

**OPERATIONAL PERFORMANCE COMMITTEE**

**MINUTES OF MEETING HELD ON 29 JANUARY 2020  
CROWN OFFICE, EDINBURGH**

**Present:**

|                  |   |
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| Lindsey Miller   | Deputy Crown Agent – Serious Casework (Chair) (DCA)   |
| Kenny Donnelly   | Procurator Fiscal, High Court (KD)                    |
| Ruth McQuaid     | Procurator Fiscal, Local Court West (RM)              |
| Anthony McGeehan | Procurator Fiscal, Policy and Engagement (AM)         |
| Fiona MacLean    | Non-Executive Director (FM)                           |
| Fiona Roberts    | Head of Management Information Unit (FR)              |
| Sharon Duffy     | Serious Casework Compliance and Resource Manager (SD) |
| Gioia Ezzi       | PA DCA – Serious Casework (Secretariat) (GE)          |

**By VC:**

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| Jennifer Harrower | Procurator Fiscal, Specialist Casework (JH) |
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**Apologies:**

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| Graham Kerr | Head of Business Management, Operational Support (GK) |
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**1. Welcome and Apologies**

The DCA welcomed everyone to the meeting. Apologies were noted.

**2. Minutes of previous meeting**

Previous minutes were agreed.

**3. Outstanding actions**

Action 49: Victim Information & Advice (VIA) remit. **Action ongoing.**

Action 52: Dip in High Court Key Performance Indicators (KPIs). **Update:** Fully explored and no specific factor can be identified. Performance will continue to be monitored more generally by this committee. **Action closed.**

Action 54: Risk log to be added to agenda Mar/Apr for further consideration and revisal if required. **Action closed.**

Action 55: Refining High Court management (HC) info. **Update:** Work ongoing, updates being provided. First revised report received by the Committee for this meeting **Action closed.**

Action 56: “Case a day” marking - see separate item 6. **Action closed.**

Action 57: Paper on Sheriff & Jury (S&J) performance. **Action closed.**  
**New Action 1/20: Paper to be circulated. All members to consider and provide feedback prior to next meeting.**

Action 58: Petition Warrant KPI paper to be recirculated for comments.  
**Action closed.**  
**New Action 2/20: KD to produce updated paper.**

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

##### High Court

Increase in sexual offence business continues, particularly burdensome due to type of work and resource pressure but trying to make improvement in throughput of work and processes. Require to look at adjusting staffing across High Court function whilst working through increase in resources from last year with some staff also requiring to go through the accreditation process for sexual offences. DCA advised that some Serious & Organised Crime Unit (SOCU) deputies and case preparers are accredited and there may be the option to share the workload across Serious Casework.

There are pressures at court where indictments are issuing but the delay is being transferred from pre indict to post indict. Issue with the estimate of time for trials and use of court time - the Law Officers have raised court pressures with Lord President and Cabinet Secretary for Justice.

Further impact on ability to progress the business due to Evidence on Commission as this is also resource intensive for the judiciary, Crown and defence.

Lord Advocate is planning to meet the Lord President to discuss way forward. HC to monitor and brief appropriately.

FMCL asked for clarification on significant fluctuations in indicting and KPI compliance. This was explained with the majority being under category 4 where fluctuations are slightly less than those under categories 1, 2 and 3 which are relative small in number so 1 or 2 cases can make a significant difference in compliance rates. Next financial year should see overall improvements in compliance.

##### Local Court (LC)

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

RM was thankful to everyone who helped with the “Case a day” marking, which has contributed to a positive approach in NICP and staff are very grateful for the assistance. Since January, there has been a significant reduction in work in

progress due to this initiative. This is expected to continue throughout the 4 weeks of the initiative.

NICP is better staffed overall and staff hope that after the 4 week programme marking is down to a more manageable level and can then start to focus on older cases. Take and Implement (T&I) target has gone down slightly over recent months but has been carefully managed during the “case a day” initiative to keep alive the prospect of successfully achieving end of year target. If T&I target not achieved, this can be explained although it was hoped that the target would be met this financial year.

