address this but agreed that this could not be a long term strategy, particularly for welfare reasons.

KPIs – should be in place by new financial year. Series of new codes will be applied to existing caseload. It was recognised that they would not be met initially but by 1 April 2019 processes will be in place to allow compliance progress to be tracked. It is a gradual process and HC want to be KPI compliant by March 2020. The initial readout of current work in progress against KPIs is promising and more optimistic than first envisaged.

The Committee requires to consider and offer clarification in due course on the relevant dates for KPIs regarding petition warrants as there are a number of variables. KPIs are potentially required for those cases with a lengthy investigation and warrant history and may require something more bespoke. PF High Court is considering with a view to preparing an options paper for the committee.

The Committee also discussed corporate resilience planning and business continuity following Brexit particularly around feedback from SPA or police regarding issues on service. For instance, will forensic scientists be able to carry out all work. PF High Court due to attend Forensic Services Committee meeting on 31 January where this might be raised. OPC requires to be aware of this as could have a knock on effect on KPI and time bar compliance. May require to raise stakeholder performance regarding compliance formally by writing to Chief Executive of SPA or Chief Constable with expectations, highlighting High Court mechanisms which allow us to track performance eg forensic report due in 42 days.

Local Court (LC)

National Initial Case Processing Unit (NICP)

Met T&I target at 78%. Overall total business sitting at just under 18,000 cases which is 5.5 weeks and higher than the KPI of 4 weeks. Volume and age profile are a concern.

The Chair recognised that the PF LC West has been highlighting at the last 3 committee meetings that the Work in Progress (WIP) figure in NICP would rise at the start of the calendar year. The reasons for particular increase in business were set out in detail for the committee:

- the transfer of staff to other parts of the business and NICP took part of the hit;
- while additional staff have been identified, new recruits are not yet in place;
- there are ongoing issues with work patterns;
- staffing profile is very inexperienced so while the number of staff mirrors the previously identified optimal number (25) the experience profile is such that the unit is not yet working to capacity;
- maternity leave is going uncovered.

PF LC West also highlighted to the Committee the measures in place or in train in terms of addressing the issues. Five of the six sheriffdoms have been asked to free up depute resource to assist. Lothian & Borders unable to free up staff due to their vacancies. Since this was introduced however and progress was being made against the WIP the police decided to report 20% more business so any significant inroads into the WIP has been negated by the increase in reporting. LC continue to try to attract additional markers with overtime and exploring capacity elsewhere in sheriffdoms. NICP will also reduce its focus on interim markings temporarily as these are currently at a healthy level and concentrate on unmarked cases.

Updated NICP Implementation plan was produced and discussed.

At the request of the Chair the Committee members then discussed the role of NICP and current model. It was recognised that while there had been a bid for additional resource, staff were not all yet in place and the changes to the profile of staff had brought additional challenges. Members also recognised the changes to the model since the creation of NICP:

- 7am start on Mondays still required for all staff but might be capable of review once all additional resourcing in place;
- location neutral working – LC quite willing to use this for a proportion of staff if no performance or attendance issues.

It was also recognised that the quality from police was not always good and it was difficult to get senior officers to attend meetings particularly where there is a fundamental disconnect with how we manage our business and how Police Scotland manage theirs.

NICP not fully staffed and will not be fully staffed for a significant period of time; due to accreditation model no choice but to put certain proportion of new recruits in NICP.

OPC members as a corporate committee were of the view that the model has been in place for a long time and would certainly merit review, similar to any

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

part of the business. PF Local Court West stressed that the model was not the source of the current problems and issues such as 7am starts, location neutral working and additional hubs were kept under regular review and indeed an additional hub had been added at Hamilton to improve staff rotation. Other members, however, considered that it was appropriate to look at it with an open mind and suggested that at some point consideration could be given to whether other grades could do the work, ie non legal; tag marking possibly looked at again. There was value in having a comprehensive review at some stage and given the current resourcing challenges the time may be now.

Members discussed that everything needs review after certain amount of time; marking fatigue comes into play, how do you keep team motivated.

While PF Local Court West felt that NICP required the opportunity to allow the model to be tested with the agreed level of resourcing in place before being subject to a further review the other members agreed that there needed to be an escalation to Executive Board for further discussion re the timing and process of any review (which might require to wait until the unit is staffed according to the optimal model)

Recommendation to Executive Board that the time may be right for review, model has been in place for 4 years now.

Paper on sexual offences KPIs was produced (attached). Discussion took place over interpretation of KPIs.



OPC paper on Local court sexual offences

Action: All members to continue consideration of paper to next month's OPC.

Sheriff & Jury (S&J)

Nothing to report – meeting Sheriff & Jury KPIs but paper produced by PF Local Court West on sexual offence KPIs seeking OPC approval to proceed in terms of the approach outlined in the paper.

Action: Members to provide comments on this paper by next OPC (as above).

Summary

Nothing to report

Specialist Casework

SFIU - At last OPC there was mention of focus and scrutiny on outstanding FAIs, that continues. Related to SFIU performance there has been some positive feedback from stakeholders in relation to the manner in which COPFS investigates child deaths.

SOCU – work is ongoing to draw together management info to assess the baselines. Unable to fill additional posts means not making progress in bringing journey times down especially in relation to large and complex cases and health and safety cases.

CRU – couple of large cases proceeding to proof which means additional pressure. This is currently being scoped in relation to resource requirements.

Policy and Engagement

Nothing on exceptional basis.

5. KPIs

Covered above.

6. KPIs – Service Improvement & Complaints

Paper produced with some comments made in advance of the meeting with concern over wording of 5% figures. There needs to be care with this as police very good at miscategorising.

Aim of paper is good and clear but require to be better at communication.

Not happy with wording of 2nd recommendation – feedback to author of paper that this requires to be recast.

7. Remit

Revised remit on agenda for next meeting.

8. AOB

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9. Date of Next Meeting

Wednesday 27 February 2019.