

**OPERATIONAL PERFORMANCE COMMITTEE**

**MINUTES OF THE MEETING HELD ON 11 OCTOBER 2017  
CROWN OFFICE, EDINBURGH**

**Present:**

Lindsey Miller	Deputy Crown Agent Serious Casework (Chair) (DCA)
Ruth McQuaid	PF Local Court West (PF LC West)
Gioia Ezzi	Secretariat

**By VC:**

Liam Murphy	PF Specialist Casework (PF SC)
Stephen McGowan	PF High Court (PF HC)
Anthony McGeehan	PF Policy and Engagement (PDF P&E)

**Apologies:**

Catriona Dalrymple	PF Local Court East & North (PF LC E&N)
Helen Nisbet	Assistant PF Specialist Casework (APF SC)
Graham Kerr	Head of Business Management, Operational Support (BM OP)

**1. Welcome & Apologies**

Lindsey welcomed everyone to the meeting, apologies were noted.

**2. Minutes of previous meeting**

Minutes were agreed. The minutes have now to designate all members by job title and not name.

**3. Action Tracker**

Actions 25, 27 & 31 – ongoing

Action 30 – closed

Action 31 – Terms of Reference (ToR) raised at Executive Board. DCAs to revisit ToRs

**4. Monthly stats/indicators**

High Court (PF HC)

There is a significant increase in new sexual offence petitions. Last year the total figure was 476 but from a review of first quarter of this year to end August figure is sitting at 301 and if this continues it will be well over 700 by end of year

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

– at this stage we are forecasting at least a 50% increase. Along with the pre-petition work in progress, it is likely that around February 2018 the HC function will not be able to cope with this increase in workload as this seems to be a continuing trend. It is primarily new reports rather than pre petition work flowing through to petition. The proportion of pre-petition work becoming petition is very small.

PF High Court has already moved 3 staff to deal with the work for the Scottish Child Abuse Inquiry (SCAI) and is moving a further 3 staff from the pre-petition team to the post-petition team.

There is limited flexibility in homicide and indicting to assist and additionally there will be a significant pinch point for indicting in the early New Year. Discussion are ongoing with SCTS in terms of addressing that, but HC workload is getting to the point where there are insufficient resources to manage that within function.

Specific plan from High Court function to seek to address this will be available soon but at this stage it was thought appropriate to highlight that it is estimated that current resources will be insufficient to meet demand.

**ACTION: DCA to flag issues to Executive Board.**

Local Court (PF LC West)

*Sheriff & Jury (S&J)*

Improvement in performance against the internal target which is 82% for indicting. Last year North and East were struggling so this is a significant improvement. Only 9 petitions across the whole country are sitting at between 9 & 10 months. Local Court is in the process of restructuring Sexual Offences Team and hope to make an announcement at end of this week. This restructure will mean that individual sheriffdoms now responsible for their own work in their own courts.

*Summary*

Domestic abuse cases are continuing to meet targets with only one office not at 10 weeks. Outstanding sheriff summary trials have dropped by 1,000, bigger difference in Justice of the Peace cases in Glasgow where drop is 3,000. There is a disconnect between COPFS and Court's overall aim, but progress is being made and the universal rota is assisting with that.

*National Initial Case Processing (NICP)*

Work in progress figures down to 13,346, which is a real improvement and work is ongoing on age profile. The number of unmarked cases in the 10 to 50 weeks bracket is gradually decreasing with 10 weeks or over now sitting at 5,824. Take and implement figure is now 79%

### Specialist Casework (PF SC)

Performance against the published targets for Scottish Fatalities Investigation Unit (SFIU) & Criminal Allegations Against the Police (CAAPD) remain constant. Wildlife & Environmental Crime Unit (WECU) have made some small progress in age profile.

Management Information Project Board met for the first time this week. They are working on standardising reports and to tease out data integrity to ensure figures which are provided are accurate.

Counter Terrorism (CT) Exercise Border Reiver – enormous amount of time has been dedicated to this over past 9 months. The 2½ day exercise was worthwhile. Some lessons can be taken and built into further revision of the CT Manual. Thanks were expressed to everyone who participated in the exercise.

A report has now been submitted for Crown Counsel for the Clutha crash and there is an allocated Advocate Depute who will consider the report and issue instruction about what further inquiries require to be carried out by the team.

Health & Safety Division – the LA has issued instructions to review set of 30 fatalities in Ayrshire and Arran Health Board.

### Policy & Engagement (PF P&E)

Only concern is increasing figures for Victims Right to Review (VRR) and complexity of the process.

## **5. Resourcing – Local Court**

Local Court produced a paper on resource issues. OPC previously considered a paper from Local Court regarding risk around performance due to Band B staffing vacancies which was then escalated to the Executive Board with a view to it being placed on the Risk Register. It was agreed that a further paper should be submitted on plans on prioritisation to ensure delivery of business. PF LC West took the Committee through the work that they are looking to cease resourcing due to staffing pressures - see Annex A below



Annex A1 6 Oct  
17.docx

The Chair asked if any of the Committee had concerns due to possible impact on wider business.

Committee members did not feel comfortable commenting on a paper which had been passed by the Local Court Leadership Board and submitted by a Deputy Crown Agent to a Committee comprising of another DCA and 1As. They felt they were not in a position to challenge people who knew the business better.

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

Again this goes back to governance of committees and a possible better way of doing things.

**ACTION: DCA to flag to Executive Board.**

## **6. Terms of Reference**

The Chair had updated the Executive Board on the concerns regarding the ToRs of the committees. This was to be discussed between the DCAs.

## **7. KPIs**

The Executive Board had noted the KPIs. The Crown Agent had asked how soon these could be turned into substantive proposals for sign off for the next financial year. Sheriff & Jury are relatively complete; NICP have proposed plans but they are dependent on getting the work in progress in hand; Serious Casework (both HC and SC) have concerns that they cannot make any revised KPIs or targets due to pressures they are under.

## **8. AOB**

There was discussion over the forthcoming SPFD recruitment process and potential impact on the business with the current process.

**ACTION: The Chair to flag this to HR.**

## **9. Date of Next Meeting**

Wednesday 15 November 2017 at 10.00am.