

OPERATIONAL PERFORMANCE COMMITTEE

**MINUTES OF THE MEETING HELD ON 21 FEBRUARY 2018
CROWN OFFICE, EDINBURGH**

Present:

Lindsey Miller	Deputy Crown Agent Serious Casework (Chair) (DCA)
Anthony McGeehan	PF, Policy and Engagement (PF P&E)
Fiona McLean	Non-Executive Director

By VC:

Ruth McQuaid	PF, Local Court West (PF LC West)
Liam Murphy	PF, Specialist Casework (PF SC)

Apologies:

Helen Nisbet	Assistant PF, Specialist Casework (APF SC)
Stephen McGowan	PF, High Court (PF HC)

1. Welcome & Apologies

DCA welcomed everyone to the meeting, apologies were noted.

2. Minutes of previous meeting

Previous minutes were agreed.

3. Outstanding Actions

Action 25 – DCA advised that there is no date for the tripartite meeting between SCTC/PSoS/COPFS as of yet. **Action: ongoing.**

Action 31 – DCA advised that this has been paused in order to discuss resource transfers between business functions. **Action: ongoing.**

Action 34 – PF Specialist Casework advised that a meeting will be held with the Crown Agent in advance of the preparation of the minute to discuss what is to be contained within it. **Action: ongoing**

Action 36 - PF Policy and Engagement met with RIU to discuss the creation of a new data set for the next financial year. The will be in line with KPI's and should be available for the next financial year. **Action: Closed**

4. Monthly stats/indicators

High Court

Major crime team are still dealing with the increase in cases at the end of December/ beginning of January. The Homicide team are now assisting with this however; this is now requiring overtime. There is a concern over timescales being met.

Issue remains same, in relation to the increase in post-petition sexual offences. This issue was raised at the Operational Board in relation to the ongoing individual impact this is having on resources. There are currently 20 cases awaiting indictment in the High Court Division which are close to time bar.

Staff are currently being moved into indicting and case preparation to maintain High Court business levels. There is an ongoing level of concern with the amount of business and how this is being managed.

Local Court

National Initial Case Processing (NICP)

Take & Implement figure - sitting at 77% for the year, noted that this is the right place for the figure to be. However, there are concerns that this may not be sustainable.

Volume - Unmarked cases have reduced from 11,000 to 9,500. This is due to authorised overtime that has been put in place with the aim of reducing these figures. This has worked well however, it is has been noted that the level of overtime required is not sustainable within the team.

Issues with staff moving from NICP; numbers at NICP have gone down from 27 staff to 21 therefore more overtime will be the only option in the interim to meet T&I target. Without overtime or backfill NICP will need to focus primarily on custody marking. .

Location neutral team are very productive however one member of staff has been transferred to serious casework leaving only two members of staff in place. It is expected that this will have an effect on productivity and consideration will have to be given to whether the team can continue.

There are concerns over future resourcing. If Local Court transfers resources to other parts of the business, this will have a knock on effect on maintaining performance levels and the impact this will have on work in progress within NICP, age profile and the level of outstanding trials.

Sheriff & Jury (S&J)

Overall meeting target across the country, however, there is a problem in relation to skill sets particularly in sexual offences teams. It was noted that there are few staff in post in Local Court who are qualified to prepare these cases. Concern was raised that in the recently formed North Strathclyde team one team member has no previous precognition experience and this reflects a general lack of experience across the teams.

Concerns remain the same over the rise in number of sexual offences and the lack of staff who are equipped to deal with them due, in part, to the need to pass a vicarious trauma assessment.

Recent requests for transfers of resources are raising concerns with regard to timings and ability to accommodate transfers due to previously agreed holiday commitments and the specific skill set requirements being sought. We are in a similar situation to that of 2015 where band G's are regularly in court.

There is a high sickness rate at present of around 11%.

DCA – raised issues with court loading, SCTS rationalisation of Court Programme and it is clear that SCTS and COPFS are not on the same page at the moment. Concerns expressed over resources being given for the recruitment of Summary Sheriffs and not Deputes.

