

Operational performance committee

Minutes of meeting held on 23 June 2021 By Microsoft Teams

Present:

- Stephen McGowan Deputy Crown Agent – Serious Casework (Chair) (DCA)
- Kenny Donnelly Procurator Fiscal, High Court (KD)
- Anthony McGeehan Procurator Fiscal, Policy and Engagement (AM)
- Graham Kerr Head of Business Management, Local Court (GK)
- Laura Mundell Deputy Procurator Fiscal, Specialist Casework (LM)
- Fiona McLean Non-Executive Director (FM)
- Fiona Roberts Head of Management Information Unit (FR)
- Gioia Ezzi PA DCA – Serious Casework (Secretariat) (GE)

Apologies:

- Ruth McQuaid Procurator Fiscal, Local Court West (RM)
- Jennifer Harrower Procurator Fiscal, Specialist Casework (JH)

1. Welcome and Apologies

The DCA welcomed everyone to the meeting. LM attended as rep for JH. Apologies were noted.

2. Minutes of previous meeting

The minutes of last meeting were agreed and can be published.

3. Outstanding actions

Action 49: Victim Information & Advice (VIA) remit regarding sexual offence victims. Remit is being refreshed. **Action: closed.**

4. Monthly stats

High Court (HC)

- In same situation as last month in terms of work needing to increase to match input. Recruitment is ongoing for every grade
- Working ongoing in regard to process plan to change way we have to do work, in particular post indictment work. Hope to have plan by next meeting.
- Issue with timebars in that there have been one or two near misses. This has always been a vulnerability particularly where a manual update is required and there is an increased risk – this is due to the Coronavirus legislation. Three key areas were identified; roll ups, reindicts and re-reports, but focus is on auditing every case. E-learning is being revised on the Coronavirus legislation which will be mandatory for all HC staff.

SMcG asked that GK & LM also advise their units of this issue. This will also have an impact on functional risk register which feeds into corporate risk register.

Local Court (LC)

- Not in a position to say recovering but staff are being brought in at all levels.
- Figures creeping up in NICEP but mitigation is being put in place until resources have started. This is the same across whole of LC.
- Starting to see number of pleas in certain areas.
- Hopefully, once September comes, process will be embedded and additional courts will make a difference.
- With regard to KPIs, too early in year to tell if achieving these.

Specialist Casework (SC)

- Echo HC and LC re recruitment. Starting to see start dates for new resources being fixed, boost as posts have been vacant for a long time.
- Across a number of units bracing for busy few weeks in relation to new LOs, and provision of briefings.

Policy & Engagement (P&E)

AMcG updated on Coronavirus (Scotland) Act. SG lodged legislation on 18 June in relation to an extension of the Act and this will be addressed by Parliament this week with a view to it being passed. By end of week there should be confirmation that the legislation will be extended from end Sept 2021 to end Mar 2022 with possible further extension of 6 months. SG plan to publish consultation paper this week in relation to further extension of the justice provisions contained within Act and asking members of public whether there should be further extension beyond the year extension.

5. CAAPD paper

LM explained issues and clarified proposals in paper 5. Current published target is to complete investigation and advise complainer within 12 weeks in 90% of cases, that has been met in 91% of cases. Some work has been done to identify performance against that target in removing practice of freezing target which would have been 59.5% of cases. Some of the CAAPD cases do take longer, for reasons outlined in paper. Stats provided last reporting year 68% of these cases were closed within 6 months and year before 76%. The proposal is to set a new target so that it is still a stretching target and propose to close 75% of cases by completing investigation and advising complainer within 6 months. Target of that nature is more akin to targets in other areas of business. Keen to implement the new target as quickly as possible.

After discussion, this target change will require formal sign off by Executive Board with recommendation from OPC that EB approve the new target to take effect from 1 July and old cases to be closed off

Action 2/21: SMcG to advise EB and provide paper.

6. UNCRC

It is anticipated that the UNCRC Incorporation Bill will be enacted within next 6 months. A Working Group has been formed to review relevant policies and processes. Functional representatives are required for 2 additional subgroups. The first will be chaired by Policy and will examine our routine interactions with child witness and victims, that engagement would normally be carried out by VIA and will be informed by individual maturity of child and properly involving them and obtaining views. HC & LC VIA and business reps are requested for the subgroup

The second subgroup relates to the prioritisation of cases with accused persons under 18. There are existing processes which prioritise cases for under 16s and 16 & 17 year olds under supervision (reflecting the statutory definition of a child in the 1995 Act) but we now have to consider expanded processes require for all under 18s. Senior business reps are required to chair and form the subgroup to examine relevant processes. The subgroup will require to engage with SCTS re the prioritisation of relevant cases before the Court.

Action 3/21: HC and LC to nominate reps/chair for the respective subgroups

7. Terms of Reference

SMcG has spoken separately to all OPC members and had planned to bring to meeting note of thoughts going forward to use as basis for discussion. Note will be circulated in advance of next OPC and will devote majority of next meeting to this.

8. AoB

There was no AoB.

Date of Next Meeting: 11 August 2021.