

THE PRE-INTERMEDIATE DIET MEETING (PIDM) PROCEDURE

The Journey to Date, Early Impact and Way Forward

August 2021

CONTENTS:

FOREWORD

INTRODUCTION

Part 1 – The PIDM Journey

Part 2 – PIDM Performance and Early Impact

Part 3 – Opportunities for Further Improvement

FOREWORD BY THE LORD JUSTICE GENERAL, LORD CARLOWAY

It has always been a highlight of the admirable work of the vast majority of defence agents that they operate co-operatively rather than aggressively in their relations with co-accused's agents and the procurators fiscal depute. It is that spirit which is predicted to produce the best outcomes for clients, even if that is not possible to achieve in every case.

The volume of summary prosecutions renders the ability of defence agents to arrange, and to participate in, discussions problematic. The temptation to leave matters until such time as it is known that the client will be available to discuss matters (i.e. at an intermediate or trial diet in court) is ever present. Yet that in itself produces time pressures for the giving of advice, taking of instructions and holding discussions with the other parties.

The ability to arrange a constructive meeting, whether in person, by phone or video conference, is central to the prompt resolution of cases without the necessity of fixing a diet for a trial which, in all probability, will neither be necessary, desirable nor actually ever occur.

It is with these general considerations in mind that I congratulate all those, notably Sheriffs Principal Anwar and Murray, on their efforts to devise a practical solution to a long-standing problem in the form of the pre-intermediate diet meeting. This has not been an easy journey. As with almost all proposed reforms to the legal system, there will be those who will regard new ideas with scepticism and approach them with resistance.

The general success of the PIDM system is apparent from the statistics on its outcomes. If the legal profession engage constructively with it, the benefits for the client, the agent and procurators fiscal depute will become clear. The advantage to witnesses and others in terms of cost savings and convenience will be manifest.

I therefore encourage all involved in the criminal justice system to engage positively in this innovative procedure and to see for themselves how it can advance the interests of all who are engaged in summary criminal business.

INTRODUCTION

This paper reports on the Pre-Intermediate Diet Meeting (PIDM) procedure introduced in December 2020 by Criminal Courts Practice Note No 4 of 2020 ¹(PN4). It sets out the background to the design, implementation and development of the approach, recognising the importance and value of the collaborative approach taken to secure cross justice support for the process.

An update on PIDM performance to date is provided together with an insight into the early impact of the procedure in terms of the throughput and disposal of Sheriff Court summary criminal business.

Finally, this paper outlines the opportunities for further improvements to the PIDM procedure.

¹ Available at: <https://www.scotcourts.gov.uk/docs/default-source/rules-and-practice/practice-notes/criminal-courts/criminal-courts-practice-note-no-4-of-2020-summary-criminal-business-with-sheriff-courts-further-provision-regarding-intermediate-diets-etc.pdf?sfvrsn=4>

Part 1

The PIDM Journey

1.1 Design of the Approach

1.1.1 *The Tulliallan Workshop*

Background

In response to the Coronavirus pandemic, summary criminal business in both the Sheriff and the JP court had been restricted to essential business, with diets in non-essential cases administratively discharged to new dates.

Following the gradual easing of the restrictions, Practice Note No2 of 2020 (PN2) was issued in June 2020 to support the re-introduction of summary criminal business. The Practice Note required the defence and the Crown to lodge written records in advance of intermediate diets.

PN2 envisaged that the process introduced would be subject to a review. In September 2020, Sheriff Principal Murray convened a cross justice workshop to discuss the effectiveness of the arrangements for sheriff summary court business. The workshop was attended by Sheriff Principal Anwar and senior representatives from SCTS, COPFS, Police Scotland, Scottish Legal Aid Board (SLAB), the Law Society of Scotland (LSS) and the Lord President's Private Office (LPPO).

The workshop was designed to review the arrangements in place at that time. It aimed to explore suggestions to support the efficient throughput and disposal of business having regard to the ongoing need to restrict and control the numbers attending court for intermediate and trial diets. Feedback from those participating in the workshop would inform the approach to the terms of a new Practice Note. The workshop would also provide the opportunity to consider the compatibility of PN2 with the Evidence and Procedure Review (EPR) Pilots which had been paused due to the pandemic.

The Intermediate Diet

Whilst the aim of PN2 had been to identify cases which were going to trial or not, it was acknowledged that the supporting processes had proved unwieldy, resource intensive and were not necessarily delivering the intended outcomes and information.

The Hamilton Surgeries

Sheriff Principal Anwar reported on arrangements that had recently been put in place at Hamilton Sheriff Court to encourage direct engagement between the Crown and defence. These took the form of surgeries to facilitate discussions. The arrangements at Hamilton provided for engagement on a fixed date at a fixed time with the defence having provided a list of cases to be discussed to the Crown in advance. This arrangement allowed the Crown to consider the case and allowed both parties to prepare for a meaningful discussion. The defence agents attended the surgeries with their client's instructions. The approach had been designed and implemented in collaboration with the local faculty and Procurator Fiscal. Cases which were resolved were accelerated to diets specifically assigned for managing resolved cases. The intention had been that this would result in pleas being agreed and cases being concluded. The surgeries held across the sheriffdom had resolved over 500 summary complaints.

There was consensus in the discussion at the Workshop that a new approach based on the Hamilton surgeries had merit. However, while the Hamilton surgeries were designed on the basis that the defence intimated which cases they wished to discuss, a national model required a unified approach to all such discussion for each summary complaint in advance of an intermediate diet.

