

## OPERATIONAL PERFORMANCE COMMITTEE

### MINUTES OF THE MEETING HELD ON 17 JANUARY 2018 CROWN OFFICE, EDINBURGH

#### Present:

Lindsey Miller	Deputy Crown Agent Serious Casework (Chair) (DCA)
Anthony McGeehan	PF, Policy and Engagement (PF P&E)
Liam Murphy	PF, Specialist Casework (PF SC)
Ruth McQuaid	PF, Local Court West (PF LC West)
Lynne McNaughton	Head of Organisational Development Fair Futures
Fiona MacLean	Non-Executive Director
Gioia Ezzi	Secretariat

#### By VC:

Stephen McGowan	PF, High Court (PF HC)
Catherine Cunningham	Head of Business Management, Serious Casework (HBM SC)

#### Apologies:

Helen Nisbet	Assistant PF, Specialist Casework (APF SC)
Graham Kerr	Head of Business Management, Operational Support (HBM OP)

## 1. Welcome & Apologies

DCA welcomed everyone to the meeting, apologies were noted. DCA introduced Fiona MacLean, the new Non-Executive Director. Lynne McNaughton was also in attendance to gain an insight into the committee for Fair Futures.

## 2. Minutes of previous meeting

Previous minutes were agreed.

## 3. Outstanding Actions

Action 31 – DCA advised that this had been raised with Executive Board and all 3 DCAs were to revisit Terms of Reference. **Action: ongoing.**

Action 32 – DCA advised that a paper had been put before the Executive Board which triggered a wider review of resourcing in COPFS. Business plans for all areas of business to go to Resources Committee. **Action: closed.**

Action 34 - PF Specialist Casework advised after a meeting with police intelligence support that the feedback was that the retention periods for

intercept had been previously agreed with COPFS. PF Specialist Casework to submit paper to Crown Agent. **Action: ongoing.**

#### **4. Monthly stats/indicators**

##### High Court

Issue remains same, post-petition sexual offences 50% increase.

Major crime caseload had a spike at end of December/beginning of January which resulted in 19 separate custody cases which are still to be allocated.

Discussion to take place with Scottish Courts and one of the PH judges regarding reduction in available courts as a result of the Lord Justice General's Direction for 2018. The High Court programme has been cut by 36 weeks which accordingly may have an impact on journey times from petition appearance to conclusion of trial.

Backlog in forensic science reports – meeting due to take place on 18 January regarding outsourcing of this work.

##### Local Court

###### *National Initial Case Processing (NICP)*

Take & Implement figure - sitting at 77% and it is estimated that the 75% target will be met by end of year. There is agreement for overtime to deal with older marking which has an impact on ability to meet target and have also got agreement for overtime for fresh marking to maintain target.

Volume – unmarked cases sitting at 11,900, which has gone up slightly, although a year ago it was sitting at 17,000 so this year it represents a 30% drop in unmarked cases. This equates to 3.4 weeks business in hand which is deemed to be a manageable amount.

Age profile – 55% of business is out of target and older than 4 weeks. Over 10 weeks is sitting at 28%. Last year there were 11,273 cases which is now sitting at 6,000 which is a 41% drop.

Interim marking – sitting at 3,500 which is a 20% drop from last year.

Overall NICP is in a much better position than last year but the Committee recognised that if Local Court require to transfer resource to other parts of business this could have impact on the ability to continue to maintain this level of performance.

### *Sheriff & Jury (S&J)*

Overall meeting target across the country – target 80%, sitting at 82%. The focus is on age profile which has been reduced. Seeing some benefits from S&J Reform.

### *Summary*

National figures show a state of consistency.

Outstanding trials reduced from last year to about 3,000 with larger amount reduced in JP courts. There has been a fall but it was from an unacceptable high.

### *Domestic Abuse*

10 week target continues to be maintained.

### Specialist Casework (PF SC)

CAPs and Deaths sitting at target; 93% CAPs 91% Deaths. No great change expected and are being closely managed. There is increasing pressure from ministerial, media and parliamentary sources across this area of work.

Serious & Organised Crime Unit – sentencing for Operation Escalade 2 is on 22 January. Due to successful outcome, letters of thanks have been received from the Justice Minister, Law Officers have expressed their thanks and a presentation is to be given at the next Serious & Organised Crime Taskforce. This success comes at a cost; 9 staff working on the case has had an impact on SOCU. It has not been possible to maintain a similar level of progress with other cases/operations, capacity issues to take further cases such as Operation Engagement which had to be allocated to High Court function.

Escalade 3 – SPR submitted with 2 accused in custody and consideration being given to another 4. Present challenge is resourcing this new case with security perspective bringing further challenges.

Some work is not being captured in management information figures, eg vishing fraud with 100 warrants being drafted and actioned.

