

OPERATIONAL PERFORMANCE COMMITTEE

MINUTES OF THE MEETING HELD ON 22 AUGUST 2018 CROWN OFFICE, EDINBURGH

Present:

Lindsey Miller	Deputy Crown Agent Serious Casework (Chair) (DCA)
Sharon Duffy	Serious Casework Compliance & Resource Manager
Gioia Ezzi	Secretariat

By VC:

Anthony McGeehan	PF, Policy and Engagement
Liam Murphy	PF, Specialist Casework
Nicky Patrick	PF, Homicide & Major Crime
Catriona Dalrymple	PF, Local Court East & North
Fiona MacLean	Non-Executive Director

Apologies:

Graham Kerr	Head of Business Management, Operational Support
Ruth McQuaid	PF, Local Court West
Helen Nisbet	Assistant PF, Specialist Casework
Fiona Roberts	Head of Management Information Unit

1. Welcome & Apologies

DCA welcomed everyone to the meeting, apologies were noted. PF Homicide & Major Crime covering High Court due to Stephen McGowan being newly promoted and PF Local Court East & North covering Local Court in PF Local Court West's absence.

2. Minutes of previous meeting

Previous minutes agreed.

3. Outstanding Actions

Action 25 – Tripartite meeting - still awaiting date for next meeting. DCA looking to raise number of issues at meeting with new senior police team.

Action: ongoing

Action 31 – Terms of reference – There has been some discussion but will pick up with the new DCA Local Court. It was mentioned that in light of the new plans due to additional funding we need to be clear round governance. **Action: ongoing**

4. Monthly stats/indicators

High Court

The reporting of sexual offences remains stable, but high with 65 cases being reported last month, which is largely same as previous month. Sexual Offence Team has a number of cases awaiting Crown Counsel's instructions and this continues to be a concern, 39 are with a significant age profile. Major crime now 47% up on same period as last year and resources have largely been assisting on other aspects of High Court work with additional casework being done on overtime. Homicide teams have been impacted with the arrest in a 21 year old cold case murder (Tracey Wilde) and require to transfer resources to prepare the case which has in excess of 5,000 statements and until recently focused on a separate suspect who had been with the deceased earlier on the day she died.

It was canvassed at the last OPC if there was any particular reason for increase in major crime, for instance, are the police operating initiatives that COPFS have not been advised about in advance, or is it simply that there is an increase in reported cases. PF Homicide & Major Crime advised there is nothing from the police side. High Court are now attending a national meeting with the police and would be advised if there were any new initiatives; realistically it is due to a lot of cases being reported with a combination of factors.

It was noted that Tayside figures for serving indictments (in terms of the old targets) seems particularly low and there was a query if there was any reason for this as figure is sitting at 49%. OPC members were advised that it might reflect pressures in the north and east High Court hubs which are particularly resource challenged.

ACTION: High Court to check if there is anything in particular contributing to this figure.

Local Court

National Initial Case Processing Unit (NICP)

NICP is meeting the Take & Implement target, which is being carefully monitored. Compared with this time last year figures are better and across all age profiles there is progress in reducing the numbers of the older cases.

Sheriff & Jury (S&J)

The Key Performance Indicator (KPI) that has been agreed is sitting at 3%, Tayside, Central & Fife is sitting at 5% but meeting target overall. Only other issue included in the management information (MI) is live indictments. This may be due to the new S&J legislation where there is a steady incline in figures. It was explained that live indictments are where a first diet has been set or there has been no first diet or trial diet set.

Summary

The number of outstanding trials continue to reduce with number of complaints registered also generally reducing

The overall resourcing model is being looked at across the Local Court function.

Specialist Casework

Health & Safety Division (HSD) - unallocated cases and age profile continue to increase and over the summer months that increase has continued and is now sitting at 30% of overall business. The oldest unallocated case is 13 months old. The projection is that the increase will continue until additional resources are allocated. The unallocated cases do not include cases Principal Deputes have allocated to themselves.