The Importance of Effective Engagement

It was agreed that meaningful engagement between Crown and Defence was critical; consideration required to be given as to how best that may be achieved, having regard to the importance of securing the support of Procurator Fiscals and defence agents for any new process. It was clear from the input of both COPFS and LSS that previous efforts made in that regard were often beset by difficulties in securing contact between PF Deputes and defence agents – unanswered phone calls or a lack of authority on the part of a PF Depute were often cited by defence agents as examples of past frustrations. The limitations in the current approach were reflected in the outcomes of intermediate diet courts across the country.

The Hamilton initiative had highlighted the value of having certainty in the arrangements for engagement between the Crown and defence. A pre-determined date, would mean that the meeting could be noted in diaries well in advance. This would allow the Crown to plan and prepare for the discussion and ensure Deputes had access to the relevant case information. Defence agents would be able to intimate the date to their clients and ensure that they were sufficiently instructed in advance of the meeting.

It was recognised that the format of any such meeting (by phone, in person, by video conference) required to be flexible to accommodate out of town agents.

The Prerequisites

The following pre-requisites for a revised model were agreed;

- the requirement to attend or participate in any pre-intermediate diet meeting should be part of a timetable; such a requirement would be essential to securing effective participation. The fixing of the pre-intermediate diet meeting could be recorded in the court minute by the clerk of court when the intermediate and trial diets were being assigned;
- Pre-intermediate diet meetings should be scheduled two weeks prior to the intermediate diet providing sufficient time for the outcomes of the meetings to be reported to the court by the Crown and for the sheriff to consider which cases required to call for an 'in-person' intermediate diet;
- The relevant information required to be available to the Crown and defence to support the pre-intermediate diet discussion. That included effective Disclosure on the part of the Crown (information from COPFS on their Disclosure performance post workshop provided assurance that a pre-intermediate diet discussion process could be supported) and clear instructions on the part of the defence. Whilst the Crown may not have confirmation of the final witness position at that stage, it would be in a position to provide the latest information available at that time.
- There required to be an agreed form of communication at an agreed time to provide the Crown and the defence with certainty. In terms of initiating the engagement, it was agreed that the Crown should take the lead in contacting defence agents for the meetings once the defence agent had arranged an appointment.

It was agreed that to avoid the need for both Crown and defence to draft and lodge written records (as required in terms of PN2) the outcome of the discussions would be reported to the court in a single report. It was further agreed that a style report be designed providing clear and consistent information to the court. COPFS would have responsibility for the preparation and submission of the report ("the PIDM Report") to the Sheriff Clerk, subject to confirmation of the outcomes with the defence. Such a report would be pivotal to the allocation of trial slots reflecting the need for physical distancing in the sheriff courts, with only those cases ready to proceed to trial being allocated a slot on the basis of the information contained in the report.

It was suggested that there would be 4 main outcomes from the discussions:

- Case resolved;
- Case ready for trial;
- Case not ready to proceed, new diets to be fixed;
- No engagement/Crown or defence wish the case to call.

It was agreed that the detail of those arrangements would be given further consideration and developed.

Finally it was acknowledged that this process could not apply to those cases in which the accused was unrepresented and/or in custody.

Summary Criminal Case Management Pilots

It was agreed that it would be helpful to consider the restart of the Pilots in the context of the wider proposals discussed at the workshop. The matter would be kept under the consideration of the Summary Criminal Case Management Pilot Project Board.

1.1.2 Development of Practice Note No4 of 2020 (PN4)

The key principles and prerequisites of the PIDM approach having been agreed and set out at the Workshop, the details of the proposed model were developed over the following weeks in collaboration between the Judiciary, SCTS, COPFS and the Law Society, in liaison with the Lord Justice General. The outcomes of this collaborative approach formed the basis of Criminal Courts Practice Note No4 of 2020 (PN4).

SCTS made arrangements for its Criminal Case Management System (COPII) to be updated to support the new process and, to facilitate the planning of the pre-intermediate diet meetings, COPFS undertook to develop an online booking system to allow PIDMs to be booked by defence agents in advance of the launch of the Practice Note. It was recognised that this would need to be regarded as a work in progress given the very tight timescale provided for its development.

The PIDM report template was designed on the basis of the outcomes discussed at the workshop and taking account of the requirements of the intermediate diet legislative provisions.

1.1.3 The Pre-intermediate Diet Meeting (PIDM) Launch

PN4 was signed by the Lord Justice General on 10 November 2020 and launched on 11 November 2020.

The importance of effective, joint communication to support the launch of PN4 had been recognised and arrangements were put in place for the launch to be supported by a video presentation by Sheriff Principal Anwar. The video, which described the new system and how it would work in practice, also featured Stephen McGowan, Deputy Crown Agent Local Court, COPFS and Mark O’Hanlon, the Dean of the Faculty at Hamilton. The video was made available on the SCTS, COPFS and LSS websites along with guidance on the new process and information on the transitional arrangements.

In addition, two online webinars were arranged to enable staff and practitioners to learn more about the process and have the opportunity to ask questions to a panel. The sessions on 23 and 26 November 2020 were chaired by Sheriff Principal Anwar and Sheriff Principal Murray respectively, with a panel which comprised representation from COPFS, defence agents and SLAB. In the lead up to the webinars, Sheriff Principal Anwar also participated in a session facilitated by Hey Legal along with Peter Lockhart, a defence agent from Ayr, to promote the events.

Following the launch, COPFS put in place arrangements to respond to concerns or issues raised by defence agents in the way of FAQs, guidance and service desk support. Provision was made for the regular update of their FAQs and guidance as the Booking App system was developed.

The Practice Note was implemented with effect from 1 December 2020.

