

OPERATIONAL PERFORMANCE COMMITTEE

MINUTES OF MEETING HELD ON 27 November 2019 CROWN OFFICE, EDINBURGH

Present:

Lindsey Miller	Deputy Crown Agent – Serious Casework (Chair) (DCA)
Jennifer Harrower	Procurator Fiscal, Specialist Casework (JH)
Ruth McQuaid	Procurator Fiscal, Local Court West (RM)
Anthony McGeehan	Procurator Fiscal, Policy and Engagement (AM)
Fiona Roberts	Head of Management Information Unit (FR)
Sharon Duffy	Serious Casework Compliance and Resource Manager (SD)
Gioia Ezzi	PA DCA – Serious Casework (Secretariat) (GE)

By VC:

Kenny Donnelly	Procurator Fiscal, High Court (KD)
Graham Kerr	Head of Business Management, Operational Support (GK)
Fiona MacLean	Non-Executive Director (FM)

1. Welcome and Apologies

The DCA welcomed everyone to the meeting. There were no apologies.

2. Minutes of previous meeting

Previous minutes were agreed.

3. Outstanding actions

Action 44: **Action closed.**

New Action: High Court (HC) and Management Information Unit (MIU) to work to refine the HC management information presented to OPC to ensure that it is accurate, relevant and useful and to update on progress for January meeting.

Action 49: DCA to raise at Senior Executive Team (SET) Victim Information & Advice (VIA) remit re sexual offence victims.

Update: Initial discussion took place but there requires to be more detailed discussion. **Action ongoing.**

Action 52: Breakdown of reasons for dip in High Court (HC) Key Performance Indicator (KPI) figures

Update: Work is underway, although nothing has been identified thus far to explain reason for dip, work ongoing but nothing is causing HC senior management particular concern. **Action ongoing.**

Action 53: Discuss at SET changing narrative of National Initial Case Processing (NICP), SET are aware of issues and are updated weekly. **Action closed.**

Action 54: Update Corporate Risk Log. **Update:** Partly done.
Action ongoing.

4. Monthly stats/Key Performance Indicators (KPIs)

High Court (HC)

More general HC paper was provided with a different approach showing different stats and highlighting pressures, business trends, initiatives and key areas, akin to the paper produced bimonthly for Executive Board. Everyone welcomed this more user friendly report, they found it helpful with a clear summary and makes practicable than just reviewing figures. Committee members agreed that Specialist Casework and Policy & Engagement will adopt same approach with Local Court stats to stay as is.

Two main pressure points identified - Input remains high, this being a particular concern with regard to sexual offences. Indicted awaiting trial is also another issue and that will continue to be monitored against the creation of the additional high court capacity

HC Improvement Plan - The plan is capturing every aspect of HC work with a view to improvement and efficiencies in all processes. Input will be required from Specialist Casework and Local Court regarding overlaps in process. There is a separate chapter on Management Information (MI) with a separate workstream looking at improving this. OPC will be updated if there are any themes coming out from workstreams that require flagging in accordance with OPC remit of identifying and promulgating best practice corporately. Senior Crown Counsel are very much behind what is being done and that it is meeting their requirements.

Local Court (LC)

National Initial Case Processing Unit (NICP)

Unmarked cases figure is sitting at 18,839 which is 5.8 weeks of work.

Major concern is that 74% of cases are over 4 weeks old, and this cannot be addressed with current resource while the organisation tethered to the Take & Implement (T&I) target (which was reiterate during the Solicitor General's PQ answer at Parliament at justice Questions in October).

The organisation is sitting at 71% against the T&I target and there are quantities of older cases which require to be progressed.

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Funding for 12 extra deputies in NICP was secured which takes the complement to 37 but 7 not in post due to a combination of maternity leave / long term sick and NICP are trying to absorb these issues. Of the current resource 9 are new deputies in NICP since August, all of them have either no marking experience or limited marking experience and after 4 months require to start accreditation process so Rotation to other aspects of LC require to be factored in.

There will be competing priorities with Evidence & Procedure Review (EPR) due to commence in January 2020 in 3 pilot areas, as well as the NICP implementation plan.

