

OPERATIONAL PERFORMANCE COMMITTEE

MINUTES OF THE MEETING HELD ON 20 JUNE 2017 CROWN OFFICE, EDINBURGH

Present:

| | |
|--------------------|---|
| Lindsey Miller | Deputy Crown Agent Serious Casework (Chair) |
| Catriona Dalrymple | PF Local Court East & North |
| Liam Murphy | PF Specialist Casework |
| Gioia Ezzi | Secretariat |

By VC:

| | |
|------------------|--|
| Stephen McGowan | PF High Court |
| Ruth McQuaid | PF Local Court West |
| Anthony McGeehan | PF Policy and Engagement |
| Graham Kerr | Head of Business Management, Operational Support |

1. Welcome & Apologies

Lindsey welcomed everyone to the meeting. No apologies were noted.

2. Minutes of previous meeting

There was a small amendment to minutes for Local Court.

3. Action Tracker

Action 12: The process of streamlining of confidential material - Text letter process is agreed in all functions with Local Court still to identify points of contact. Liam advised of an issue in relation to secret letters with regard to intercept and whether this material should be added to Highly Sensitive Schedules. He advised that the police destroy the material at end of the operation not at end of the prosecution which has the potential to create a disclosure issue because the police can only review the material held, and do not as a matter of course advise the Crown that material has been destroyed at the conclusion of the operation. There then followed discussion over Highly Sensitive Schedules and purpose of secret letters. There had been a meeting with Crown Agent when he was Director of Serious Casework over process in March 2013. It was agreed that Liam would feedback to the police to start distributing the letters they have been holding (over 200). DCA does not require copy letters. **Action: ongoing.**

New Action 28: Lindsey to have discussion with Crown Agent regarding previous arrangement.

Action 20: Protocol for Sheriff & Jury/High Court has now been signed off and will be published on the intranet. **Action closed.**

New Action 29: Cat to check if Protocol published on PF Eye.

Action 23: Prioritisation of BIC requests - Lindsey has spoken to John Dunn and BIC minutes from last meeting reflect reprioritisation of some requests. **Action: closed.**

Action 26: Victims' Right to Review (VRR) decisions have been raised with Senior Crown Counsel. There are concerns over discontinuation during proceedings. Feedback to be given to Crown Counsel Team that such decisions require a full explanation to assist with managing victim expectation. **Action: closed.**

4. Remit

Due to committee now being in place for a year Lindsey would like to refresh Terms of Reference. Conscious there has been change in personnel and Corporate Risk Register is now added to the Agenda. Gioia to circulate Terms of Reference for all three Committees (completed).

5. Monthly stats/indicators

High Court (Stephen McGowan)

There has been a considerable increase in new sexual crime new petitions in May from an average of 40 or so to 72. Only 10 pre-petition cases became petitions so that is not the explanation for the increase. High Court function will continue to monitor this to see if this trend continues.

Local Court

NICP (Ruth McQuaid):

Unmarked cases sitting at 14,608 which is 4 weeks marking in hand; 3,700 cases on average a month are submitted. At the moment anything over 2.9 weeks would trigger the “red flag”, which is just under 11,000 cases in a 4 week period and there is a suggestion of resetting/readjusting that red flag as part of the new KPI process (separate agenda item). Local Court Leadership Board to be advised of the increase in unmarked cases with the additional information that this is likely to increase, before it gets better, due to the upcoming annual leave period

Hopeful of having new team to deal with cases over 10 weeks old in place by beginning of August.

There has been discussion over further hubs and 7am start.

Lindsey advised of the need for driving up performance standards and to set KPIs and business processes. The committee discussed whether the current NICP structure was best placed to deliver on business requirements

Summary:

No exceptional reporting.

Sheriff and Jury (Catriona Dalrymple):

There is a group working on KPIs with a view to putting proposals to next OPC (in August). Precognition in hand figure over 9 months appears to include high court cases and work is going to disentangle that data. Only 7% of sheriff and jury cases are over 7 months old and there has been a successful bid to Resources Committee to assist with reducing the age profile further. Now with the age profile reducing the current target compliance is increasing.

There has not been any significant reduction in new petitions from Prosecution Policy Review (PPR). PPR Board keeping close eye with further analysis at Local Court level.

Specialist Casework (Liam Murphy)

Work continues to obtain a consistent picture in relation to all units and now have more consistent version of stats for HSD/WECU/SOCU but requires refining and work on data integrity. Further work still to do to inform what KPIs are required for each unit. Resources Committee has now given sanction for dedicated resource to look at figures.

Stats – nothing exceptional to report.

Policy & Engagement (Anthony McGeehan)

Nothing exceptional, KPIs are consistent with national approach. Scottish Information Commissioner has asked for target of 5 working days for some requests. Further information on this is to be assessed.

6. Setting KPIs

Specialist Casework – ongoing, with dedicated resource to look at figures.

Local Court – Working Group looking at Sheriff and Jury and separate submission to be lodged in August.

NICP – there is recognition that there requires to be a focus on the percentage of cases within the workload out of target versus the percentage of cases in target. Discussion is about whether a 50/50 split is appropriate or whether it should be 25 out of target/75 in target while the current KPIs remain in place.

Additionally there are proposals to have out of target cases at 75% of cases between 4 and 10 weeks old and 25% at over 10 weeks old, with zero cases at 20 weeks. This requires to be balanced against the fact that there are currently 5,000 cases between 21 and 40 weeks.

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

Interim markings – there is a degree of comfort as it is clear that these have been looked at, with over 1,000 of these being solemn cases and 1,000 being marked for Diversion so these are likely to move out of the system one way or another.

High Court – Stephen circulated paper attached below with High Court discussions and proposals, some of which will resonate across Sheriff and Jury and Specialist. Headline not far different from KPIs but requires overall journey times. Require to refine post-petition KPI further and to prioritise pre-petition cases, child witness cases and cases with other risks.

Although first draft of KPIs it includes everything required to be measured and is a work in progress for High Court Operational Board.



There is a cross over with Family Liaison Charter regarding drugs and child deaths.

7. Corporate Risk Register

The Corporate Risk Register was circulated. Lindsey advised Risk 7 sits with the OPC with members as risk managers and there is also an overlap with risk 10 which addresses NICP as a distinct risk.

There was discussion over whether risk should sit with the OPC and whether it should be under remit of this group. Audit and Risk Committee (ARC) have asked OPC to look at risk with Lindsey to have further discussion with ARC reps in due course.

8. AOB

Stephen flagged that the Scottish Child Abuse Inquiry are seeking records on a number of historical cases and it was likely that in relation to some of these cases, if we were not barred from taking proceedings we would require the police reconsider investigations, before considering whether we could take action now if there was sufficient evidence to do so. First tranche of requests have been received. The extent of this was as yet unclear but it seemed likely that there would be additional sheriff and jury as well as high Court work as a result of the exercise. Colleagues would be kept advised on the picture as it develops. Lindsey advised that there would be policy implications and a potential impact on how we prepare for and defend civil proceedings with wider pieces of work to be done.

9. Date of Next Meeting

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

Thursday 17 August 2017 @ 10am.