1.1.4 The Pre-intermediate Diet Meeting (PIDM) Conference

In March 2021, 3 months after the implementation of the Practice Note, it was felt that it would be helpful to review the effectiveness of the new system. Information on PIDM performance highlighted that whilst arrangements were working well in some areas, performance in other areas was not as positive. It was acknowledged that the further re-fixing of diets in January 2021, when further restrictions were introduced as a result of the pandemic, was likely to have impacted to some extent. Concerns were also being raised by defence agents in relation to the COPFS Booking App.

In consultation with COPFS and LSS, it was agreed that a Conference be held to provide the Crown and defence practitioners with an opportunity to highlight the difficulties being faced by them in relation to PIDMs with a view to identifying

workable and lasting solutions. The event, which was chaired and facilitated by Sheriff Principal Anwar, was held in the Remote Jury Centre at East Kilbride and attended by Sheriff Principal Murray, senior representatives from SCTS, COPFS and LSS along with representatives from Procurator Fiscal Offices and defence faculties from each Sheriffdom.

In setting out the background and aims of the PIDM approach, Sheriff Principal Anwar outlined the anticipated benefits, not only in terms of responding to the challenges created by the Coronavirus pandemic but also the opportunity to address the pre-pandemic inefficiencies in the summary criminal system. The commitment to work together to improve the efficiency and effectiveness of the PIDM arrangements was acknowledged. Following input from COPFS and the LSS, the key issues raised in the discussions were identified and agreed.

At the conclusion of the discussion, it was agreed that there would be closer collaborative working, improved communication and enhanced guidance in relation to the PIDM procedure. The outcomes were summarised and an action plan agreed.

1.1.5 The Hamilton Meeting – *You Said We Did*

Shortly after the March Conference, a follow-up meeting was held to update all parties on progress and to agree any further areas to be progressed. A meeting was convened at Hamilton Sheriff Court on Friday 23 April 2021. The meeting was chaired and facilitated by Sheriff Principal Anwar and attended by Sheriff Principal Murray, SCTS, COPFS, LSS and representatives from defence faculties at Hamilton and Edinburgh.

A number of the key actions agreed at the March Workshop related to the COPFS Booking App. In particular COPFS was to investigate:

- The requirement for the 2 factor identification process – was this necessary?
- Could the log in process be made easier and accessible to defence admin staff?
- Were there opportunities for the pre-population of solicitors' details?
- How were multiple bookings made – could a solicitor book more than one slot and add the details of all cases in the comments box?
- What was the bare minimum data defence agents had to populate to make a booking on the App?

COPFS updated on progress since then. In doing so, it was explained that Multi Factor authentication was a key security requirement to ensure the integrity of the COPFS infrastructure. It was a regular requirement for Microsoft products and a necessary step in the booking process. Otherwise, the majority of the actions had been completed.

The updated version of the App was demonstrated and it was agreed that the key developments noted below had made the App much simpler and quicker to use:

- **Reduction in the number of fields to be completed** - the app now displayed the service for each Sheriff Court, showing both the PIDM and related intermediate diet date. Once this was selected, the available slots for the chosen day would appear. Once the slot was chosen, it was no longer necessary to insert the details of either the intermediate diet or trial date;
- **Additional information** - the “additional information” field had been changed from mandatory to optional;
- **Pre-population of information** – whilst there was no option for this, it was highlighted that some browsers may remember the details that have been previously added and these may display as data is being entered;
- **Access to defence admin teams** – licensing and security implications had been reviewed and authorisation given to some nominated non-legal staff for a testing exercise. The registration process for those individuals had been successfully completed and further testing of the booking process was underway. The initial feedback was that the process was straightforward.

COPFS confirmed that the updated version of the App was now available for use and that work continued on the following areas:

- **Multiple bookings** – this was the one outstanding issue from the App development. It was subject to technical constraints but COPFS undertook to make further efforts to resolve it. In the meantime, solicitors were able to identify multiple cases for the same slot, or over multiple slots, by adding the details of the other cases in the “additional information” field.
- **COPFS guidance** – guidance on the PIDM booking procedure was on the COPFS website and updated regularly. Outlining its commitment to continuous improvement, arrangements had been made to work with nominated defence representatives to make it as helpful and clear as possible.
- **Crown & Defence Working Group** - a new Working Group would be set up to enable the Crown to share details of its proposed online Defence Agent Service and to receive feedback from defence practitioners on their proposals as they were being developed.

It was acknowledged that the developments reflected the considerable effort that was being made on a cross-agency basis to improve the new PIDM procedure. There was assurance that those efforts would continue and be underpinned by ongoing engagement and communication. The meeting concluded with an agreement that an updated joint communication would be issued and this was issued on 29 April 2021.

Part 2

PIDM PERFORMANCE AND EARLY IMPACT

2.1 PIDM Performance

It was recognised that the impact of PIDMs would require to be monitored and assessed. The key source of information in terms of the level of engagement² in and outcomes of PIDMs was identified as the PIDM Report.

In terms of PN4, for each intermediate diet court, a PIDM Report is submitted by the Crown to the Sheriff Clerk. It records the outcomes of the discussions which have taken place at a PIDM and identifies where no PIDM has been held for each case assigned to the intermediate diet court.

The PIDM Report also records any agreement on the conclusion or resolution of cases, any administrative continuation of trials and notes the reasons why any case is required to call in the intermediate diet court.

2.1.1 PIDM Data Analysis Approach

The outputs from PIDM Reports for intermediate diet courts from February to July 2021 have been aggregated allowing analysis at national and local level³.

Between February and July 2021, there were 1,045 PIDM Reports received containing 29,178 cases from an average of 32 courts each month over the period. This relates to 77% of accused first callings at an intermediate diet. Although the limitations of manually collected data must be recognised, a consistent methodology has been applied in the capture and analysis of the information from the PIDM reports.

