

## OPERATIONAL PERFORMANCE COMMITTEE

### MINUTE OF MEETING HELD ON 9 DECEMBER 2020 BY MS TEAMS

#### **Present:**

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

#### **Apologies:**

Graham Kerr	Head of Business Management, Local Court (GK)
Sharon Duffy	Serious Casework Compliance and Resource Manager (SD)

#### **1. Welcome and Apologies**

The DCA welcomed everyone to the meeting, apologies were noted

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

Minutes agreed.

#### **3. Outstanding actions**

Action 49: Victim Information & Advice (VIA) remit regarding sexual offence victims. **Action ongoing, continue to next meeting.**

Action 2/20: Petition Warrant Key Performance Indicators (KPIs) – to be taken under main agenda item. **Action closed.**

Action 6/20: Volume of business in Local Court (LC) impacting on staff. LRM raised at Executive Board (EB) which turned into more general discussion about pressures across the service and some of the welfare issues that all functions are experiencing. EB are keen that committee feedback any particular pressure points and welfare concerns across functions. The committee note that the new

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practice note is in place for LC (from the beginning of December) so it is therefore too soon to identify any benefit and too early to measure its effectiveness in reducing workload pressures.. Early feedback from LC has not identified any time savings yet for staff.  
**Action closed.**

General discussion took place in relation to staff welfare, workload and resources.

Specialist Casework (SC) - number of units where there is absolute pressure. The International Cooperation Unit (ICU) have lost one of their Principal Deputies with the second departing at end of January. Both have significant experience in extradition and Mutual Legal Assistance at a time where there is still huge uncertainty around Brexit; additional staff absence in ICU has required a review of staffing across whole of SC to provide the requisite resource.

Scottish Fatalities Investigation Unit have a number of staffing difficulties; one of the main issues is VIA, as the work in hand increases and investigations/Fatal Accident Inquiries etc are taking longer to resolve due to the pandemic, the additional work for VIA is significant and managing that increasing workload is providing incredibly difficult and stressful for some of the VIA staff.

Serious Casework Group have tried to accommodate quite a lot of individual requests due to the level transfer exercise across the service, but that will have an impact as people move into new jobs and start dates are negotiated and getting up to speed with new jobs. There are pockets of concerns where staff are feeling under pressure.

Policy & Engagement (P&E) – Echo observations above. Difficulties are not uniform across P&E; experience is different within different teams. There is a common welfare issue in relation to remote working; majority moved to remote model which brought its own pressures and experiences with colleagues anxious to return to a greater degree of normality in future. Enquiry Point have different pressure and environment. In terms of workload, specific pressures are being experienced within both Policy & Management Information Unit (MIU). Policy are servicing the legislative response to the pandemic, both health and criminal justice, and mainstream Policy demands. Similar pressures exist within MIU, who currently have reduced resource. This reduced resource is meeting increased demand as we, and stakeholders, work to quantify the continuing impact of the pandemic on the criminal justice system., Colleagues are working remotely with significant workload relying on remote access to our systems, which is not ideal.

High Court (HC) – with regard to workload, there are more cases being reported and therefore added to the case preparation stats, than are being resolved. Due to being at the recovery phase, requirements are greater on teams servicing both the new cases at investigative stage, as well as assisting with post indictment requests as cases are being allocated for trial. Constant churn of Preliminary Hearing (PH) cycles, constant demand of staff to have cases ready, showing signs of creaking with the strain and showing signs of tension in teams. Support staff on rota to go into office to do essential duties, leading to tension of expectations as those in office expected to do more. Ensure everyone knows what their own

role and responsibility is. There is a sense of isolation and lack of support of homeworking in terms of the inability to interact in person with teams – while some are embracing homeworking, generally speaking most people are finding it a challenge especially in regard to sexual offences which is a matter of some concern. In regard to Vicarious Trauma (VT), it appears at assessment that some staff have said everything is fine, although managers have a concern that they are not as fine as they say to assessor (which tends to be by phone), this is being monitored. There are pressures, isolation and feeling of lack of support. PF High Court and Assistant Head of Business Management are meeting with HC teams round the country with virtual roadshows and offering reassurance. Key message is in terms of wellbeing and looking out for each other and to come forward if things are getting on top of them.

FM flagged that there seems to be two issues: one is wellbeing which is clearly an increasing concern and the second is a strategic issue around workload. AM replied that in terms of pressure on Policy, the SG move forward on a variety of fronts which are entirely new to us and we would want to contribute to all of those fronts as we add value and make a difference and it is a particularly acute demand in our capacity.