Criminal Allegations Against the Police Division (CAAPD) – 16 cases have been identified which were pre national unit and are still live on the system albeit the national unit did not carry out any work on them. An assessment has been made regarding options, ie close these all now and reflect the associated impact in one month on the target for the year or take 14 – 18 months to close the cases on an incremental basis whilst still maintaining target. The OPC’s preferred view, subject to confirmation that the cases should be closed, is to do that in an incremental fashion. It is essentially an admin process that has not been completed prior to the set up of the national unit.

If investigation is concluded and case finished, this admin step is a trigger for MI that is pulled in for published targets.

Reassurance was sought that all cases that have not been seen or examined are in a position to be closed; they are not a part of CAAPD case work and cases were reported before the unit was established.

OPC will defer making a decision until satisfied that the cases are suitable to be closed and then can decide on how best to proceed. If satisfied that this has been done then on an incremental basis seek to close off on system.

ACTION: PF Local Court East & North to check CAP cases to feedback to the Committee.

Although new resource is coming, there are some time critical issues:

Brexit - Band G resource to backfill for Band G Head of ICU/Brexit requires to be identified who can take up managing the wider units to allow the Head of ICU/Brexit to focus on Brexit full time.. PF Policy & Engagement is continuing his involvement to provide continuity and resilience.

Helicopter Incidents Investigation Team (HIIT) – Fatal Accident Inquiry (FAI) notification process for Clutha (Operation Mabola) has started and a substantial amount of preparatory work is in train with the FAI anticipated to start in the

first quarter of 2019. The next of kin in the 2013 Sumburgh helicopter crash were met by DCA, PF Specialist Casework and Head of HIIT in Aberdeen. It was explained to them that Crown Counsel’s decision on whether there are to be criminal proceedings or an FAI (or both) will be at the end of October after which there will be a further meeting. If proceedings are for a criminal trial and are Sheriff & Jury level rather than High Court, it is likely that one of the HIIT would undertake the trial but this will require close liaison with colleagues in Local Court to identify appropriate court time and to manage the case in accordance with the large and complex case protocol.

Policy and Engagement

Resources – challenging resource position at the moment; 14 current legal posts 8 are filled. This is having an impact on Response & Information Unit (RIU) where the usual staffing complement of 4 lawyers is reduced to 1. Given a number of uncertainties with promotion processes and pending applications to the Scottish Government, assessment of the longer term impact on RIU is not clear – summer is traditionally a quiet period, reference points for performance is the issuing of the letter and therefore if there is a backlog it may not appear immediately in performance but felt over the course of a number of months as and when able to issue the correspondence. No additional call for resources required at moment. Principal Depute RIU is controlling the allocation of Victim’s Right to Review (VRRs) with assistance from DCA Serious Casework office and elsewhere in operational support. Local Court have offered assistance if required.

5. KPIs

KPI paper which was circulated at the last meeting was agreed and submitted to the Executive Board (EB) who were content with recommendations. EB is content with the incremental approach to meeting indicators but that there requires to be improvement identified. The Crown Agent wants a traffic light system (RAG) in relation to NICP but that still does not detract from other targets that have been signed off by EB and it was agreed that this would be an addition into the overall management information ingathered. There is no suggestion that this replaces other KPIS.

In terms of next month, Serious Casework Compliance & Resource Manager intends to meet with business teams regarding KPIs. She has discussed them with Head of MIU and shared the info with the corporate MI leads. OPC would not expect to see much change at the September committee meeting but by October there should be a readily identifiable baseline.

There was discussion at the High Court Operational Board on how to deal with monitoring the KPIs which potentially effect F32 dates, this has still to be finalised.

The OPC noted that at the Senior Leadership meeting there was an agreement that we need to embed the appropriate culture for delivery.

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

6. AOB

None.

7. Date of Next Meeting

Wednesday 26 September 2018.