² It should be noted that data on levels of engagement has been collated from the PIDM Reports and not from the COPFS Booking App data at this stage. As stated above, the Booking App has been subject to ongoing development and once that work concludes, consideration can be given to whether useful data on levels of engagement can be extracted from it.

³ This has been achieved by the use of a Manual Master Spreadsheet.

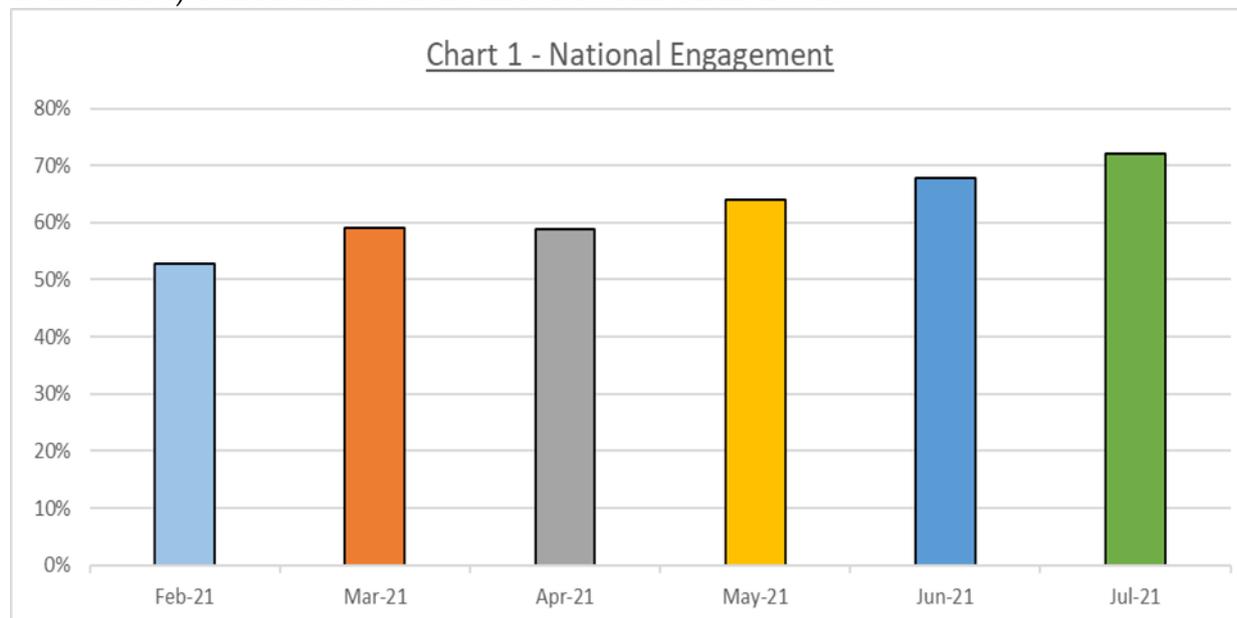
To complement the analysis of PIDM reports, an enhancement was made to the long-established Sheriff Summary Monthly Protocol Report (MPR) to allow the impact of PIDMs on outcomes at intermediate diets to be monitored⁴.

2.1.2 PIDM Data Analysis – Key Outcomes

The paragraphs below report on the following key areas (i) engagement, (ii) administrative continuation to existing or new trial diets and (iii) case conclusions⁵/resolutions as reported to the court via the PIDM Reports.

(i) Engagement

Levels of engagement (i.e. the percentage of cases in which the PIDM has taken place as intended) at national level are illustrated in **Chart 1** below.

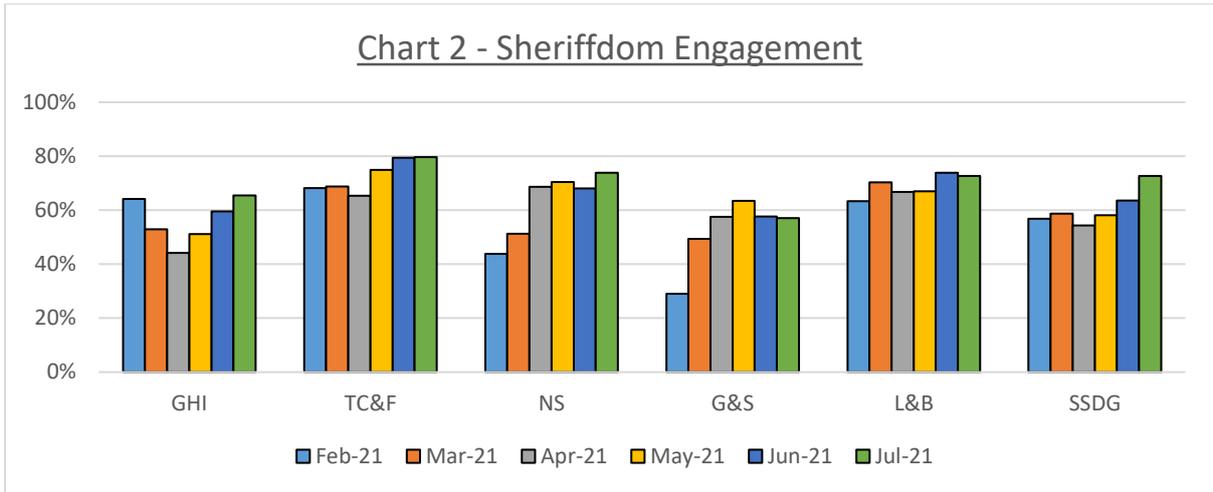


Data source: Manual Master Spreadsheet

Chart 1 illustrates a steady increase from a national average of 53% in February to 72% in July 2021, with a February to July 2021 average of 63%. The collaborative approach taken to resolve the issues identified as adversely impacting upon engagement had likely led to improvements. Engagement at Sheriffdom level is illustrated in **Chart 2** below.