Health & Safety Division – priority is to tackle unallocated cases which are sitting at 20%. Reason is due to reduction in principal depute complement, to supplement the Helicopters Unit and principal depute resource allocated to the Jim Clark Rally FAI. There are also staffing pressures due to staff absence etc where cases including court commitments have had to be reallocated. M&D theme park case has now been allocated.

The Cameron House fire investigation is also being overseen by Health & Safety Division. Progress is slow due to 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.

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The head of HSD is also reviewing the Ayrshire and Arran Health Board fatalities (which amount to approximately 40 - there has been both media interest and recent ministerial correspondence).

Wildlife & Environmental Crime – some inroads are being made to the work in progress and the unit are now sitting with 31 unmarked cases. Age profile remains challenging due to complex environmental cases. Evidence has been given to the Justice Committee on wildlife by the head of HSD and the head of WECU.

Complaints against the Police – meeting target 93%. There are 2 high profile cases and may be others which PIRC are working on which may be reported to CAAPD. There continues to be ministerial concern about the resourcing of the high profile investigations involving fatalities and the overall case journey time

Scottish Fatalities Investigation Unit – this traditionally is the busiest time of the year. There has been an increase in the number of deaths this year. As at 16 January 2018 the number of deaths is 630 and for same period last year was 498. GPs have been asked not to report certain flu cases which is estimated to equate to 9 cases per day. A full review and resourcing paper is being prepared for submission to Resources Committee and Law Officers.

Proceeds of Crime – There are depute and analyst vacancies which the unit have been carrying which are now beginning to cause an issue. There is an added concern that the report commissioned for proceeds of crime work has not been able to be implemented due to the failure to create some capacity to consider and determine an implementation plan.

Helicopter Unit – Regarding Clutha FAI, there is concern over current staffing pressures which the Function are looking to resolve quickly given the public commitment to start the FAI process in the summer of 2018.

Sumburgh – PF SC has instructed a report to CO by end of January.

### Policy & Engagement

Complaints/FOI/SAR - meeting targets in terms of turnaround.

VRR – target compliance can be challenging where Crown Counsel’s input is required in any review. Where a victim provides additional information in support of their review request the 20 day target is not practicable, with further Police enquiries often necessary.

Progression of VRRs, Complaints, FOIS and SARs will be challenging going forward due to staffing vacancies.

Fiona MacLean asked if it was possible to extrapolate info for a normal VRR as opposed to one where further information was submitted.

**ACTION: PF P&E will look to see if this is possible.**

## **5. KPIs**

There was a constructive discussion regarding the setting and measuring of performance against new KPIs

- This has been discussed at Executive Board with previous “aspirational” proposals being discussed. Given the current resourcing requirement there is no expectation that these KPIs would be met initially but setting of interim KPIs would be a helpful starting point to measure levels of performance. They are not a target, are not published but we want to provide a quality product and service.
- Advised that S&J KPIs are in place and being monitored

**ACTION: PF LC West to clarify if KPIs signed off at Local Court Leadership Board.**

- 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 and it would be difficult to capture in performance agreements regarding how individual performance would be assessed.
- Many areas of the business are still without the required IT infrastructure to collate the relevant figures, with a physical manual count being required with staff being taken away from the regular job for a number of days to collate meaningful figures. This is time consuming and there needs to be a balance with people doing their operational job or counting figures. It is about priorities but there has to be understanding of impact.
- Committee members expressed a reluctance to forecast the ability to put in place KPIs, even as an interim step, until clarification on resourcing, setting out that there is a requirement to know what the resources are going to be, how that might be used to assist in measuring performance and explain to staff what we are trying to achieve.
- Committee discussed a need to set out an “interim step” for performance indicators by April to be included in function business plans so that all areas of the business have a clearer picture of resourcing so that the interim measures can be used with a view to aspirational figures.
- One suggestion was that functions could build interim KPIs into business plans for the forthcoming financial year taking into account:
  - what budget is,
  - what staff is,
  - what they can deliver.

It was agreed by the committee that this recommendation, where each function within its business plan included measureable KPIs and what can be

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achieved in that year and to be signed off by DCAs, would be tabled at Executive Board for discussion.

- The committee also discussed the problem with terminology. “Aspirational” relates to the level of service that COPFS would expect to deliver and is not necessarily linked to KPIs, which are a goal over a year. The business plans would be a good place in which KPIs could be signposted, from which objectives in performance agreements can be framed and against which Service performance as a whole can be progressed and measured.
- The Committee agreed that it would be helpful to see what all Service priorities are as a strategic vision and not individual (functional) ones, with a view to bringing to Senior Leadership Forum – “What is our Vision”.

**6. AOB**

None.

**7. Date of Next Meeting**

Wednesday 21 February 2018.