DCA invited views on merit in continuing the “case a day” marking for a month or at a later stage in the year depending on workload. There were varied views from all members. RM is to further discuss with Local Court. A paper to be prepared for the next OPC in terms of how well it has gone, learning points, resource implications, recommendations, what worked well, what could be improved, what trigger points going forward and to focus on a communication strategy. OPC members were concerned to get this right and to reap the benefits.

**Action 3/20: LC to produce a paper for the next meeting on the outcome of the case a day initiative, learning points, resource implications, recommendations for improvement and a discussion on trigger points for a similar exercise in the future. This should also focus on a communication strategy for the wider Service**

### Sheriff & Jury (S&J)

Exceeding KPI at 83%. Pressure on some sheriffdoms due to increase in petitions with Lothian & Borders having a 47% increase. Tayside, Central & Fife have cases with age profile sitting at around 8 months with another sheriffdom assisting to manage this.

### Sexual Offences

Initial sexual offences marking exceeding KPI at 92%, which provides reassurance that each case has been read at an early stage. No figures yet available on interim marking KPI but will have on this info for the new financial year.

LC function is to set up a sexual offences governance board to look at performance on a monthly basis.

53% now reporting within 8 months of receipt of report, 63% indicted within 9 months.

Cases involving children and vulnerable adults still remain a challenge but some progress has been made.

The overall aim of LC is to have a genuinely shorter journey time for all sexual offences victims that starts from receipt of police report. LC wish to set a challenging compliance rate but not 100% which is not deemed achievable, suggest aiming at 90% for reporting/indicting of all sexual offences, with 50% for older children and vulnerable adults and 30% for very young children. This would show consistent progress. Greater discipline will require to be applied to petition warrants with guidance requiring refreshing on the review of outstanding warrants.

Summary – Evidence & Procedure Review started in January, testing from 3 different sites; Dundee, Hamilton and Paisley.

### Specialist Casework

JH hoped the new report from Specialist demonstrates the diverse nature of the work.

Case Management Panel (CMP) process for Health & Safety Investigation Unit (HSIU) and Scottish Fatalities Investigation Unit (SFIU) legacy has been ongoing since October. There is an annex to the report which gives some info. That process has taken some time to refine and something more meaningful will be provided by next OPC to demonstrate how these cases are being tackled. Top line is that a significant number of SFIU investigations over 2 years old have been closed with HSIU investigations heading in right direction.

SFIU toxicology issues impacting on KPI and will continue to have an impact.

SOCU – 12 very large cases which have CMPS. In one operation there is a high ranking organised crime nominal linked into a homicide, this case is to stay with SOCU and the nominal is in the process of being extradited.

### Policy & Engagement

Nothing to report on an exceptional basis but offered some reflections on new P&E report to OPC. Previously complaint stats were provided to OPC, SET and functional heads. However, the Service Improvement Board (SIB) is now in place and is responsible for the monitoring of complaint data, the identification of thematic issues, related improvements and reporting to EB on same. P&E could continue to provide complaints data to OPC but this issue is now “owned” by SIB. What is now provided is the same report which is provided to EB on core Policy activity and exceptional RIU issues. All members content with this report.

## 5. KPIs

FR produced KPI paper (paper 5). KPIs were agreed in August 2018 but all discussed in various functions and some have been clarified or amended with the agreement of OPC. FR asked if list could be checked for anything missed or

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

anything which was not expected. KD mentioned large number of KPIs for HC; each KPI has 2 KPIs within that which is then split into 4 categories for ease of business management, these all have different admin codes. These categories are to be kept but to provide further updates if required.

Unable to measure specialist units, manual counting is used and OCP members are not aware of an IT fix in the immediate future. Reliance is on managers and there is scope for human error, so a caveat should be added in the final report. Members agreed that pictorial data with narrative was useful. Monthly performance would be helpful for this committee.

FMcL – ultimately would like to see where these sit within the Strategic Plan. They need to be clear and transparent, that they are the right KPIs and communicating them in the right way.

**6. Case a day marking**

Covered above.

**7. AoB**

None

**8. Date of Next Meeting**

26 February 2020.