

OPERATIONAL PERFORMANCE COMMITTEE

MINUTES OF THE MEETING HELD ON 1 MAY 2019 CROWN OFFICE, EDINBURGH

Present:

Lindsey Miller	Deputy Crown Agent Serious Casework (Chair) (DCA)
Kenny Donnelly	PF, High Court (KD)
Sharon Duffy	Serious Casework Compliance & Resource Manager
Jennifer Harrower	PF, Specialist Casework (JH)
Fiona MacLean	Non-Executive Director (FMacL)
Ruth McQuaid	PF, Local Court West (RMcQ)
Anthony McGeehan	PF, Policy and Engagement (AMcG)
Fiona Roberts	Head of Management Information Unit (FR)
Gareth Reid	PFD, DCA’s office

Apologies:

Helen Nisbet	Head of ICU and Brexit Team
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1. Welcome & Apologies

The DCA welcomed everyone to the meeting, apologies were noted.

2. Minutes of previous meeting

The Previous minutes were agreed.

3. Outstanding Actions

- **Action 42** carried to August 2019.
- **Action 44** - KD, business managers and FR met in terms of improved health-check and management information and FR will come up with a proposal. Highlighted concerns about the new petitions figures, and the volume of business across sheriff and jury, and HC. Currently, if an HC case moves to a different forum then it moves out of the back series of HC new petition figures. In future health-checks, the figures will show the forum shortly after petition and not be subsequently revised if the forum changes. This will give a better indication of work undertaken by HC teams. We need to be in a position to capture all work across the journey of the case. Consideration to be given regarding looking at health-check and health of business versus the KPIs.

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

- RMcQ reported that reductions to summary were an issue for Local Court, particularly around timebars. It’s a wider issue than sexual offences cases.
- KD indicated that the first DASA case had been reported. However, some further work was required regarding the reporting of this case.
- **Action 45** - RMcQ highlighted the issue of pre-mature reporting where not all forensic and cybercrime work has been done. The quality of the reports is not to a standard for it to be considered properly. The police are working with RMcQ to improve on the basics and provide training. This cannot simply be addressed by training officers at the police college. Consideration is being given to recording a film training package to assist officers. There has to be greater regard to the Serious Crime Protocol. LRM indicated that she had an action to share with KD and JH about that.
- LRM indicated that the Homicide and Sexual Offences units are particularly busy to the extent that divisions are investigating homicides and there are struggles with custody time scales.
- RMcQ stated that the responsibility for investigating cases is falling on to the Crown. Part of the problem is that the police will not imbed anyone in NICP. A paper has been sent to the police outlining the benefits of having an imbedded officer. LRM indicated that if divisional commanders are unable to address the issues, then it should be addressed at a national level. RMcQ is collating training materials including an NICP top 10 tips. An audit has identified basic failings and bigger issues.
- AMcG spoke of the provision of background information also required to inform our consideration of diversion decisions. We have a standing report from HMI regarding young people. Katie Stewart has been sighted on this. There is a meeting with Community Justice Scotland to assist with training to the police. That could possibly be considered for inclusion on the training. HMI is due to conduct a review of provision of information regarding a person’s vulnerabilities.
- RMcQ highlighted that there are difficulties around protected characteristics. The SPR cannot be altered in terms of providing information about them. The definition of vulnerable people in the legislation is not particularly helpful.

4. Monthly stats/indicators

High Court (HC)

- KD provided the stats for HC: new petitions for the year up 12 per cent with Major Crime seeing a 44 per cent increase. Reduction of cases over seven months old is 27 per cent. The number of indictments issued is up by 30 per cent. Indicted cases awaiting trial is 38 per cent.
- Two new trial courts are opening soon. We will have to see if this is enough and if further capacity is needed.
- The issue of AD accommodation in Saltmarket is being considered. The capacity is being looked into and it may require a modest change to the layout of the estate.
- LRM queried if we were now setting trials for September. KD confirmed that this concerned one particular case and it was due to witness availability. This will be monitored however. We may need to go to SCTS and highlight which trials should be prioritised.
- KPI - baseline data- to be circulated for precognition to CO and indictment target. A degree of progress with sexual offences has been made. Work to be developed so we can track cases that missed the KPI and monitor what happened to it when it hit the High Court Division. Business rules will be produced and shared with OPC in due course. A heat map has been created showing work in progress relate to the KPIs. Still issue on serving prisoners, petition warrants, Undertakings (category 1 case affected because it may be 4 to 6 weeks before there can be an appearance in court but that eats into the 60 days for TRD)
- Major Crime work is being issued to the Homicide and Sexual Offences teams who are providing assistance. Major Crime has run into some significant staffing issues recently.
- There have been Positive responses from the SOT and focus on meeting KPIs.

Local Court (LC)

National Initial Case Processing Unit (NICP)

- RMcQ advised that NICP does not have the staff which are mathematically required to meet the work demands. There is a difference of opinion as to whether it is best for new deutes to do case marking or court work first. RMcQ stated that NICP have to accommodate deutes going through the accreditation process. NICP are doing the best with the resources available. LRM indicated that the situation would be monitored and revisited around August/September when new deutes come into post.
- JH queried if there was a reason for the differential between sheriffdoms in terms of the unmarked case age profile, particularly Grampian, Highlands and Islands. RMcQ explained that GHI was the only sheriffdom which was properly staffed in terms of legal staff and they had been marking their some of the own cases to provide assistance to NICP.

Sheriff & Jury (S&J)

- Initial marking - 4 weeks (custody) and 8 weeks (bail) - 93%
- 8 month and 9 month target starting to track from receipt of SPR - compliance across the country 58% - disparity between west on one hand (over 70%) and east and north on the other - (between 30 and 50 + %)
- 9 months - 50% compliance of indicting for sexual offences Sexual offences teams not yet fully staffed - awaiting case preparers and deutes - SPFD posts being upgraded and PD to assist running case preparation teams.
- Interim marking is the next focus for the KPI - police, lab and cyber will be the focus.
- Pre-petition and petition warrants to be looked at - paper to be sent on to discuss with HC. Fraser Gibson is working on a paper for petition warrants. Progress can be tracked with the KPIs that are there.
- Still looking to track the child witnesses and vulnerable adults – a marker has to make an individual bespoke division.

Summary

- EPR pilots continuing to be planned.

Specialist Casework

- LRM indicated that for SFIU 2017/2018 and 2018/2019 the wrong targets may have been measured with a focus on new work as opposed to older legacy work.
- JH stated that SFIU is the focus for Parliament and interest groups around the quality of investigations. There has been a recent decision by SPSO regarding an SFIU case and a case is under review outwith SFIU. It is a challenging period for SFIU.
- LRM advised that SFIU is a priority for SFIU for the Law Officers, with a desire to provide greater information to the public about what SFIU does. There is a focus on SFIU journey time and performance and issue for SFIU is on quality and timeliness of investigations.
- JH indicated that the year-end figures for POCU and CRU were £5.6m and £3.26m respectively.
- The Clutha FAI has now started and resources are being diverted from the HIT back to the HC. There has been positive feedback from the Clutha FAI about COPFS contact with next of kin.

Policy and Engagement

Nothing to report.

6. AOB

Action 46: Action for all members: to consider service improvement KPI for discussion at the next meeting.

7. Date of Next Meeting

TBC.