



CASE HANDLING PROCEDURES

Equality

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4.0 STAGE 4 – FILE CLOSING

- 4.1 At the end of the review process, the legal officer updates the relevant file on Visual Files, making sure that all relevant documents, including emails, are stored on the relevant file on Visual Files.
- 4.2 Three months after the statement of reasons has been issued, the administration officer emails the Crown Office and the SPOC at PS, telling them the Commission's decision.

Non-reference

- 4.3 The legal officer passes to the admin team the hard-copy papers that the Commission has obtained during the course of its review, so that the papers can be scanned on to the relevant file on Visual Files. The papers are kept for five years and ten years in murder cases (see the Commission's data retention policy). After the expiry of the relevant five-year or ten-year period, the Data Protection Officer makes the final decision whether the papers are to be destroyed or, where they comprise original documents, returned to source.
- 4.4 The legal officer returns to the defence solicitor/the appeal solicitor any papers that they sent to the Commission retaining copies of those papers which had been relied upon; the legal officer may, at that stage, return to Crown Office

and the SPOC at PS any original documents that they sent to the Commission, making sure that copies are stored on the relevant file on Visual Files.

- 4.5 The Board considers whether there are any reasons which justify the retention of the papers for longer than the standard five-year and ten-year periods, or which justify archiving the papers in perpetuity in its premises (see also the Commission's data retention policy and its records management plan). Where it decides that there are reasons for doing so, the Board's decision for how long to retain the papers is recorded in the Board minutes and is marked on the relevant file on Visual Files.

Reference

- 4.6 All the papers, including the defence papers, are retained.
- 4.7 Before the appeal is heard, the papers are made available both to the appellant's solicitor and the Crown Office, in line with the Commission's disclosure policy. Where the appellant's appeal is subsequently upheld, the papers are destroyed or, where they comprise original documents, returned to source.
- 4.8 Where the subsequent appeal is unsuccessful, or is successful only in part, the papers are kept for five years (ten years in murder cases) from the date of the High Court's decision, and are then destroyed or, where they comprise original documents, returned to source. The defence papers are returned to the relevant solicitors (see also para 4.4 above).
- 4.9 The Board considers whether there are any reasons which justify the archiving of the papers – where, for example, the Board deems the case to be 'exceptional' (see also the Commission's data retention policy and its records management plan). Where it decides that there are reasons for doing so, the Board's decision is recorded in the Board minutes and is marked on the relevant file on Visual Files.
- 4.10 Where the High Court asks the Commission to comment on its decision, the legal officer tells the Board about the High Court's request. The Board agrees the appropriate response, and the Chief Executive writes in that regard to the High Court.

Post-review inquiries

- 4.11 Where the applicant or their representative asks the Commission to comment on its decision, the legal officer writes to the applicant or their representative to confirm that the Commission's review is completed.
- 4.12 Where the applicant or their representative asks the Commission to disclose information about their case, the legal officer passes the request to the Data Protection Officer. The request will be addressed in line with the Commission's disclosure policy.

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