

SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 26 JULY 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) – video conference
Mr Raymond McMenamin – video conference
Mrs Elaine Noad – video conference
Mrs Gillian Mawdsley – video conference
Ms Laura Reilly – video conference
Mrs Suzanne Mertes – video conference
Mr Finlay Young – video conference
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 – office

Section 1: Governance Matters (edited)

1.1 Apologies

Doctor Quinn had submitted his 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 28 June 2024

The Board approved the minutes of the Board meeting held on 28 June 2024 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 Minutes of Audit Committee meeting held on 9 July 2024

The Board noted the minutes of the Audit Committee meeting held on 9 July 2024 which had been approved by the Audit Committee Members. The Board also noted the version of the minutes for the Publication Scheme.

1.6 Matters Arising

Mrs Noad provided the Board with an overview of the Audit Committee business considered at the meeting on 9 July 2024, including details of assurance provided by both the external and internal auditors following their annual audit activities.

1.7 Chair's Report

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

- He confirmed that the advert for the Chair and Legal Member vacancies was due to go live over the next few days, noting that this would run for a total of 4 weeks until 23 August 2024. He also confirmed that the link to the advert would be circulated to Members.
- He reported that Mrs Mertes would be taking over as Chair of the Audit Committee following the conclusion of Mrs Noad's appointment with the Commission. He also reported that Mr Young would become a Member of the Audit Committee at the same point.
- He reported that he, Mr Walker and Mr Reddick had met with Holyrood Events on 23 July 2024 to discuss the Commission's 25th Anniversary Event, an update on which would be provided later in the agenda.

1.8 Chief Executive's Report (edited)

1.8.1 Mr Walker provided the Board with an update on the following matters:

- He confirmed that he had signed off the Commission's 2023-24 Annual Accounts on 9 July 2024 following approval by the Audit Committee.
- He reported that a new part-time member of the admin team had been appointed and would commence work on 7 August 2024.
- He reported that he had received a response from Ms Anna Donald following his enquiry regarding a previously discussed matter.
- He noted that he would be providing a talk to the Edinburgh Branch of the Scottish Association for the Study of Offending on 3 December 2024.

1.8.2 Mr Walker asked Mr Reddick to provide an overview of work being taken forward in respect of the 25th Anniversary Event. Mr Reddick confirmed that the event would take place on the afternoon of Thursday 28 November 2024 and that it would be a virtual event, with speakers and some attendees participating from the Commission's office. He also provided an update on the schedule for the event, including speakers, timings and IT/backup arrangements.

1.9 Court Decisions

There were no court decisions.

1.10 Correspondence:

There was no correspondence.

Section 2: Management Issues (edited)

2.1 Notification by Members of non-case related work

Mr Matthews confirmed that he had undertaken work in respect of Board recruitment.

2.2 Training & Development

No training or development was undertaken since the date of the last Board meeting.

2.3 Quarterly Case Statistics Report – 30 June 2024 (C Reddick)

2.3.1 Mr Reddick provided the Board with an overview of the case statistics to 30 June 2024, confirming that a total of 60 new applications had been received in the first quarter. He noted that, if continued at this rate, the anticipated number of cases received in the year would be significantly higher than ever. He also provided a summary of the other key case statistics.

2.3.2 Mr Reddick confirmed that resourcing pressures would be discussed with Scottish Government at the next quarterly meeting in August 2024, given the increasing case volume and reduced staff complement. He noted that the current case profile, consisting of higher numbers of stage 1 cases and less stage 2 cases, has meant that staff have just about been able to manage these volumes without the introduction of a backlog. After full discussion the Board agreed that this was an appropriate course of action and Mr Reddick agreed to provide feedback following the next quarterly sponsor meeting.

2.4 Quarterly Finance Report – 30 June 2024 (C Reddick)

Mr Reddick provided a summary of the quarterly finance report to 30 June 2024, noting that spend against budget represented 28% of the annual budget. He noted that both investigations and legal costs expenditure was currently below budget although confirmed that expenditure had been committed in both and this would likely be reflected over the next quarter. After full discussion the Board noted the content of the report.

2.5 Quarterly Objectives Report – 30 June 2024 (C Reddick)

Mr Reddick provided the Board with a full update on the quarterly business plan objectives report, noting progress against agreed objectives. The Board noted the content of the report.

2.6 2023-24 Annual Report – Verbal Update (C Reddick)

Mr Reddick advised that the text and content for the 2023-24 Annual Report had been agreed and was currently with the print designer. He anticipated this being concluded over the next few weeks at which point it would be submitted to the Scottish Parliament to be laid alongside the 2023-24 Annual Accounts.

2.7 Risk Management: Corporate Risk Register (C Reddick)

Mr Reddick confirmed that the corporate risk register, following review and update by the Audit Committee at their meeting on 9 July 2024, had been circulated for information. He also confirmed that the Board would now receive this along with all other quarterly reports irrespective of whether this followed on from a scheduled Audit Committee meeting. The Board discussed the updated register in detail and agreed various updates to narrative. The Board also discussed some formatting points raised by the internal auditors.

2.8 Cyber Essentials Accreditation Certificate (C Reddick)

Mr Reddick reported that the Commission had received its latest accreditation under cyber essentials and that a new certificate had been received. The Board thanked Mr Reddick for taking this forward.

2.9 Independent review by Chris Henley KC of the CCRC's handling of the Andrew Malkinson case (M Walker) (edited)

2.9.1 Mr Walker referred Members to the circulated report produced by Chris Henley KC and confirmed that, after Members have had time to consider the report fully, it should be considered in more detail at the meeting in August 2024.

Section 3: Case Matters (edited)

3.1 Monthly Case Summary:

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

3.2-3.6 There were no cases in any of these categories.

3.7 Persistent & Repeated Applications (edited)

- The Board noted that an appeal against registration under the Persistent & Repeated Applications Policy had been received and agreed to consider this at their meeting in August 2024

3.8 Discussion Cases –Mr Fenn & Miss McNab (edited):

Mr Fenn and Miss McNab provided the Board with a brief update in respect of a discussion case.

Section 4: Proposed Referral Cases

There were no cases in this category.

Section 5: Proposed Interim Cases

There were no cases in this category.

Section 6: Proposed Supplementary Cases

There were no cases in this category.

Section 7: Stage 1 Pre Acceptance Cases (edited)

7.1 – 7.20 A total of 20 new applications were considered and the following decisions were made:

1 case	Rejected: the applicant had not appealed against conviction
2 cases	Rejected: in each case the grounds of review were a repeat of the ground of appeal
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
8 cases	Rejected: in each case the 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
1 case	Rejected: in respect of conviction the grounds of review were a repeat of the grounds of appeal and it was not in the interests of justice to accept the case for full review; and in respect of sentence the grounds of review were a repeat of the grounds of appeal.
2 cases	Continued for 1 month
1 case	Withdrawn by applicant

Ms Reily, Ms Fordyce and Mr Walker each 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

8.1 Any Other Competent Business

There was no other competent business.

8.2 Date of Next Meeting

- Board Meeting – Friday 30 August 2024 @ 10:00

C Reddick
14 August 2024