

SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 26 JANUARY 2024

10:00 AM, HYBRID MEETING (OFFICE & VIDEO CONFERENCE)

FOR DISCLOSURE VIA THE PUBLICATION SCHEME

In line with the Commission's Disclosure policy, various paragraphs may have been edited or deleted from these minutes as the information contained therein relates to specific case information and/or personnel-related matters. Where the summary of discussion has been edited or the names have been deleted, this is indicated at the start of the relevant paragraph or section.

Present:

Mr Bill Matthews (Chair) – office
Mr Raymond McMenamin – office
Mrs Elaine Noad – video conference
Mrs Gillian Mawdsley – video conference
Ms Laura Reilly – video conference
Ms Jacqueline Fordyce – video conference
Doctor Alex Quinn – office

Also Present:

Mr Michael Walker, Chief Executive – office
Mr Chris Reddick, Director of Corporate Services (minutes) – office

Section 1: Governance Matters (edited)

1.1 Apologies

Mrs Mertes and Miss McMenamin KC had submitted their apologies.

1.2 Conflicts of Interest/Declarations of Interest/Gifts & Hospitality

Members were asked to declare any known conflicts of interests or gifts and hospitality.

There were no declarations of interests or gifts and hospitality.

1.3 Minutes of Board meeting held on 24 November 2023

The Board approved the minutes of the Board meeting held on 24 November 2023. The Board also approved the version of the minutes for the Publication Scheme.

1.4 Matters Arising

There were no matters arising.

1.5 Minutes of the Audit Committee meeting held on 23 November 2023

The Board noted the minutes of the Audit Committee meeting held on 23 November 2023 which had been approved by the Members of the Audit Committee. The Board also noted the version of the minutes for the Publication Scheme.

1.6 Matters Arising

Mrs Noad reported that the meeting had been extremely successful, confirming that the 2023-24 Annual Accounts had been approved and signed off, and thanked Mr Reddick and his team for their hard work. Mr Reddick also confirmed that the internal auditors had attended the meeting and are due to take forward some assurance work in quarter 4 covering culture and succession planning.

1.7 Chair's Report

Mr Matthews reported that the Commission's newest Board Member, Mr Finlay Young, is due to commence his appointment from 1 April 2024 and that induction training would be organised by Mr Walker and Mr Reddick. He also confirmed that Mr McMenemy, Mrs Noad and he would be concluding their appointments on 31 December 2024 and that the recruitment process and timescales had already been discussed with Justice Directorate. Mr Reddick confirmed that this would be put on the agenda for the next quarterly sponsor team meeting.

1.8 Chief Executive's Report

1.8.1 Mr Walker provided the Board with updates on the following matters:

- He reported that he had met with Ms Anna Donald from Justice Directorate on 23 January 2024 to discuss a number of issues.
- He confirmed that the 2022-23 Annual Accounts had been signed off and laid in Parliament along with the 2022-23 Annual Report on 11 December 2023.
- He referred to a previous discussion with the Board regarding retention of forensic materials by the police and confirmed that he had written to Ms Anna Donald regarding this matter which would be discussed further at the next quarterly sponsor team meeting.
- He reported that he had attended a meeting of the English Law Commission in January 2024 where retention of papers was discussed.
- He advised Members that a catch-up meeting with the CCRC was in the process of being organised for February/March 2024.
- He reported that he had received a request from a Japanese Law Professor to visit the Commission in March 2024 to find out more about the workings of the Commission.

1.9 Court Decisions

There were no court decisions.

1.10 Correspondence:

The Board noted correspondence received on 7 December 2023.

Section 2: Management Issues

2.1 Notification by Members of non-case related work

There was no notification of non-case related work by Members.

2.2 Training & Development

The following training and development had been undertaken since the last meeting of the Board:

- Mr Fenn had completed 30 hours online risk management training and would be cascading relevant learning to the staff team.
- Mr Lynn had completed 35 hours online data protection training as part of his role as the Commission's information officer.

