

Operational Performance Committee

Minutes of meeting held on 3 August 2022 by Microsoft Teams

Present:

Stephen McGowan	Deputy Crown Agent – Serious Casework (Chair) (DCA)
Jennifer Harrower	Procurator Fiscal, Local Court (JH)
Laura Buchan	Procurator Fiscal, Specialist Casework (LB)
Kenny Donnelly	Procurator Fiscal, Policy and Engagement (KD)
Robert Tinlin	Non-Executive Director (RT)
Janie Patterson	Head of Local Court Operational Delivery & Performance (JP)
Gioia Ezzi	PA DCA – Serious Casework (Secretariat) (GE)

Apologies:

Ruth McQuaid	Procurator Fiscal, High Court
Graham Kerr	Head of Business Management, Local Court
Fiona Roberts	Head of Management Information Unit

1. Welcome and Apologies

The DCA welcomed everyone to the meeting, apologies were noted. DCA welcomed JP who was covering for GK.

2. Minutes of previous meeting

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

3. Outstanding actions

Action 6/22: Recovery Mapping – paper due for next meeting of Committee.

4. Monthly Stats/Key Performance Indicators

High Court (HC)

Paper 1 was noted in RMcQ's absence.

RT highlighted that the stats tell the position but there is no context or background. Not necessarily looking for an explanation but more for comment. DCA advised there are published targets but that the KPIs are not adding very much so moved to reduction in number of cases which we rely upon emergency legislation. Committee just needs some comfort roundabout this and agreed it would be useful.

Action 7/22: For next meeting functions to demonstrate progress on stats/KPIs and if no progress to provide background and context.

Local Court

- Working on new management information and performance, with someone seconded to assist with this. JH agreed it would be useful to have more background and context to why KPIs and performance is as it is (see Action 7/22).
- National Initial Case Processing - there has been minor increase in unmarked cases, but age profile has improved. One of the reasons for this increase is slight increase in police reporting and at a time peak leave time for staff.
- Summary Case Management Pilot – Summary Case Management Board has confirmed will start on 5 September. Few anxieties: do not expect full defence agreement, agreed as a Board, given wider picture on legal aid and not knowing precisely if issues will be resolved, to still proceed with pilot. Each of 3 pilot courts have local implementation groups.
- Performance – live indictments stayed pretty static over last few months. High level due to the pandemic and courts being shut for substantial period. Discussion with Scottish Courts & Tribunal Service ongoing with view to looking now to focusing more on Solemn Sheriff & Jury (S&J) courts, the additional courts due to court recovery, forward projection, with the likelihood will be back around pre pandemic levels in by 2023/24. Proposal for beginning of next financial year is that there will be transfer of some of those additional summary courts to S&J courts to assist in bringing down live indictments.

Specialist Casework

- LB agreed re requirement more background on stats/KPIs. Although huge amounts of info will require to be stripped out, it would be useful to have for next OPC. (see action 7/22)
- There has been a sharp increase in instruction for discretionary Fatal Accidents Inquiries (FAIs). From March to date there has been 50% increase with anticipation 4 more to be marked soon. Discretionary FAIs are more complex,

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

take more time to prepare and so puts pressure on teams. Anticipate seeing his as a continuing trend. This in turn will put pressure on the estate on SCTS identifying court space for some of these FAIs which can take some weeks in court. Meeting with PCC to discuss plans and allocated ADs.

- Wildlife & Environmental Crime Unit gave evidence to Holyrood on the Hunting Dogs Scotland Bill, that evidence went well.

Policy & Engagement

- With regard to temporary legislation Coronavirus Recovery Bill which was passed on 28 June 2022, and gives some comfort in relation to extended time bars, that Bill will come into force on 1 October 2022. The legislation is effective until 20 November 2023, with provision for Scottish Ministers to extend provisions up until 20 November 2025. Process of review ongoing through life of legislation. With change to timebars, this will require to change time bar calculators and require to make sure rigor around governance of that. It is a risk and the sooner guidance is circulated the better. Policy conscious of this and some work is being done in functions, Information Systems Division and Management Information unit around the calculator with everyone satisfied the process in place will be robust.
- There has been a preliminary meeting with Heads of Business Management regarding the intention to work more closely with functions around development of new policy. With the Transformation Team and Central Operations Team now in place there is an opportunity to engage in early stages of evolution of new policy. Also trying to put governance around what goes into Policy from individual teams.

5. Recovery Mapping

Further Serious Casework paper to be provided for next meeting (see Action 6/22).

Local Court working through looking at various different ways to identifying cases and getting proper processes in place. It is a work in progress with team pulled together to work on this.

6. AoB

There was no AoB.

Date of Next Meeting: 1 September 2022