LC share the experience of all above. In National Initial Case Processing Unit (NICP) only 12 out of 30 staff have more than 2 years' experience. Demands coming from elsewhere. Have same pressures working from home. All through pandemic have had staff not just the office but going into court with far less control over safeguard for health which causes increased tensions. Many staff are on restricted duties etc and are unable to go into office/court. Since end of September increase of 3,000 cases into NICP with 1,200 extra cases submitted in on one week alone which is a significant extra proportion in one week. System challenges also had impact on welfare, which is a frustration. In carrying 20,000 cases, what actually is the priority. LRM enquired if there was any explanation from police regarding increase in trends. RM advised that it comes from a variety of things; “clearing of cupboard”, increase in crimes, Covid related offences, extra potential for committing frauds, domestic violence, sexual offences. We do not always get warning of police strategies/plans.

#### **4. Monthly stats**

Papers submitted but not discussed in detail as meeting focussing on KPI performance and staff welfare issues

#### **5. Key Performance Indicators**

Local Court started discussion with items 1/2 on paper 5 - Take & Implement KPI of 75% over 4 weeks – mentioned that it would be beneficial to change this to 10 weeks, 4 weeks is a bit short and not especially meaningful.

It would be better to change this KPIs to 90% over 10 weeks.

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LRM mentioned that the KPI does not recognise overall journey time or risk of cases close to time bar or past time bar being identified. What might on the face of it be a simple case can become complicated.

Recommendation to change target impact on KPIs 1-8 but not all of them, 4 & 5 relate to interim markings. Good discipline not to have cases languishing in interim marking. More relaxed about proportion sitting in interim marking.

No. 7 – interim marking, remove this.

LRM asked if everyone was content as a committee that in terms of increasing compliance rate but giving teams time to do that, mitigate risk of unread cases time barring, content with proposal going forward.

Discussion then took place over KPIs

- When this target was set, business was different, work now more complex but still want to keep an impetus to turnaround in reasonable timeframe.
- Do we know what our performance would be if we move to 10 week target – MIU could find figures.
- Cases taking whole lot longer to mark, still same composition of staff.
- Considerable spend on overtime last year, not been done this year.
- JH raised concern in making recommendations for changing these targets, will we be disguising or masking the impact that the pandemic has had or the effect on staff and the criminal justice system over this key period. If we do agree to change and make recommendations, can we or do we continue to measure the existing KPIs to reflect that. Concern we will be challenged.
- LRM - Any recommendation would come with caveat when will this take place. Would want to see out financial year at a bare minimum. Heavy caveat with what has went on in last 8 months. Content not for immediate change, need to agree as a committee when they would be brought in.
- KD - refining what KPIs this committee needs to know about, requires nuanced report. Certain key KPIs that committee needs to deal with. Refined package of what committee needs, then thereafter in functions.
- LRM - Need to escalate trends, welfare, workload. Agree as a committee 6 monthly snapshot for what committee needs to know about in terms of progress.
- Split into internal managed by functional leads.
- If we get NICP right then everything should flow from that.
- Looking for feedback and direction of travel on some of the KPIs. Change things will take considerable time and do not want to put pressure on MIU.

Decided to let EB see paper 5 – KPI spreadsheet - and indicate that committee is going to come back with some proposals for high level KPIs with some indicators being managed at functional level.

AM offered an observation that this work on KPIs was with regard to when the criminal justice system was operating under normal circumstances and it is not operating under normal circumstances. Link this back to the impact of the pandemic on our staff. Do the previous KIPs create additional work for our staff within a currently log jammed system. Is there an opportunity to revisit those KPIs as the criminal justice system is now. LRM mentioned that you can see

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impact of that in HC teams, cases are indicted but aware things are missing which will be picked up at PH prep stage. Teams still working in main to old timebar, but amount of remedial work required is a whole range of issues on top of ever increasing caseload. Caused considerable impact on staff, reflected across issues with VT, sickness masked with homeworking. Not indicative of health of staff. Tried to keep things going and people falling over to try to meet these indicators.

KD – reflecting the current climate, not attracted to amending KPIs wholesale, if based on current situation have to be transitional which would be difficult and challenging. The climate sets our ability to achieve than what aspirations should be. Huge challenge when we do get back to normal, everything is at an advanced a stage as can be but does add to pressures and tensions. Wonder whether our KPI regime should be on hold at moment as this is adding additional strain. Think something to consider on a broader basis.

Content with proposal with each function to come back with paper on proposals what should be high level KPIs that we think the committee needs to observe and for noting internal ones for management to measure performance, with a view to reducing the number of KPIs.

FM - still a problem that some still view KPI as a target and it is a failure not to meet this. Wonder whether we should put something on PF Eye to reinforce the narrative

Proposals requested by chair for measuring at high level to report to EB, wider publication and what can agree functions can measure internally and escalate if necessary.

**ACTION: Functions to share with FR papers with suggestions re KPIs. Middle of January cut off point.**

With regard to KPIs at moment nothing has changed, the committee agreed that we still require to use these.

## **6. AoB**

RM – Festive Courts plea for marking resources for Boxing Day and for 2 January. Need to look at corporate response to public holidays. All functions asked to review staff availability and report to LC.

## **7. Date of Next Meeting**

End of January 2021