

Operational Performance Committee

Minutes of meeting held on 2 March 2022 by Microsoft Teams

Present:

Stephen McGowan	Deputy Crown Agent – Serious Casework (Chair) (DCA)
Kenny Donnelly	Procurator Fiscal, Policy and Engagement (KD)
Ruth McQuaid	Procurator Fiscal, High Court (RM)
Laura Buchan	Procurator Fiscal, Specialist Casework (LB)
Jennifer Harrower	Procurator Fiscal, Local Court (JH)
Chloe Millar	Legal Assistant, DCA Serious Casework (Secretariat) (CM)
Robert Tinlin	Non-Executive Director (RT)
Fiona Roberts	Head of Management Information Unit (FR)

Apologies:

Graham Kerr	Head of Business Management, Local Court
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1. Welcome and Apologies

The DCA welcomed everyone to the meeting, apologies were noted. The DCA acknowledged that there had been recent changes to department roles and welcomed everyone in their new capacity. Rob Tinlin was welcomed as the new Non Executive Director on committee.

2. Minutes of previous meeting

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

3. Outstanding actions

Action 1/22: Take forward recovery mapping with Heads of Business Management and MIU. DCA advised that he attended a meeting on 14 February in relation to this action and has prepared and circulated a draft report for SCG for consideration. Will require input from Local Court and comments from Committee (see agenda item below) **Action to remain open**

4. Monthly Stats/Key Performance Indicators

The DCA explained that reporting here is done by exception given the volume of statistics. The consideration of KPIs has changed. At the outset, they were designed to show COPFS improvement journey, but since the pandemic and the COVID backlog, the KPIs now require to demonstrate COPFS recovery journey.

High Court (HC)

- HC to look at how to include reporting about service to victims/VIA in statistics
- 889 outstanding HC trials which is more than double the level pre-pandemic. There are issues across the justice system as a whole in relation to estates and personnel to deal with the outstanding trials
- HC to consider how we measure performance in different ways
- The target to make an initial decision in a case in 4 weeks of receipt is being exceeded (Target 75%, Actual 82%)
- Recognition that there is reduction in productivity/number of cases being reported to Crown Office. One reason is that staff are working from home and this is being addressed but introducing more staff into the office on a trial/part time basis, bringing teams in to work together again and rolling out the agile working policy.
- In relation to service of indictments, cases are being reported early but indicters have a significant number of cases so often have to focus on those which are being indicted to timebar and accordingly those being reported early then have to sit and wait
- Homicide statistics for indicting are good but noted that they have fewer cases than SOT/MCT and are more likely to be subject to custody timebars
- Staff have been added to teams and are undergoing training
- HC to look at including s76 indictments in statistics and if we can identify how many cases that we are resolving at PH
- Rise in reporting of serious sexual offences which are resource intensive cases
- Sexual Offence KPIs is a complex area to measure performance and HC to look at how to articulate reducing journey times. To discuss with Local Court to identify a consistent measure across functions.
- Recognition that journey time of cases is not wholly within control of COPFS. Number of High Courts has now increased from 16 to 20 but process is longer with new procedures for balloting and remote courts and it is unknown how long certain measures will be in place for. HC wishes to focus on what COPFS is accountable for and how we can work with partners to improve case reporting and the service from other criminal justice partners
- Recognition that the KPIs now do not tell us what resource is required in each stage of the process and consideration should be given to how these can be refined/amended.

Local Court

National Initial Case Processing (NICP)

- NICP is not likely to meet published target to mark 75% cases this year - likely to be around 72%/73%
- NICP concentrating on marking aged cases
- At present, there are 15,000 unmarked cases and the Police are reporting their backlog which is turn increasing COPFS backlog

Sheriff and Jury

- S&J are not likely to make KPIs. There are 731 cases over 10 months old and not yet reported or indicted.
- Resource is going to aged cases and S&J is focussing on these
- At the moment the target is 75% and overall, S&J is around 68%. There are some Sherifdoms meeting the target but most are not.
- Recognition that HC has had a 25% increase in capacity but S&J has not so it will take this area of the business longer to recover from the pandemic

Sexual Offence cases

- KPI for an initial marking in 4 weeks in 75% of cases. At the moment Local Court are doing this in 88% and 94% of cases in 8 weeks.
- The other KPIs are not being met. RM and JH to discuss.

General

- Recovery Mapping proposal circulated by the DCA was recognised as a useful exercise. To complete this for Local Court will be a significant job and a draft is not yet ready.

Specialist Casework

- SC paper circulated prior to meeting
- In terms of Serious and Organised Crime cases, there are 19 cases indicted to the High Court with 15 awaiting trials. These are complex cases and often with multiple accused. These will impact on High Court business and resources as they take priority and court time. The DCA noted that these were important cases due to the impact on communities given the types of offending involved. It was observed that SOC cases can impact courts for weeks and this can affect dealing with other priority business.
- In terms of SFIU, a significant improvement was noted. Case Management Panels helped to provide reassurance that deaths over 2 years old were being tracked and monitored. At present SFIU have 147 cases over 2 years old and HSIU have 81 death cases.
- The Wildlife Crime report is due to be published next week and COPFS expect to be invited to give evidence in respect of this

Policy & Engagement

- Report was circulated to the committee in advance of the meeting
- It was noted that the Coronavirus legislation expires at the end of March. Secondary legislation which is expected to extend the Act to end of September has been tabled but as at the time of this meeting there was no update.
- The Coronavirus recovery bill has been published and there is a consultation. COPFS have been invited to give evidence to the Justice Committee next week
- A Bail bill has been proposed and is at consultation. COPFS has provided feedback and concerns to the Government.

5. Recovery Mapping

- The DCA met with SCG and LC business managers to discuss recovery mapping.
- An initial draft proposed report was circulated to the committee and the DCA has invited members to comment
- Committee discussed recovery mapping reflecting both resourcing and experience of staff in areas of the business. It was suggested that consideration should also be given to how long staff are in certain roles and the expansion of the type of work being carried out by administrative staff. The role of managers will also need to be considered in terms of challenges in balancing productivity, training and management of staff.
- The DCA to speak to business managers about where Local Court is with their recovery mapping process and get an update.
- Noted that there is to be a meeting with SCTS next week to discuss future planning

Action 1/22: DCA to continue to take forward recovery mapping with Heads of Business Management and MIU.

Action 2/22: All committee members to provide feedback by correspondence in respect of the draft recovery mapping report circulated by DCA by 16 March 2022

6. AoB

- FH advised that MIU recognised that members were all in new posts and were happy to meet with everyone to discuss what assistance and information MIU can provide them with.
- The committee recognised that amendments require to be made to KPIs however at present, MIU should continue working with the current

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arrangements until new KPI framework has been agreed. Recovery mapping should help to inform refining and developing new KPIs.

Date of Next Meeting: 7 April 2022 (now cancelled) new date 4 May 2022.