DCA – concerned that sexual offences case preparers are not being trained sufficiently. Reassurance given that all staff transferring into Sexual offences/indecent images had been given training by local court staff before commencing this work. Suggestion made to include Local Court in the High Court sexual offences training.

ACTION: DCA to discuss with PF High Court the proposal for including Local Court in the High Court 2 day 'sexual offences' training course.

Summary

Overall there is a reduction in outstanding business in Glasgow JP Court. However, Glasgow as a Sheriffdom overall is dealing with double the amount of cases compared with other Sheriffdoms.

Specialist Casework (PF SC)

CAPs and Deaths sitting at target; 94% CAPs 91% Deaths. No great change expected and this being closely managed. There continues to be increased pressure from ministerial, media and parliamentary sources across this area of work.

Scottish Fatalities Investigation Unit – encouraging discussions with Scottish Court Service in relation to increased court time in Edinburgh for FAI's. England

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

& Wales new post mortem method was highlighted. This involves of scanning post mortems instead of invasive post mortems. This is something that is working effectively.

Appeals – there has been criticism in relation to the conduct of some prosecutions – we continue to keep an eye on this but current assessment is that we have weathered the storm.

Brexit - there is an increasing amount of work being generated and it is suggested that now is a good time to have a discussion in relation to future direction and resources.

Money Laundering – the Financial Action Task Force (FATF) assessment will take place in early March. There may be some areas which they may focus on in Scotland such as the number of prosecutions for money laundering. These are a small number in comparison with England and Wales and also with Northern Ireland. Recent work will be evidenced during the assessment such as producing updated case marking instructions which have been issued. Police Scotland is embarking on a week long initiative in February targeting mule accounts. NICP are aware and have been consulted in the new CMI’s and will deal with the low value money laundering with assistance from SOCU.

Proceeds of Crime in the last year have brought in 4 million.

Civil Recovery – Decker case settlement is 2.7 million, there is currently a recovery order however; the properties have not yet been marketed. CRU will look to prioritise workload and focus on the cases which were pending awaiting conclusion of Decker and this will be assessed in March.

The Cameron House fire investigation is being overseen by Health & Safety Division. There is still an inability to examine the scene as it is not yet safe and the investigation is already taking up a lot of HSD & SFIU resources.

Helicopter Unit – regarding Clutha FAI, there is concern over current staffing pressures and the resignation of the dedicated Crown Counsel, however, there is a new dedicated Advocate Depute who has been assigned to the Unit. There is confidence that timescales will be met and staffing issues will not impact upon this. The FAI Process will commence with petition in summer 2018. The Sumburgh report has been submitted to Crown Office.

Policy & Engagement

Brexit – tipping point has potentially been reached for allocating resources for Brexit. There is increasing engagement with the Government and the Home Office. COPFS will offer our services as operational experts. It is expected that demand for resources will not be uniform; it will fluctuate.

RIU & NICP have contributed to the resource transfer to Serious Casework and therefore this will impact upon case turnaround times.

5. KPIs

- **Update:** The Law Officers have asked for an audit of all Sexual Offences cases that include child witnesses or children under the age of 16. This accounts for 24% of High Court business and this figure doubles if you increase the age to 18.
- Concerns were expressed by committee members that if a KPI is set knowing that it is unachievable it has the potential to affect job performance as this will affect morale.
- Reducing sexual offence journey times will be incremental and is progressing. Interim KPI's should be set in relation to this as part of the business planning process.
- Concerns were expressed by some committee members in relation to the need to set out an 'Interim step' for performance indicators by April. Concerns were raised that certain business areas, particularly NICP cannot set any interim KPI's until they know how many staff they will have. It was advised that there will be an Executive Board meeting in March where resources will be discussed and agreed, but committee members were reminded that OPC is a subcommittee of Executive Board and will be expected with that corporate responsibility to discuss and agree proposed functional KPIs for 2018/19 for which OPC will have oversight.

6. AOB

None.

7. Date of Next Meeting

28 March 2018.