OPC members agreed that action requires to be taken now to reduce the backlog. There was detailed discussion over how this could be achieved such as giving every deputy in COPFS (including SCS) one case per working day. This was recognised as a corporate issue so requires a corporate response with NICP progressing this corporate approach.

ACTION: DCA to raise at SET issue of allocation of marking across Service and if agreement in principle secured, NICP to confirm proposal for how allocation would work in practice, and at what grades

Sheriff & Jury (S&J)

Figures have been on target recently but now dipping below in 2 sheriffdoms: Lothian & Borders (L&B) and Tayside, Central & Fife (TC&F). Flag has been raised that there are 1,200 petitions in L&B which is a 47% increase. Other sheriffdoms have been assisting due to concern about increase of work and impending timebars. Overall there is a 16% increase in precognitions with L&B being impacted the most, with 35% increase in Work in Progress (WiP) This will have an impact on performance with regard to sexual offence cases, with resources being directed to mainstream cases.

With regard to sexual offences, hope by next OPC to show interim marking information. Reporting and indicting is making good progress, with overall reporting at 50% within 8 months of submission of report. Indicting is sitting at 64% in 9 months.

Starting to look at child cases, managed to report 10% within 60 days of submission of report with 6 month target for older children. Proposing to set objectives for sexual offence teams by proposing that very young children cases are on 60 day target and will aim overall to get 30% and if don't get 30% will wrap into vulnerable adult stats. With regard to standard cases, suggest aiming at 90% going forward. It is challenging for teams but trying to achieve something which is transparent and focus on victim and not status of accused.

Essentially agree a set of performance standards within LC for S&J cases which will be circulated to all OPC members for response.

ACTION: RM to circulate paper regarding guidance on objectives and achievements with response by members within 5 days.

Summary – EPR is starting in January.

Specialist Casework

Case Management Panel (CMP) process for Health & Safety Investigation Unit (HSIU) and Scottish Fatalities Investigation Unit (SFIU) legacy cases is working well and developing. Confident there is a clear picture of backlog with plans to progress cases. The process is resource intensive but necessary. Plan is to provide a quarterly progress report to OPC in addition to monthly updates. Next quarterly report is in January and that will hopefully set out where we are in terms of plan to tackle cases more than 2 years old. Everyone involved in the process is finding that it is of benefit. A CMP takes best part of a day for Heads of Specialist Casework, HSIU and SFIU and it has been agreed that Solemn Legal Managers (SLMs) will now attend for their cases.

There is still political pressure on SFIU and HSIU in regard to high profile cases and this does not appear to be dissipating.

Going through period of challenge in leadership in managing performance; no Head of International cooperation Unit/Brexit, no Head of Complaints Against the Police Division and although there has been agreement for new Head, not likely to be in place until beginning of next year. There was a period where there was no Head of Civil Recovery Unit but now temporary Head is in place and Head of HSIU has been on paternity leave.

DCA mentioned wider work on toxicology with increase in ministerial correspondence from MSPs and also official correspondence. Glasgow University are proposing a 6 month turnaround in toxicology, and this has not been acceded to. We require to deal with relatives and victims so this does have a wider impact than just performance.

Policy & Engagement

Flagged seeing increasing number of complaints with regard to delay in toxicology and SFIU and Response & Information Unit (RIU) are due to have meeting to have consistent approach to complaints.

Previously the Public Service Ombudsman has intervened in relation to the timely progression of a death investigation and the service offered to a family as a result. A risk therefore exists of a similar intervention in relation to the toxicology issue.

Update from Victims Right to Review (VRR) issue from last month. The Lord Advocate has given instruction that there is to be dialogue with individual who

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lodged the VRR and legal reps. Case is to be reindicted with that charge included in new indictment.

5. Pet Warrant KPIs

ACTION: KD to recirculate paper with comments by OPC members by 6 December.

6. Corporate Risk Register

Paper noted meantime. To be updated for January OPC.

7. AoB

Coming close to end of year for reporting of KPIs. This is to be put on January agenda as all at different stages.

8. Date of Next Meeting

29 January 2020.