

**OPERATIONAL PERFORMANCE COMMITTEE**

**MINUTES OF THE MEETING HELD ON 8 FEBRUARY 2017  
CROWN OFFICE, EDINBURGH**

**Present:**

Lindsey Miller	Deputy Crown Agent Serious Casework (Chair)
Stephen McGowan	PF High Court
Catriona Dalrymple	PF Local Court East & North
Ruth McQuaid	PF Local Court West
Anthony McGeehan	PF Policy and Engagement
Gioia Ezzi	Secretariat

**By VC:**

Liam Murphy	PF Specialist Casework
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**Apologies:**

Stephen Woodhouse	Head of Corporate Office
Helen Nisbet	Assistant PF Specialist Casework
Graham Kerr	Head of Business Management, Operational Support

**1. Welcome & Apologies**

Lindsey welcomed everyone to the meeting. Apologies were noted as above. Graham Kerr has taken over from Catherine Cunningham who is now on the Resources Committee.

**2. Minutes of previous meeting**

Minutes agreed.

**3. Action Tracker**

Action 12: Streamlining process for submission of confidential material - Liam advised that after discussions with Police Scotland who in general terms welcome the proposals, the decision was taken to task Central Authorities Bureau (CAB) to carry out some further work on feasibility. That work has been completed and there will be a further meeting to discuss sign off of process. Anthony to circulate paper to group members (action completed 8 February post meeting). As per the Disclosure manual process, sensitive/confidential material requires to be shared only with appropriately vetted staff and concern was expressed about the geographical spread of those staff.

**New Action 21: Liam to circulate to group members list of those vetted in COPFS.**

Action 18: Advocacy training – in progress with Jennifer Harrower as COPFS Advocacy Champion. Significant work has been undertaken with Deputy Principal Crown Counsel and the committee noted that the Lord Advocate was very much in support of advocacy training and assessment for both Crown Counsel and Procurators Fiscal.

Action 19: Specialist Casework options papers – working towards producing paper for next BIC meeting.

Action 20: S&J/HC Protocol re forum change – draft due end of February.

**4. Remit**

Standing item.

**5. Monthly stats/indicators**

High Court

Indictment figures remain static.

Spike in homicide cases is tailing off slightly after the festive period but if the overall trend continues then there may be more homicides this year than the last couple of years.

There are some complex cases which are due to be submitted, and this may have an impact on other aspects of case preparation, such as sexual offences pre-petition work.

Sexual offences work in progress is decreasing slowly.

Sexual offences will also be considered by the Inspectorate of Prosecution.

There was a discussion about potential revision of sexual offences policy which is being progressed by Policy and Engagement.

Local Court

*NICP*: *NICP* work in progress is now 15,000 at start of this week, and was noted by the committee. Ruth thanked all functions for their assistance in case marking and with SCS staff also marking for 6 hours per week that is giving a much better insight into what is achievable and assists in identifying best practice re productivity and efficiency.

As has been discussed at previous meetings, the take and implement figure of 75% by the end of March is achievable, but it has to be recognised that may have an impact on other *NICP* work, and there remain barriers which are required to overcome.

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

As per the minutes of the previous meeting, there is a desire on the part of the Committee to revise and set new KPIs but it was recognised that this cannot be agreed in NICP until such time that a recovery plan is in place.

*Summary:* There are signs of optimism, and while there is local sheriffdom fluctuation, on a national level the committee noted that:

- The number of complaints registered between November and December 2016 dropped 100 in the sheriff courts and over 200 in the JP court
- The number of trial complaints outstanding has dropped
- The number of weeks between pleading diet and trial diet remains static in the sheriff court at 13 week and has dropped from 14 to 12 in the JP court.

*Sheriff and Jury business:* It was confirmed that there will be a delay in implementation of legislation with a phased approach being adopted. This delay has not hindered the focus on the age profile of cases, which is coming down. The committee noted that from 1 April 2017 there will be no “cross sheriffdom” case preparation and sheriffdom fiscals will have responsibility for preparation of their own jurisdiction’s cases.

### Specialist Casework

- CAAPD and SFIU - meeting target.
- Proceeds of Crime - Paper on Proceeds of Crime submitted to LA and the Serious and Organised Crime Taskforce which outlined that money has decreased in confiscation but increasing in Civil Recovery and identified the issues. Liam to circulate paper (action completed 8 February post meeting)
- Organised Crime Unit – A large case has been submitted in a long running organised crime operation which could potentially have an impact on resources; there has been significant cash and firearm recoveries and all accused in custody
- Health & Safety – new figures produced for HSD which are a work in progress and constructive feedback was sought. Liam explained that the production of the MI was very labour intensive. There is a focus on three main things:
  - volume of work
  - age profile, and;
  - compliance with KPIs.

There was discussion over the age profile of cases and the committee agreed that in light of Ministerial correspondence on a similar topic, and the overarching interest of the Law Officers, it would be helpful to have data which included the date of actual incident, receipt of SPR and commencement of proceedings. SFIU/CAAPD journey times will be looked at in same way with WECU being the next specialist team in a rolling programme of work.

There was an article in the Scottish Review recently regarding timelines of mandatory FAIs for deaths in custody, this is clearly something of wider interest.

## Policy & Engagement

There was a discussion about the authorisation process re ex gratia payments. A number of committee members have experience of this process and discussed the previous approach which was (in general) that if there was no question of civil liability issue then no payment was made. The group then discussed the more recent approach regarding payment where there was a quality of service issue. These matters sit with the DCA office to oversee and it was noted that quality of service is a factor to be taken into account when deciding on whether, and if so, how much of a payment would be made.

Following the first phase of the Prosecution Policy review the first set of stats has been published on direct measures. These are caveated in relation to ability to capture some information given the potential for multiple charge reports, but the committee noted that the figures were promising in relation to adherence to the PPR policy.

There was a discussion about the difference between disguised firearms and dual purpose firearms and following discussion with Crown Counsel there will be an amended Operational Instruction which may affect forum.

## **6. Case Review Panels**

Lindsey and Liam had met with Serious Fraud Office and raised CRPs. SFO's experience was positive in terms of both management of cases and learning outcomes. Liam has guidance which he will share. Work is ongoing with regard to guidance on large and complex cases and there will be dialogue with the CPS who also use CRP and have a much higher volume of cases than SFO.

## **7. AOB**

In terms of learning across the organisation particularly in the realm of customer service, the committee discussed the setting of much bolder targets/KPIs for the reduction of complaints across function, and to think of ways of effective ownership. First issue identified was training, as there would need to be a baseline with minimum standards. Additionally the committee recognised that in some functions it could be more difficult to have direct control over management of such a KPI (like High Court).

**Action 22: Cat/Anthony to produce thematic breakdown of complaints, ID top 5 themes and best practice and to flag equality issues and decide on how best to disseminate. This will be added to the OPC agenda.**

At the recent Exec Board it was confirmed that OPC should be robust and innovative in terms of devising and setting KPIs/targets across the business.

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**8. Date of Next Meeting**

Wednesday 8 March 2017 @ 14:30, Conference Room 1, Crown Office.

*“Material exempt from publication is included in a separate annex”*