

OPERATIONAL PERFORMANCE COMMITTEE

**MINUTES OF THE MEETING HELD ON 11 JANUARY 2017
CROWN OFFICE, EDINBURGH**

Present:

Lindsey Miller	Deputy Crown Agent Serious Casework (Chair)
Liam Murphy	PF Specialist Casework
Anthony McGeehan	PF Policy and Engagement
Catherine Cunningham	Head of Business Management Serious Casework

By VC:

Catriona Dalrymple	PF Local Court East & North
Stephen McGowan	PF High Court

Apologies:

Ruth McQuaid	PF Local Court West
Stephen Woodhouse	Head of Corporate Office
Helen Nisbet	Assistant PF Specialist Casework

1. Welcome & Apologies

Lindsey welcomed everyone to the meeting. Apologies were noted as above.

2. Minutes of previous meeting

All members content, minutes agreed.

3. Action Tracker

Action tracker updated but to note in particular:-

Action 7: The Specialist Casework Options paper for presentation of performance and workload information was submitted for discussion. The main points to note were:

- The current available management information (MI) does not reflect the volume of work required in each case, nor the age profile and journey time;
- There is an inconsistency of MI across each of the units with an over reliance on manual spreadsheets, which is in itself a considerable risk (for example it takes one head of unit two working days to pull together the relevant MI for the purposes of reflecting compliance with COPFS business plan KPIs)
- Specialist Casework is looking to get consistency of MI across the units, likely to reflect the new HC performance information;

- The risk of time bar will require to be captured with an appropriate escalation process identified to ensure that OPC is notified of any issues as per the Inspectorate recommendations;

The committee noted that review will be made of the KPIs to ensure they are relevant and the future proposals are that:

- Each specialist unit should be a distinct entity/office and be able to produce a healthcheck which as far as possible is consistent with each unit within Function and is also broadly consistent with the significant work carried out within the High Court. The Healthcheck should be able to demonstrate performance against target/KPI and also highlight workload and age profile in order to assess risk;
- In order to develop these processes it is submitted that a project is required and will in terms of current governance necessitate a submission to the Business Improvement Committee (BIC) for approval and to consider the prioritisation of this in terms of other corporate work.

It was agreed that the Options Paper will be converted into a submission to the Business Improvement Committee as above.

New Action 19: Liam Murphy/Helen Nisbet to convert Options paper to submission to BIC. Update to be provided at next OPC.

Action 7: Now closed.

Action 8: This action is now closed.

Action 12: This action is to be kept on the agenda. Liam Murphy will progress this action with Police Service of Scotland.

Action 18: The issue of assessment of advocacy and wider “court craft” was raised with the COPFS advocacy lead and discussed at Executive Board. The matter remains under consideration while a further submission is prepared in relation to a workable proposal for COPFS staff. This action is still in progress and will be kept on the agenda.

4. Remit

Standing item.

5. Monthly stats/indicators

High Court

KPI performance remains the same. The committee noted that there is a project now underway across the HC function to review the indictment process. The committee recognised that there had been a spike in unusual homicide cases; this had the potential to impact the figures in relation to the High Court. It was noted that there continues to be resilience in the functioning of the High Court which allows for transfer of work between disciplines to address spikes in particular offending.

Local Court

Summary figures were noted – no issues of concern to the committee.

Sheriff and Jury business

- it was noted that there has been progress made in reducing the age profile of cases, but as agreed previously with the Executive Board for reporting year 2017 - 18, the focus is on preparing for and compliance with legislative reform;
 - The Committee discussed and agreed that there required to be a protocol between sheriff and jury and HC functions regarding potential forum change and to ensure expediency in transfer between functions with the be sheriff and jury time bar coming into effect. It was noted that some work had been done on this
- Action 20: Cat Dalrymple to check the current position on the progress of the protocol.**
- The committee discussed the implementation timeline of the sheriff and jury provisions of the Criminal Justice (Scotland) Act 2016 Act. The committee agreed that a firm implementation date was necessary to aid proper planning.

NICP

- The committee noted that the work in progress figure currently stands at in excess of 17,000 cases and that work is being done to ensure take and implement target compliance.
- The committee discussed a proposal that KPIs should be set for NICP to ensure focus on the monitoring of:
 - The take and implement figure;
 - Maintaining a consistent volume of cases;
 - The age profile of work in progress.

The committee agreed that this was a good proposal but that further work was required to ensure that any new KPIs were properly calibrated, realistic and achievable.

- The committee agreed that the KPI proposal should be kept on the agenda as progress against the NICP Action plan is monitored within Local Court.

Specialist Casework

- The published targets within the COPFS business plan for CAAPD, SFIU and POCU in Specialist Casework have been met, but it was recognised as per the Options paper discussed above that these do not provide any breakdown of age profile, journey time, or scale and complexity of the relevant cases/investigations.
- The committee noted that there has been a UK wide downward trend in relation to POCA receipts and that has been raised at the Serious and Organised Crime taskforce. The Proceeds of Crime Unit are compiling a paper on this matter for the SOCTF and this will be shared with the OPC in due course.

Policy & Engagement

- The committee acknowledged that there was likely to be a rise in complaints this month after the festive period.
- It was also noted that following a meeting with the Chief Executive of Victim Support Scotland that they are pleased with the VRR process and whilst victims may not be happy with the decisions of the Crown, they

were satisfied with the detailed explanations of reasons for decisions that were provided.

6. Case Review Panels

- This is to be kept on the agenda. As part of the ongoing liaison with SFO the preparation and prosecution of large and complex cases will be on the agenda for the next meeting (18 January) and included in that will be a discussion on the operation of their case review panels.
- Concern has been expressed by the judiciary about the judicial management of large and complex cases and it is understood that the Lord President has in contemplation an MOU to help judges, prosecution and defence with monitoring and managing potentially long running and complex criminal trials.

7. AOB

The Committee noted the HR paper on public and privilege holidays and agreed that there was no operational imperative for this issue to be considered by OPC and therefore it should be returned to the Resources Committee for further discussion as appropriate.

“Material exempt from publication is included in a separate set of minutes”