

OPERATIONAL PERFORMANCE COMMITTEE

**MINUTES OF THE MEETING HELD ON 23 MAY 2018
CROWN OFFICE, EDINBURGH**

Present:

Lindsey Miller	Deputy Crown Agent Serious Casework (Chair) (DCA)
Anthony McGeehan	PF, Policy and Engagement (PF P&E)
Liam Murphy	PF, Specialist Casework (PF SC)
Fiona MacLean	Non-Executive Director
Jamie Roy	Trainee Solicitor (minute taker)

By VC:

Stephen McGowan	PF, High Court (PF HC)
Ruth McQuaid	PF, Local Court West (PF LC West)
Graham Kerr	Head of Business Management, Operational Support (HBM OP)

Apologies:

Helen Nisbet	Assistant PF, Specialist Casework (APF SC)
Gioia Ezzi	Secretariat

1. Welcome & Apologies

DCA welcomed everyone to the meeting, apologies were noted.

2. Minutes of previous meeting

Previous minute stated that “Reduction in requirement from NSCU which is creating capacity.” This to be amended to: “reduction in requirements from NSCU will need to be considered against the impact for Local Court interim markings. ” It may be creating capacity in other parts of the organisation but not Local Court.

3. Outstanding Actions

Action 25 – Graham Kerr has discharged his aspect. **Action: ongoing.**

Action 31 – Membership to be by invitation and at the June meeting we will take it from there.

Action 37 – Sexual offence training course is fit for purpose for High Court staff. Further discussions required with Local Court to see whether the training meets their needs. Discussions to be had with People and Learning on how training is facilitated. This discussion has to include what, if any, accreditation regime should be in place.

Stephen McGowan to share High Court Training for SOT with Local Court Lead Natalie Henderson. **Action: Ongoing**

Action 38 – PF Specialist Casework has agreed process with Police Service of Scotland. Draft should be available for distribution later this week (week beginning 21 May 2018). **Action discharged.**

4. Monthly stats/indicators

Local Court

- No new information regarding adjournments, rise to be monitored but more figures will be required for a comparison to be made.
- NICP – 3.5 weeks WIP at the moment, now sitting at 12,412. NICP are currently down 6 legal staff on their budgeted allocation.
- Depute recruitment exercise only appointed 5 people to cover 13 vacancies. Posts will remain unfilled until the second recruitment exercise takes place.
- Internal advert for further fixed term depute recruitment to be published 1 June 2018.
- Further use of overtime will be required to help the Local Court get through this summer.
- Volume and age profile of interim markings is continuing to reduce.
- The age profile of Sheriff and jury petitions is being carefully monitored. The rise in sexual offences and economic crime is a concern given the limited availability of Band D precognition officers with the skill set to deal with these cases. A number of frauds have required to be transferred across sheriffdoms to be dealt with by those with the relevant skills.
- An update was received on discussions taking place between Scottish Courts and Tribunal Service and COPFS on the court programme with Andrew Richardson taking on a lead role for local Court. Consensus on the acceptable level of outstanding trials would be welcome. Court capacity is a significant issue in Glasgow and will need to be addressed with SCTS. A significant change in the court programme is not anticipated in the short term.

High Court

- Figure for target compliance this month was 53% which is to do with the profile of cases coming through rather than any other reason.
- Reporting of cases is 30% up this month in comparison to last year.
- Homicides are again very high and we are now in an extended peak.
- Major Crime is very busy with number of cases being reported going up and is reaching critical point.
- Deficit of 38 cases between what was reported and what came in which is not sustainable long term.
- 13 vacancies in Edinburgh, finding difficulties to recruit in Edinburgh, Aberdeen and Dundee.

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- High Court programme continues to cause pressure with cases floating 10 to 14 days resulting in a significant burden on VIA who are keeping the complainers informed.
- Courts are taking an ever more hard line stance on courts being down resulting in increased pressure on staff and an increase in sickness absences.
- Overtime in Edinburgh helped for the first 6 weeks but there has been no other benefit since.
- The Deputy Crown Agent stated that the reasons for the difficulties in recruiting needs to be looked at is it location, the work, the hub structure? IT at the High Court not being fit for purpose was also suggested as a factor by Stephen McGowan.
- PQ from Liam Kerr o target for efficient prosecution of solemn/summary business. Anthony McGeehan has shared /COPFS contribution with Scottish government Officials. Indicting to time bar might not be ambitious but it is an indicator that demands are outstripping resources.
- Discussion about published targets and FOI response. Suggestion that while the data is kept the same the language could be changed.

Specialist Casework

- SFIU and CAAPD are meeting published targets. Slight decrease in SFIU target compliance due to deaths increase over the winter and due to seasonal and various flu related deaths.
- Major Cases: (1) Sheku Beyoh - with Crown Counsel as of last week. (2) Clutha - still working to published timescales although it is challenging.
- FATF –economic crime and money laundering – draft report is very good.
- Growing concerns with HSD particularly with the impact on moving staff away from HSD to HIIT. The impact can be seen on unallocated cases. The age profile of cases now being allocated are one year or more. Composition of resource in PD grade is down to 1.5. Age profile of cases will continue to cause concern. Previous view that incremental progress was possible has been reassessed given current resource. This is manifesting in an increase in complaints from agents and NoK about delays. Major cases in the pipeline include Nancy Glen and Cameron House. A further 2 major cases relating to HSE coming in July and August in relation to the bypass at Aberdeen. Unallocated cases are likely to continue to increase.
- POCA – the year end showed restraints up 10% to £8.2million, confiscation orders up 5% to 240 and the value of confiscation orders up 20% to £4.6 million.

Policy and Engagement

- VRR all of the recommendations have been accepted and in the short term a working group will be formed to implement these. Local Court and High Court to be approached to nominate representatives.
- Scottish Governments Bill regarding pre-recorded evidence was at the 11th hour extended to include all vulnerable witnesses. The Scottish Government is now reworking the Policy and Financials Memoranda.

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Genesis was the recent debate on the COPFS reluctant complainer policy and 5 associated “Asks” by Rape Crisis for the SG.. A staged approach to introduction is proposed and the challenge will be maintaining this as there is likely to be pressure to accelerate the process. The Lord Advocate has emphasised that this is not a cultural change but a systemic change with requiring resource.

- Lord Bracadale’s review of Hate Crime is due end of May. Broad recommendations are likely to be an approach based on statutory aggravations rather than bespoke offences and protection of the additional characteristics of gender and age. No criticism of COPFS has been highlighted in advance by the Review team.

5. KPIs

Final version of Internal Audit review of KPIs to be circulated and work to be undertaken going forward by OPC in conjunction with the work being done for revisal of the Strategic Plan.

6. AOB

None.

7. Date of Next Meeting

Wednesday 20 June 2018.