

Operational Performance Committee

Minutes of meeting held on 9 August 2023 by Microsoft Teams

Present:

Stephen McGowan	Deputy Crown Agent – Litigation (Chair) (DCA)
Andy Shanks	Deputy Procurator Fiscal, Specialist Casework (AS)
Andrew Richardson	Procurator Fiscal, High Court (AR)
Andrew Laing	Deputy Head of Local Court (AL)
Laura Buchan	Procurator Fiscal, Policy and Engagement
Lana Thomas	PA DCA – Serious Casework (Secretariat) (LT)

Apologies:

Fiona Roberts	Head of Management Information Unit (FR)
Graham Kerr	Head of Business Management Local Court (GK)

1. Welcome and Apologies

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

2. Minutes of previous meeting

The minutes of last meeting were agreed and can be published.

3. Outstanding actions

All outstanding actions now closed, all superseded by events.

4. Monthly Stats/Key Performance Indicators

High Court

OPC
09/08/2023

AR referenced the HC paper and highlighted that he is waiting on updated paper re projections for 2025. The Central Ops team have recently produced a projections paper, this analysis is being further considered and AR will provide update in next month's report.

Local Court

AL discussed the LC paper, points of interest were-

ICP -remarkable improvements, now under 10k unmarked cases as of Monday, was sitting at 19k in January. Objective to mark all cases within 4 weeks, created additional LC marking team which helped crack down on older cases.

SH & J –will require a bit of time to turn it around, some concern around the number of new petitions, quite high, post pandemic 11k pre pandemic 9k. Looking into what has changed, look at marking, CMLs etc.

SH & J outcomes – pre pandemic 3k custodial sentences out of 6k outcomes – post pandemic 3 k custodial sentence out of 8k outcomes. Some cases should be coming down to summary level if we are predicting short custodial sentences or community sentences. Rise in reduction to summary will therefore probably continue to increase. Trials called are significantly up due to additional recovery courts, end year projections show nearly 7k trials to be called this year compared 3100k pre pandemic, total concluded additional 2k if data carries on as is.

Trials scheduled falling by 60 per month.

Summary-

Much less business in JP court, substantive marking down from 16% to 8 % going into JP court- possibly move a bit more from Sh Summary Courts.

Sheriff court – number of outstanding trials slowly increasing every month, got down to 20k now up to 21k.

Domestic Abuse waiting period 10.4 week compared to target of 12 weeks – working well against that target.

Conversations took place around SH & J sentencing outcomes, older cases more likely to avoid solemn level custodial sentences, ways to monitor this discussed, potential to review cases to see if they can be reduced to summary.

OPC
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Specialist Casework

AS discussed the Specialist update and points of interest were-

Old version report submitted for last time, hoping to reduce it drastically as too lengthy. Focus on FAI's, media interest in long running FAI which is now 9 years old, length of these investigations are too long, Law officers are interested in looking at FAIs on thematic basis.

The group discussed recent conversations LB and AS had with LOs re what data we can get on deaths by them. JB considering/

Toxicology - SPA hope to return to the standard turnaround target of 5 weeks for Toxicology reports by October 2023.

Policy & Engagement

LB discussed the P&E Paper and points of interest were-

Review in diversion of sexual offences cases- following the Lord Advocate's instruction in July 2023 that there is to be a review of how prosecutors deal with diversion from prosecution in cases of serious sexual offences such as rape, Policy has commenced work on developing draft policy guidance for prosecutors on diversion of rape cases, which will be informed by a review of cases by the Sexual Offences Review Team to identify the factors that are relevant to a decision to divert or prosecute and will be subject to consultation with stakeholders and those with lived experience.

UNRC-Team have completed significant work on UNRC guidance- currently with CA prior to submission to LO, chapter 1 (revision).

Victims Bill- Cabinet Secretary doing road shows over summer. Policy Division is working closely with SG in relation to the significant changes introduced by the Bill.

Domestic Homicide Review- Deborah Demick, Faith Miller and Moira Orr are on the Taskforce which met for the first time on 8 December 2022, with an initial focus of agreeing the terms of reference and how best to engage and involve the range of organisations with an interest in this work. Targeted engagement exercises are now underway with support agencies and those with lived experience and a model development subgroup has been established to progress the work.

5. Minutes for OPC clearance

OPC
09/08/2023

- Legal Professional Privilege guidance- discussed – group content -Laura to tweak wording discuss with DCA Legal Assistants/Sineidin, over all content subject to changes LB to take forward.
- Potential Victims of Human Trafficking Receiving Support on Liberation from Prison or Being Granted Bail by the Court –group content to submission to LOs
- Draft OI re spitting offences –AL LB to discuss off table

6. A.o.b

AL informed the group that he is in discussion with police and LSS re two individuals who may be purporting to be qualified solicitors.

Date of Next Meeting: 14 September 2023