

SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 28 APRIL 2023

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) – video conference
Mr Raymond McMenamin – video conference
Dr Alex Quinn – office
Ms Laura Reilly – video conference
Mrs Elaine Noad – video conference
Mrs Gillian Mawdsley – video conference
Ms Jacqueline Fordyce – video conference
Professor Jim Fraser - office

Also Present:

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

Section 1: Governance Matters (edited)

1.1 Apologies

There were no 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 conflicts of interest or declarations of gifts or hospitality.

1.3 Minutes of Board meeting held on 31 March 2023

The Board approved the minutes of the Board meeting held on 31 March 2023 subject to minor amendment. The Board also approved the version of the minutes for the Publication Scheme subject to the same minor amendment.

1.4 Matters Arising

There were no matters arising.

1.5 Chair's Report

1.5.1 Mr Matthews provided the Board with an update on the following matter:

- He advised that preparation for the Lay Member recruitment was still ongoing. Mr Reddick confirmed that he had updated a number of recruitment documents following a request from Justice Directorate and Public Bodies.

1.6 Chief Executive's Report

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

- He reported that all 2022-23 staff appraisals had now been completed.
- He reported that the consultation on the Justice Reform Bill had been received and proposed that Mr Fenn prepare a draft response for input from and consideration by the Board. Mrs Mawdsley confirmed that she would be happy to assist and that Miss McNab could also provide useful input.
- He advised that he would be attending a seminar on 3 May 2023 entitled "Trauma Informed Justice: A Knowledge and Skills Framework for Working with Victims and Witnesses". The keynote speakers would be the Cabinet Secretary for Justice and Home Affairs and the Lord Advocate.

1.7 Court Decisions

There were no court decisions.

1.8 Correspondence (edited):

Appeal under Persistent & Repeated Applications Policy

The Board considered 1 appeal under the Persistent & Repeated Applications Policy which was not upheld.

Recovery of Expenses Update (Mr Lynn)

The Board considered correspondence received in respect of 1 case where recovery of expenses was ongoing.

Mr Walker and Ms Fordyce had each 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 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 was undertaken since the date of the last meeting:

- Mr Lynn attended a virtual risk training course held by the Law Society of Scotland on 19 April 2023.

2.3 Quarterly Case Statistics Report – 31 March 2023

Mr Walker provided the Board with an overview of the quarterly case statistics to 31 March 2023, confirming that a total of 139 applications had been received, bringing the Commission's case volumes back to pre-pandemic levels. He also noted that work had commenced on the statistics for annual reporting within the 2022-23 Annual Report, and that comparative reporting would be focused on a 5-year approach to ensure that it is more relevant.

2.4 Quarterly Finance Report – 31 March 2023

Mr Reddick provided the Board with an overview of the quarterly finance report to 31 March 2023, confirming that the provisional outturn represented 91% of the annual budget, although confirmed that year-end adjustments, including accruals and pre-payments, still needed to be factored in. He also provided an update on the proposed timescales for year-end, including accounts preparation and audit.

2.5 Business Plan Objectives Report – 31 March 2023

Mr Reddick provided the Board with a summary of the achievement of 2022-23 business plan objectives, noting that the majority of objectives had been achieved, with only a few follow-up matters being carried forward in 2023-24. The Board noted the overall level of performance.

2.6 Annual Statutory Reporting (C Reddick)

- SCCRC Whistleblowing Annual Report 2022-23
- SCCRC Duties to Disclose 2022-23: Public Services Reform (Scotland) Act 2010

Mr Reddick advised the Board that the year-end reports in respect of Whistleblowing and the Public Services Reform (Scotland) Act 2010 had now been completed and would be published on the Commission's website.

2.7 Succession Planning (Mr Walker & Mr Reddick)

2.7.1 Mr Walker introduced his paper on succession planning and talent management, confirming that he and Mr Reddick had undertaken an extensive exercise in documenting both the Chief Executive and Director of Corporate Services' roles and setting out contingency plans to cover these key activities if required. Mr Reddick confirmed that the succession planning documents would form part of the Commission's Business Continuity Plan and be subject to regular update and testing.

2.7.2 Mr Reddick provided Members with a demonstration of the succession planning spreadsheets which had been prepared to cover the key tasks of the Chief Executive and Director of Corporate Services. He also noted the back-up arrangements

contained within the documents which identified suitable cover and referenced both procedural and back-up documentation.

- 2.7.3 In respect of talent management and job enrichment, Mr Reddick noted that succession planning documents would provide existing staff with the opportunity to become involved in other areas of work and personal development. After full discussion the Board thanked Mr Walker and Mr Reddick for their input.

2.8 Complaint Handling Process (Mr Reddick)

- 2.8.1 Mr Reddick provided the Board with a summary of his review of the Complaint Handling Process, along with a number of suggested changes to the approach adopted when dealing with complaints and complainants.
- 2.8.2 After full discussion the Board suggested a number of updates and suggested that the Complaint Procedure could be simplified, both in terms of process and language. Mr Reddick agreed to take this forward.

2.9 UN Convention on the Rights of the Child (Mr Fenn)

Mr Fenn provided the Board with a brief overview of his paper on the Commission's consideration of the impact of the proposed incorporation of the UNCRC. After full discussion it was agreed that the suggestions within the paper were appropriate.

Section 3: Case Matters (edited)

3.1 Monthly Case Summary

Mr Walker confirmed that a total of 13 new applications had been received in April 2023.

3.2 Notification of cases where final decisions have been issued since the last meeting of the Board, following the 28 days for submission of further representations expiring.

There were no cases in this category.

3.3 Notification of decision cases agreed at previous meetings of the Board but not yet issued.

There was 1 case in this category where the decision had since been issued.

3.4 – 3.8 There were no cases in any of these categories.

Section 4: Proposed Referral Cases

There were no cases in this category.

Section 5: Proposed Interim Cases (edited)

5.1 The Board considered 1 statement of reasons. After full discussion it agreed not to refer those cases 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 – 7.11	A total of 11 new applications were considered and the following decisions were made:	
	2 cases	Accepted for a review of conviction only
	1 case	Accepted for a review of sentence only
	1 case	Rejected: the applicant had abandoned their appeal without good reason
	1 case	Rejected: the grounds of review were a repeat of the grounds of appeal
	1 case	Rejected: there were no plausible or stateable grounds of review
	3 cases	Rejected: the applicant had not appealed and there were no plausible or stateable grounds of review
	1 case	Rejected: the applicant had not appealed, there were no plausible or stateable grounds of review and it was not in the interests of justice to accept the case for full review.
	1 case	Rejected: in respect of conviction the applicant had not appealed and there were no plausible or stateable grounds of review; and in respect of sentence the grounds of review were a repeat of the grounds of appeal and there were no plausible or stateable grounds of review

Section 8: Concluding Matters

8.1 Any Other Competent Business

There was no other competent business.

8.2 Date of Next Meeting

- Audit Committee – 11 May 2023 @ 14:00
- Board Meeting – Friday 26 May 2023 @ 10:00

C Reddick
18 May 2023