⁴ Data in the MPR comes from COPII and covers all business not just those with PIDMs. For example, the data in the MPR will include intermediate diets in relation to those remanded in custody and self-represented accused which are excluded from PN4.

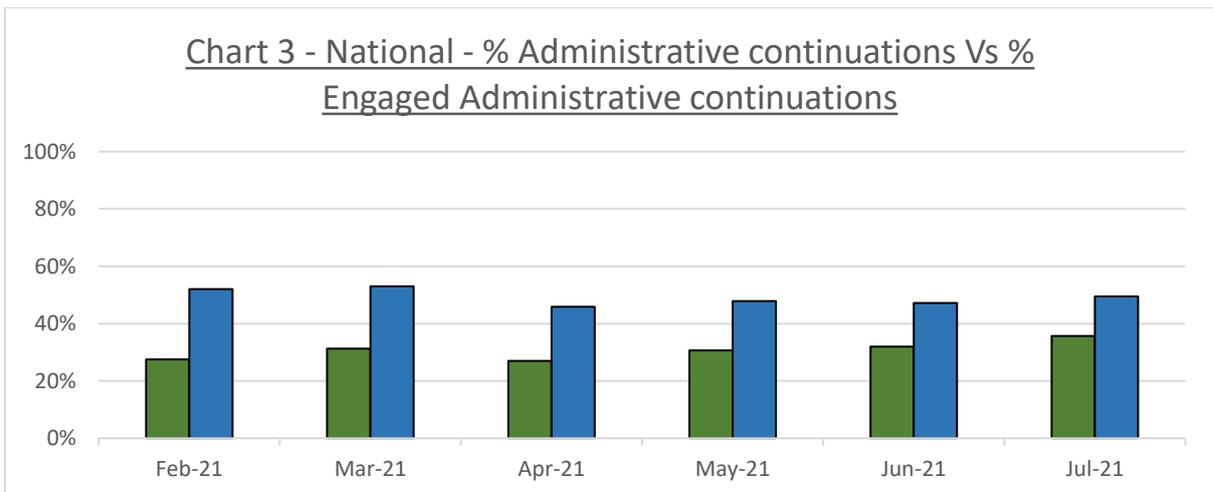
⁵ This includes cases where the Crown have decided to take no further proceedings.



Data source: Manual Master Spreadsheet

(ii) Administrative Continuations

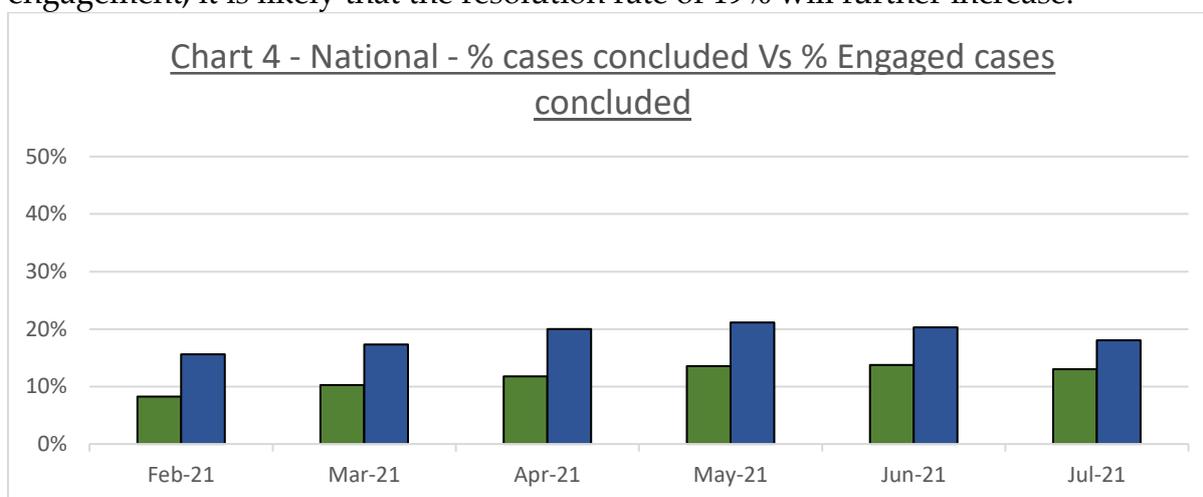
The potential impact in terms of the administrative continuation of proceedings to existing or new trial diets is illustrated in **Chart 3**. During the period February to July 2021 the administrative continuation rate post-PIDM averaged 49%. **Chart 3** shows the comparison to be made when this reported outcome is considered on the basis of those cases in which there has been engagement as opposed to the total cases listed. The first bar represents all cases in which a PIDM was fixed by the court. The second bar represents those cases in which there was engagement. The clear indication in the data is that, where there is engagement, parties are able to agree that cases are continued without further need to call them. This reduces the number of cases calling in court saving on court time and making intermediate diet courts more efficient. It also reduces the time spent by the Crown and Defence attending intermediate diets where little is achieved by a case calling before a sheriff.



