

SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 26 APRIL 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 – video conference
Mrs Elaine Noad – video conference
Mrs Gillian Mawdsley – video conference
Ms Laura Reilly – video conference
Doctor Alex Quinn – office
Mrs Suzanne Mertes – video conference
Mr Finlay Young – office
Ms Jacqueline Fordyce – video conference

Also Present:

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

Section 1: Governance Matters

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 22 March 2024

The Board approved the minutes of the Board meeting held on 22 March 2024 subject to minor amendment. The Board also approved the version of the minutes for the Publication Scheme subject to the same minor amendments.

1.4 Matters Arising

There were no matters arising.

1.5 Minutes of the Audit Committee meeting held on 18 April 2024

The Board noted the minutes of the Audit Committee meeting held on 18 April 2024. Mrs Noad provided a full update on matters considered.

1.6 Matters Arising

There were no matters arising.

1.7 Chair's Report

Mr Matthews provided the Board with updates on the following matters:

- He confirmed that draft dates for the Board recruitment round were currently being debated and hoped that these could be agreed in the coming week. He continued to emphasise with Ms Donald the importance of taking this process forward in a timely manner and having candidates in post by the end of December 2024.
- He reported that Board appraisals were ongoing and that he would provide an update at the next Board meeting. He noted that feedback obtained so far consistently referred to the high quality of staff at the Commission and the ongoing support that they provide.

1.8 Chief Executive's Report

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

- He reported that all staff appraisals had now been completed.
- He confirmed that induction training for Mr Young had been undertaken on 5 April 2024.
- He reported that a Norwegian Investigative Commission had visited the Commission on 17 April 2024, noting that they had been established to undertake a review of the NCCRC.
- He reported that he had attended an Appeal Court User Group meeting on 18 April 2024.
- He reported that a written decision in the Post Office referral cases was expected next week.

1.8.2 Mr Walker confirmed that an internal Engagement Strategy meeting had taken place since the last meeting of the Board and provided an update on various activities taken forward. He also noted that initial scoping work had commenced in respect of the Commission's proposed 25th Anniversary Event and Mr Reddick provided a summary of some of the thoughts so far. It was agreed that a further update would be provided at the next meeting.

1.9 Court Decisions

There were no court decisions.

1.10 Correspondence:

There was no correspondence for consideration.

Section 2: Management Issues

2.1 Notification by Members of non-case related work

Mr Matthews confirmed that he had undertaken Board appraisals during the month.

2.2 Training & Development

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

- Mr Finlay had undertaken induction training on 5 April 2024.
- Mr Fenn had attended an Internationalisation of Scots Law seminar on 24 April 2024.
- Mr McShane had attended update First Aid Training on 25 and 26 April 2024.

2.3 Quarterly Case Statistics Report – 31 March 2024 (M Walker)

Mr Walker provided an overview of the quarterly case statistics report to 31 March 2024, noting that a total of 177 new applications had been received during the year which was the highest number ever received by the Commission. He also noted that 142 cases had been concluded. The resourcing implications of this continued increase in case volumes was discussed, including the impact on existing staff. Mrs Mertes noted that the risks associated with case volumes was identified within the corporate risk register and that this was a good way of evidencing ongoing review and consideration of mitigations.

2.4 Quarterly Finance Report – 31 March 2024 (C Reddick)

Mr Reddick provided a full update on the year-end finance report as at 31 March 2024, confirming that the figures were subject to update following the process of accrual, pre-payments and any other adjustments. He confirmed that expenditure was currently 93 % of the annual budget although noted that further expenditure was anticipated in respect of balancing service charges. He also noted that both legal and investigative expenditure was well under budget for the year although stressed the demand led nature of this type of expenditure.

2.5 Annual Case Targets – verbal update (C Reddick)

2.5.1 Mr Reddick provided the Board with a verbal update in respect of the achievement of the 2023-24 annual case targets, confirming that four out of the five targets had been successfully achieved, despite the increase in case volumes and associated resource pressures. He noted that the target which was narrowly missed was again in respect of the average review times for sentence-only cases. The Commission achieved an average review time of 4.3 months compared to the 4-month target. He confirmed that there were only 4 cases in this category and that problems obtaining papers in one case and a referral in another case had pushed the average review time just over target.

2.5.2 Mr Reddick also provided an overview of proposed targets for 2024-25, including changes to the stage 1 target, reflect case volumes and resource pressures and a change to the target for sentence-only cases.

2.6 Corporate Risk Register – Quarter 3 – 2023-24 Update (C Reddick)

Mr Reddick provided the Board with an overview of the updated corporate risk register which had been considered at the last meeting of the Audit Committee on 18 April 2024. He confirmed that a new traffic lights system had been introduced on the summary of movements page and identified a number of updates in respect of control actions and mitigations. After full discussion the Board approved an update to the likelihood scoring of Risk 4.

Section 3: Case Matters (edited)

3.1 Monthly Case Summary:

Mr Walker confirmed that a total of 10 new applications had been received in January 2024.

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 (edited):

- There was 1 case in this category

3.3 – 3.6 There were no cases in either of these categories.

3.7 Persistent & Repeated Applications

Mr Walker confirmed that one new case had been registered on the persistent and repeated applications register.

3.8 Discussion Cases (edited)

The Board discussed 2 cases and after full discussion agreed various actions.

Section 4: Proposed Referral Cases (edited)

4.1-4.2 The Board considered 2 statements of reasons. After full discussion it agreed to refer both cases to the High Court.

Section 5: Proposed Interim Cases (edited)

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

Section 6: Proposed Supplementary Cases

There were no cases in this category.

Section 7: Stage 1 Pre Acceptance Cases (edited)

7.1 – 7.18 A total of 18 new applications were considered and the following decisions were made:

4 cases	Accepted for a review of conviction only
1 case	Accepted for a review of sentence only
4 cases	Rejected: in each case there were no plausible or stateable grounds of review
1 case	Rejected: that applicant had not appealed and there were no plausible or stateable grounds of review
2 cases	Rejected: in each case 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 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
1 case	Continued: for 1 month in order to take decision
1 case	Refused for Want of Insistence

Ms Reilly had left the meeting for the discussion in two cases having previously declared conflicts of interest and therefore took no part in their consideration.

Section 8: Concluding Matters

8.1 Any Other Competent Business

There was no other competent business.

8.2 Date of Next Meeting

- Policy Meeting – Friday 24 May 2024 @ 10:00
- Board Meeting – Friday 31 May 2024 @ 10:00
- Board Meeting – Tuesday 25 June 2024 @ 10:00
- Audit Committee Meeting – Friday 5 July 2024 @ 10:00

C Reddick
21 May 2024