

## SCOTTISH CRIMINAL CASES REVIEW COMMISSION

### MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 28 MARCH 2025

#### 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:**

Dr Vanessa Davies (Chair) – office  
Ms Laura Reilly - office  
Miss Alyson Forbes - office  
Mr Finlay Young – video conference  
Ms Jacqueline Fordyce – video conference  
Mrs Gillian Mawdsley – video conference  
Dr Alex Quinn – video conference  
Mrs Suzie Mertes – 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**

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.

Ms Fordyce and Mr Young each declared a conflict of interest in one case.

In respect of declarations of gifts and hospitality, Mrs Mawdsley confirmed that she had organised an Open University conference on Vicarious Trauma where Mr Young was a speaker and Miss Forbes and Dr Davies were attendees. A sandwich lunch had been provided for speakers and attendees.

### **1.3 Minutes of Board meeting held on 28 February 2025**

The Board approved the minutes of the Board meeting held on 28 February 2025, subject to minor amendment. The Board also approved the version of the minutes for the Publication Scheme, subject to minor amendment.

### **1.4 Matters Arising**

There were no matters arising.

### **1.5 Chair's Report**

Dr Davies provided the Board with updates on the following matters:

- She reported that she had attended the Open University Vicarious Trauma conference organised by Mrs Mawdsley and left with some useful takeaway points on Board assurance.
- She reported that she had met with Mr Walker and they had discussed the process and timing of annual appraisals.

### **1.6 Chief Executive's Report**

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

- He reported that he had received verbal notification of the Commission's 2025-26 funding which represented a 2.5 % increase on the prior year. He also noted options for addressing the various resource planning issues raised previously. He confirmed that he and Mr Reddick would take this forward with the sponsor team.
- He reported that a new administration officer had been appointed after a recruitment exercise and would commence with the Commission on 1 April 2025.
- He reported that he had received notification from Scottish Government of a parliamentary question raised about the Commission on 19 March 2025 and provided the Board with a summary of the reply, which had been put together by Justice Directorate. Dr Davies queried the process for responding to such questions and any input sought from the Commission. Mr Reddick confirmed that he would normally be advised of any such questions and assist in formulating a response but not on this occasion. He agreed to discuss with sponsor team and clarify the process.
- He reported that a decision had been received in the Commission's favour from the Information Commissioner's Office (ICO) in respect of a subject access request made by a former applicant. He confirmed that Mr Lynn had dealt with the initial request and Mr Reddick had undertaken the review of Mr Lynn's decision, before the case was appealed to the ICO.
- He provided an update on information sharing agreements taken forward by the Commission with Scottish Government and the Post Office, noting that work was continuing with regard to an agreement with Crown Office.
- He reported that he had hosted a visit on 3 March 2025 from Sara Hellqvist Bailey, external lecturer in forensic psychology, DIS Study Abroad in Scandinavia, along with a delegation of her students from America.

- He reported that Miss McNab had given a talk to Edinburgh University LLB students on 27 March 2025.

## 1.7 Court Decisions

There were no court decisions.

## 1.8 Correspondence:

There was no correspondence for consideration.

# Section 2: Management Issues (Edited)

## 2.1 Notification by Members of non-case related work

There was no non-case related work notified by Members.

## 2.2 Training & Development

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

- All staff had attended trauma training provided by Dr Sarah Weldon, consultant clinical psychologist, in the office on 25 March 2025.
- Two Legal Officers had attended a CLT Criminal Law Conference in Glasgow on 17 March 2025.
- One Legal Officer had attended a Pension Power Member Engagement session on 12 March 2025.

## 2.3 The Law Commission Consultation (Mr Walker)

2.3.1 Mr Walker referred to the (English) Law Commission's consultation entitled "Criminal Appeals" and the chapter therein headed "The Criminal Cases Review Commission", which contained a wealth of information about the operation of the CCRC and the legal tests that the CCRC applies. He confirmed that, although the chapter raised many issues of commonality with the position in Scotland, the consultation questions were specific to the English jurisdiction and the tests applying there, and that we had not been asked directly to respond to the consultation. Mr Walker also confirmed that he had previously met with Professor Penny Lewis, the lead author of the consultation, and had discussed in detail the operation of the SCCRC.

2.3.2 After full discussion by the Board, it was agreed that Mr Walker would contact Professor Lewis to confirm that we did not intend to respond to the consultation questions but that we could offer our assistance in respect of any Scottish elements that they wished to explore.

### Section 3: Case Matters (Edited)

#### 3.1 Monthly Case Summary:

Mr Reddick confirmed that the provisional case statistics were currently being compiled and that at today's date, a total of 213 new applications had been received in 2024-25.

- 3.1 There was one case where notification of the final decision had been issued since the last meeting of the Board, following the 28 days for submission of further representations expiring.

3.3 – 3.7 There were no cases in these categories.

#### 3.8 Discussion Cases

##### 3.8.1 – Judicial Review Matter

Mr Walker provided the Board with an overview of the case and the subsequent petition for judicial review of the Commission's stage 1 decision. He noted that this was the first challenge of the Commission's stage 1 procedure and put forward the options available to the Commission including contesting the judicial review or conceding the petition and accepting the case for stage 2 review in order to address the point raised.

After full discussion it was agreed that conceding the case would be a pragmatic approach and be a better use of public funds.

##### 3.8.2 Post Office/Horizon/Capture - verbal update

(Conflict: G Mawdsley – one case only)

(Mrs Mawdsley left the meeting for part of the discussion having previously declared a conflict of interest in respect of Horizon cases and therefore took no part in the consideration of one case.)

Miss McNab referred the Board to the update report circulated with papers and provided a further update since the report was issued. In particular she confirmed that information had now been received from Scottish Government in respect of potential future cases.

Mr Fenn provided an overview of the proposed contact exercise for potential applicants and took Members through the draft information sheet which, once agreed, would be uploaded to the Commission's website for signposting. After full discussion the Board agreed the content of the information sheets and agreed that this should be uploaded to the website and communicated to strategic partners.

In respect of one case it was agreed that there was no need at this point to make further contact with the applicant's family.

### Section 4: Proposed Referral Cases

There were no cases in this category.

## Section 5: Proposed Interim Cases (Edited)

**5.1 – 5.4** The Board considered 4 statements of reasons. After full discussion it agreed not to refer the cases to the High Court.

Ms Reilly, Dr Quinn and Ms McMenamin KC each left the meeting in respect of one case, having previously declared conflicts of interest and therefore took no part in their consideration.

## 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:

3 cases	Accepted for a review of conviction only.
6 cases	Rejected: in each case there were no plausible or stateable grounds of review.
1 case	Rejected: the applicant had not appealed it was not in the interests of justice to accept the case for review.
5 cases	Rejected: in each case the applicant had not appealed and there were no plausible or stateable grounds of review.
2 cases	Rejected: the applicant had abandoned their appeal without good reason and there were no plausible or stateable grounds of review.
1 case	Continued for 1 month.

Mr Young left the meeting in respect of one case, having previously declared a conflict of interest, and therefore took no part in its consideration. Ms Fordyce left the meeting in respect of 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

Mr Reddick confirmed that there had been a number of issues identified with the payroll system on Oracle Cloud this month, which had required correction payments to be made via CHAPS. He also confirmed that non-receipt of payslips and P60s had also been reported to Scottish Government and asked that Members advise him of any subsequent issues.

## 8.2 Date of Next Meeting

- Board Meeting – Friday 25 April 2025 @ 10:00

C Reddick  
4 April 2025