2.3 Quarterly Case Statistics Report – 31 December 2023 (M Walker)

Mr Walker provided the Board with an overview of the quarterly case statistics to 31 December 2023, confirming that a total of 121 new applications had been received this year to date, with 106 being concluded and 8 referred so far. He anticipated that the year-end position would potentially exceed the previous year-end figures and discussed potential resourcing issues to support this case volume.

2.4 Quarterly Finance Report – 31 December 2023 (C Reddick)

Mr Reddick provided the Board with a summary of the quarterly finance report to 31 December 2023. He noted that the second part of the 2023-24 pay remit would be implemented from 1 January 2024 and that this would have an impact on staff costs. He also noted the financial position in respect of legal costs and investigations, both being under budget as a result of no new legal actions and investigative costs primarily limited to interpretation and translation services.

2.5 Corporate Risk Register – Quarter 2 Update (C Reddick)

Mr Reddick provided the Board with an update on the latest corporate risk register, confirming that this had been considered in full at the last meeting of the Audit Committee. He confirmed that a number of presentational changes had been agreed and that these would be taken forward.

Section 3: Case Matters (edited)

3.1 Monthly Case Summary:

Mr Walker confirmed that a total of 12 new applications had been received in January 2024.

3.2 – 3.4 There were no cases in any of these categories.

3.5 Requests for extensions of time to submit further representations:

- A second extension of time was agreed in 1 case.

3.6 – 3.7

There were no cases in either of these categories.

3.8 Discussion Cases

The Board considered one discussion case and agreed a number of actions.

Mrs Mawdsley had left the meeting for the discussion case having previously declared a conflict of interest and therefore took no part in its consideration.

Section 4: Proposed Referral Cases (edited)

4.1 The Board considered 1 statement of reasons. After full discussion it agreed to refer the case to the High Court.

Mrs Mawdsley had left the meeting for the discussion in one case having previously declared a conflict of interest and therefore took no part in its consideration.

Section 5: Proposed Interim Cases (edited)

5.1 The Board considered 1 statement of reasons. After full discussion it agreed not to refer the case to the High Court.

Section 6: Proposed Supplementary Cases (edited)

6.1 The Board considered 1 supplementary statement of reasons. After full discussion it finally agreed not to refer the case to the High Court.

Section 7: Stage 1 Pre Acceptance Cases (edited)

7.1 – 7.19 A total of 19 new applications were considered and the following decisions were made:

1 case	Accepted for a review of conviction and sentence
1 case	Accepted for a review of conviction only
1 case	Accepted for a review of sentence only
1 case	Rejected: incompetent application

1 case	Rejected: for want of insistence
1 case	Rejected: the applicant had not appealed against their conviction
1 case	Rejected: there were no plausible or stateable grounds of review
1 case	Rejected: it was not in the interests of justice to accept the case for full review as there were no new grounds
6 cases	Rejected: in each case the applicant had not appealed and there were no plausible or stateable grounds of review
1 case	Rejected: the applicant had abandoned their appeal without good reason and there were no plausible or stateable grounds of review
1 case	Rejected: the grounds of review were a repeat of the grounds of appeal and there were no plausible or stateable grounds of review
2 cases	Rejected: in each case in respect of conviction the applicant had not appealed and there were no plausible or stateable grounds of review; and in respect of sentence there were no plausible or stateable grounds of review
1 case	Continued for 1 month in order to obtain further information

Dr Quinn had left the meeting for the discussion in one case having previously declared conflicts of interest and therefore took no part in their consideration.

Section 8: Concluding Matters (edited)

8.1 Any Other Competent Business

The Board discussed and agreed action in order to obtain papers in one active case.

8.2 Date of Next Meeting

- Board Meeting – Friday 23 February 2024 @ 10:00

C Reddick
14 February 2023