Data source: Manual Master Spreadsheet

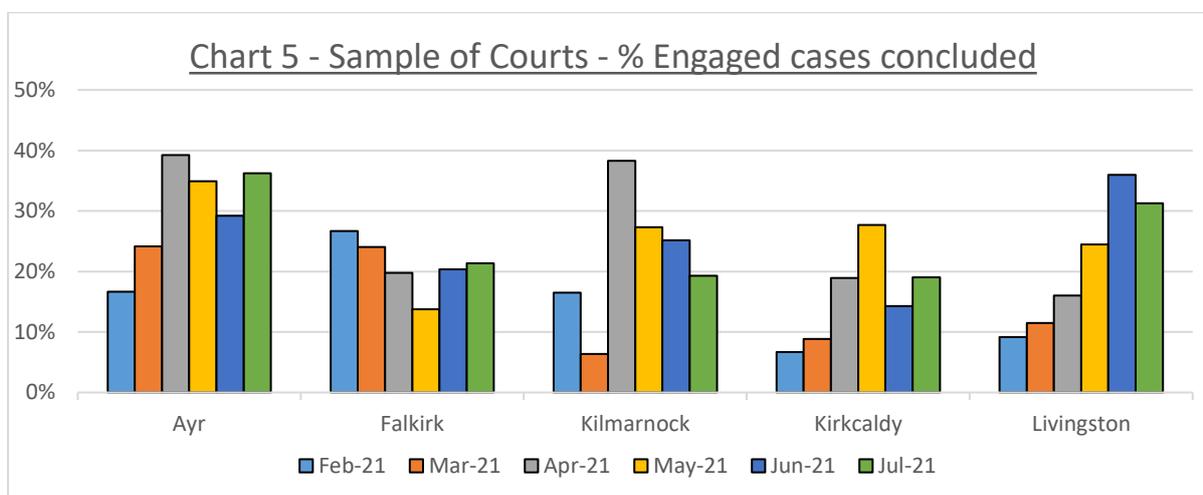
(iii) Case Resolution

During the period February to July 2021 the conclusion/potential conclusion rate post-PIDM as reported to the court averaged 19%. **Chart 4** illustrates the comparison to be made when this reported outcome is considered on the basis of those cases in which there has been engagement as opposed to the total cases listed. The first bar represents all cases in which a PIDM was fixed by the court. The second bar represents those cases in which there was engagement. It is noteworthy that 19% of cases discussed at PIDMs settled. This is to be compared to a settlement rate of 15% for all cases called at intermediate diet pre-pandemic. It follows, therefore, that it might be expected that with an increase in both the level of engagement and more constructive engagement, it is likely that the resolution rate of 19% will further increase.



Data source: Manual Master Spreadsheet

Chart 5 shows a sample of courts where, although there has been fluctuation over the period of the analysis, the average engagement and case resolution indicators from the PIDM Reports highlighted a high level of engagement with a positive impact in terms of case conclusion.



Data source: Manual Master Spreadsheet

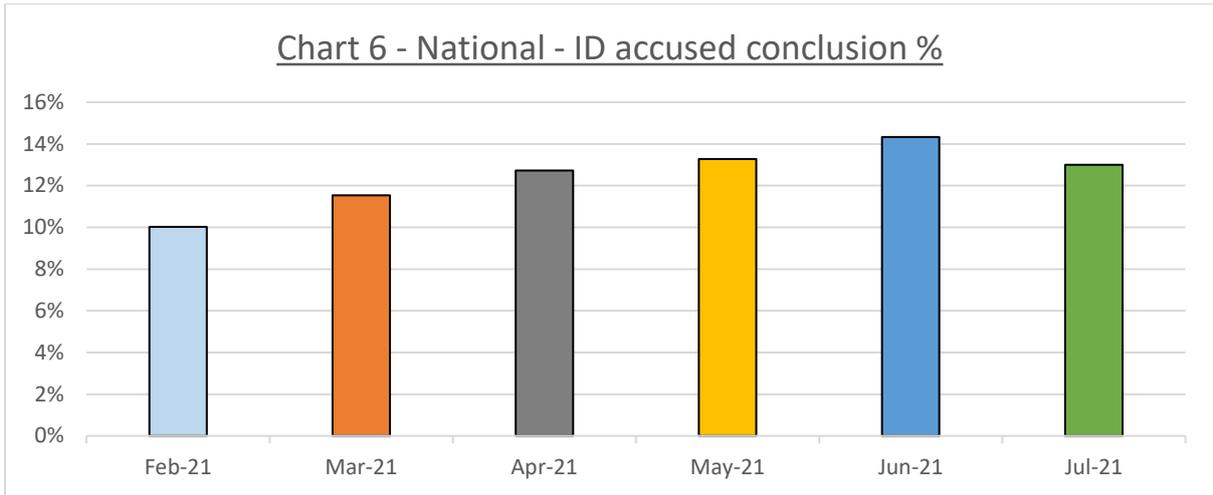
2.2 Intermediate Diet Performance – SCTS Monthly Protocol Reports

SCTS reports on the business volumes and throughput of Sheriff Summary Criminal business in the Monthly Protocol Report (MPR). The MPR includes information on the number of intermediate diets called and the key outcomes from intermediate diets each month, along with historical trend information. Provision has also been made for the pre-pandemic monthly average figure to be shown.

The expectation is that the impact of the PIDM process will be reflected in the MPR figures, particularly by way of an improvement in the outcomes in terms of case conclusion at that stage. It is however, helpful to highlight some key points of note:

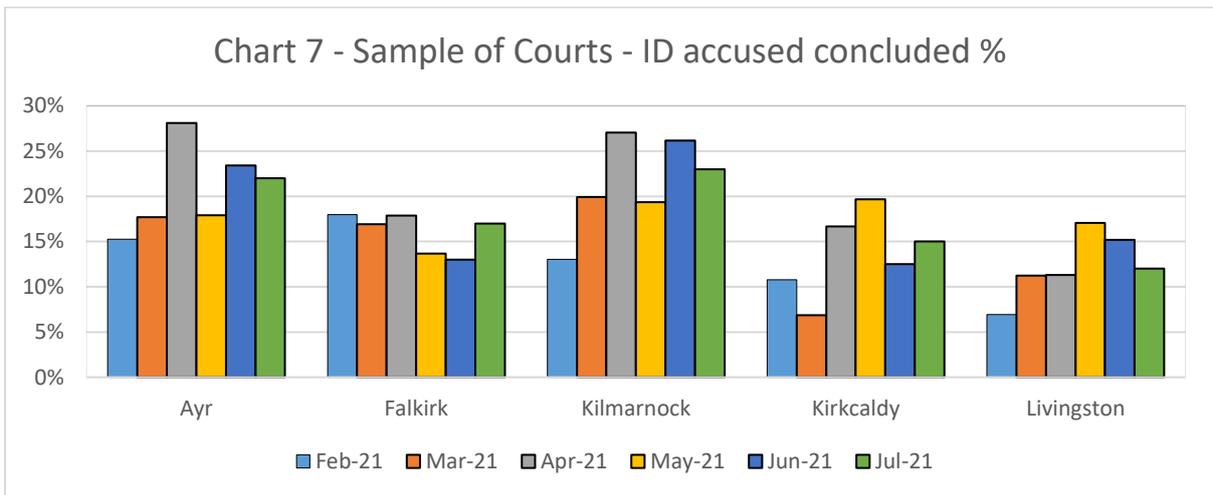
- during the period February to mid-April 2021 sheriff summary criminal business was still subject to restrictions and the MPR figures will be impacted by the high level of administrative adjournments by way of re-fixing orders; the analysis will therefore be more accurate in the subsequent 3 month period;
- the PIDM data referred to in this report is a representative sample;
- the PIDM data will be absorbed into the wider data in the MPR which will cover all intermediate diet cases including those where there has been no-engagement and those where the accused has been remanded in custody or self-represented accused which are excluded from the PN;
- the outcomes of the cases as predicted in the PIDM reports have not been aligned to the actual outcomes of cases called at the intermediate diet; that would require to be the focus of more detailed analysis and will produce the most accurate data.

It is, however, helpful to reflect on the performance at intermediate diet over the period February to July 2021 as reported in the MPR. **Chart 6** below illustrates that although there was a drop of 1% in July, the conclusion rate has been steadily increasing and has exceeded the pre-pandemic level since April 2021.



Data source: Sheriff Summary MPR

For completeness, actual performance in the sample courts shown in **Chart 5** is reflected in **Chart 7** below.



Data source: Sheriff Summary MPR

The outcomes of the PIDM reports for the above courts indicated that high engagement levels had a positive impact in terms of case resolution (**Chart 5** above). **Chart 7** illustrates the actual conclusion rates for those courts at the intermediate diet. The variance will be attributable to the factors outlined above. Whilst there have been fluctuations in performance, the actual case conclusion rate at all courts has reached and in several months exceeded, pre-pandemic levels. The data illustrates that the increased levels of engagement are leading to increased resolution.

2.3 Summary

PN4 recognised the importance of thorough and effective preparation and engagement in advance of the intermediate diet. Its aim was *“to ensure that only those cases which cannot be resolved and are ready to go to trial proceed to the assigned trial diet and that agents are present at an intermediate diet only when necessary”*.

The outcomes from the PIDM procedure set out in this report highlight not only its early impact since implementation but also the future opportunities it presents. Engagement levels have been steadily increasing, influenced by the steps taken since its introduction to respond to issues or concerns raised and the collaborative commitment to work together to improve the efficiency and effectiveness of the PIDM process.

Performance in terms of the reported outcomes of conclusion or resolution of cases following PIDM discussions is encouraging.

The backlog of cases caused by the pandemic requires innovative solutions which seek to deliver efficiencies while freeing up trial slots for those cases in which evidence requires to be heard.

Thus far, notwithstanding the early difficulties in arranging PIDMs and the continuing need for improved levels of engagement with the process, it is clear that PIDMs are delivering resolutions at pre-pandemic levels and in some courts, are exceeding pre-pandemic levels.

As engagement levels improve and the process embeds, the expectation is that this will have a positive impact on the case resolution rates. In doing so, it should contribute to minimising the number of vital trial diets lost by late guilty pleas and help to reduce the backlog of trials created by the pandemic.

A key feature of the PIDM procedure has been the opportunity to reduce the number of cases calling routinely for intermediate diet. Fewer unnecessary intermediate diets free up the courts, the judiciary, the crown and defence to deal with other business. The data thus far illustrates the impact that approach has had and the potential that it presents for making the most efficient use of resources across the system.

Part 3

OPPORTUNITIES FOR FURTHER IMPROVEMENT TO THE PIDM PROCESS

3.1 PIDM Development

The collaborative efforts to develop the PIDM process have been described above in Part 1. Progress to date has been underpinned by a cross-agency commitment to work together to secure improvements. Future progress will be informed by a similar approach.

The following paragraphs summarise the key planned developments which are likely to have a positive impact upon progress.

3.1.1 The COPFS Booking App

COPFS has outlined its plans to develop a new service to provide defence practitioners with enhanced access to case material and information via a digital platform (DAS: Defence Agents Service).

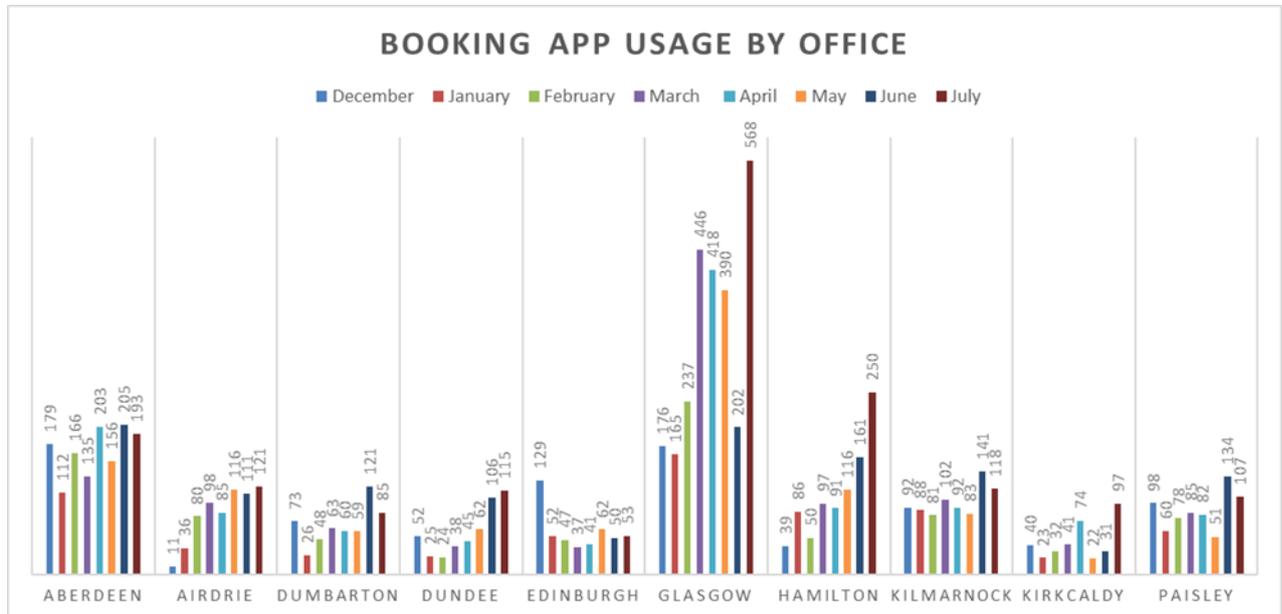
COPFS set up a cross justice Consultative Group (the DAS Consultative Group) to provide the opportunity to share details of the proposed DAS and to receive early feedback from practitioners in the development of the digital platform. Members of the DAS Consultative Group include representatives from the Law Society of Scotland, the Scottish Solicitors Bar Association, the Scottish Legal Aid Board and SCTS. Sheriff Principal Anwar is also a member.

At the first meeting of the Consultative Group on 7 July, COPFS demonstrated a prototype of the next iteration of the Booking App. Most of the issues raised in the discussion at the March Conference have now been addressed with key improvements including:

- a reduced number of screens;
- functionality to make multiple bookings;
- the auto population of defence agent details;
- the added facility for defence administration staff to book appointments on behalf of solicitors; and
- field validation to reduce the potential for error or duplicate entries.

The new Booking App, which is expected to be launched in September 2021, was well received by all of those in attendance.

Figures produced by COPFS for Booking App usage by Office to July 2021 are shown below.



Data source: COPFS Booking App

3.1.2 Qualitative Feedback to COPFS

SCTS provides regular feedback to COPFS on the quality of the PIDM Reports being received. The purpose of doing so is to encourage consistency and accuracy in the completion of the PIDM Reports. This feedback allows COPFS to review its guidance to staff at a national and local level.

SCTS will continue to provide this feedback. In addition, consideration will also be given to the facilitation of Sheriffdom workshops to provide staff from COPFS, SCTS and defence practitioners the opportunity to provide feedback on the process.

3.1.3 Effective Engagement - Evaluation of PIDM outcomes

Part 2 of this paper reflected on the key outcomes of the PIDM procedure during the period February to July 2021 as reported to the court. It also provided insight into its potential in terms of the resolution and conclusion of cases and early impact on performance at intermediate diet stage, notwithstanding the considerations that have to be applied in that regard.

Since the implementation of PN4, encouraging and facilitating engagement has been a key focus. That will continue to be the case nationally and locally.

Over time, with more accurate data and improved methods of analysing that data, there will be opportunities to consider how effectively PIDMs are securing the aim of PN4 in terms of:

- ensuring that only those cases which cannot be resolved and are ready to go to trial proceed to the assigned trial diet;
- that agents are present at an intermediate diet only when necessary;
- valuable trial diets are not lost by last minute adjournments or late guilty pleas.

This will require analysis of the actual outcomes of cases from engagement at the PIDM, through to the intermediate diet and where relevant, the trial diet. Work is already underway in developing methods to capture that data: the outcome of that analysis will be instrumental in informing future work.

The focus thus far has been to encourage high levels of engagement in the PIDM process. Attention will now require to be given to ensuring that the engagement is productive and constructive between the Crown and the Defence. It is essential that defence agents take part in PIDMs having obtained instructions from their clients and that deposes are authorised to discuss and take a view on the terms of proposed resolutions. The engagement requires to be meaningful to prevent intermediate diets being called or continued unnecessarily and to ensure that only those cases in which there is an issue to be tried, are allocated a trial diet.

3.1.4 Effective Judicial Input

The technical issues relating to the Booking App and identified as a key barrier to the PIDM process have been resolved and the expectation now is that levels of engagement will increase, further reducing the number of cases listed to call at intermediate diet. This will provide the sheriff with the opportunity to focus on those cases that require a matter to be determined or, where appropriate, to be judicially case managed.

Effective judicial input targeted at those cases which require to call at the intermediate diet should support the efficient throughput of proceedings, secure the optimum use of court and judicial resources, minimise the delay in bringing proceedings to a conclusion and, in doing so, further the aims of PN4.