

SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 29 NOVEMBER 2024

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

FOR DISCLOSURE VIA THE PUBLICATION SCHEME

Present:

Mr Bill Matthews (Chair) – office
Mr Raymond McMenamin – office
Ms Laura Reilly - office
Mrs Elaine Noad – office
Mrs Suzanne Mertes – office
Mr Finlay Young – office
Ms Jacqueline Fordyce – office
Mrs Gillian Mawdsley – office

Also Present:

Mr Michael Walker, Chief Executive – office
Mr Chris Reddick, Director of Corporate Services (minutes) - office
Miss Frances McMenamin KC – office
Dr Vanessa Davies – New Chair - (Attendance for non-case related agenda items only)

Section 1: Governance Matters

1.1 Apologies

Dr Quinn had submitted his apologies.

Mr Matthews welcomed Dr Davies, congratulating her on her appointment as Chair from 1 January 2025, and welcomed her as an observer for the non-case related business of the agenda. All attendees did brief introductions, and Dr Davies thanked the Board for their invitation to attend as an observer for part of the meeting.

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 25 October 2024

The Board approved the minutes of the Board meeting held on 25 October 2024, 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 Minutes of the Audit Committee meeting held on 14 November 2024

The Board noted the draft minutes of the Audit Committee meeting held on 14 November 2024.

1.6 Matters Arising

1.6.1 Mrs Noad provided a brief summary of matters considered by the Audit Committee, confirming that the agenda was relatively brief. She also confirmed that the November meeting was her last before Mrs Mertes takes over as Chair and Mr Young joins the Committee. She confirmed that Mr Young had also attended the meeting as an observer.

1.6.2 Mr Reddick also confirmed that the internal auditors had attended the meeting and presented their annual plans for 2025-26. He also confirmed that a subsequent planning meeting would be set up with the external auditors and a meeting would be scheduled for February/March 2025.

1.7 Chair's Report (Edited)

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

- He reported that the Commission's 25th Anniversary Seminar, which had been held and broadcast from the office the previous day, had been a great success and thanked everyone for their input. He noted that there had been over one hundred attendees and the feedback so far had been very positive. He also thanked all the speakers for their valued input.
- He reported that he had undertaken some introductory work with the new Chair and Legal Member, along with the executive team, and that formal induction training would be undertaken in January 2025. He also noted that today was an opportunity to undertake some constructive transition in advance of the formal handover from 1 January 2025.

1.8 Chief Executive's Report (Edited)

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

- He also referred to the previous day's 25th Anniversary Seminar and thanked Mr Reddick for his organisation of the event alongside Holyrood Events and for all the speakers that participated. He also noted some very positive feedback already from both in-person and online attendees. Mr Matthews remarked on how well the format of the event worked and that this approach may lend itself well to future talks and events.
- He reported on a minor data breach that had been reported to the ICO. A full acknowledgement had already been received from the ICO on the matter, confirming that no further action was required.

- He provided an update on previous discussions in respect of an absence of a forensic archive in Scotland. He confirmed that he had met with the Crown Agent and discussed this issue in detail and that subsequent 6-monthly catch-up meetings had now been scheduled. He agreed to provide the Board with any subsequent updates on this matter.
- He advised the Board regarding having contacted the Law Society about a lack of cooperation from solicitors in respect of certain cases. The Law Society had confirmed that it would remind its members about their obligations to retain cases papers for the relevant periods, given the role of the Commission.
- He advised that a sporadic issue had been picked up in respect of prison mail, issued by the Commission and marked as “Privileged Legal,” where it appeared that this had been opened before distribution to the appropriate recipient. This matter had been raised both with Scottish Prison Service and the Scottish Government.
- He confirmed that he and Mr Reddick had attended a quarterly meeting with Justice Directorate on 21 November 2024 and provided an overview of the agenda. In particular he confirmed that the Resource & Capacity Paper had been discussed and noted that an update on this would be provided later in the agenda.

1.9 Court Decisions

Correspondence – (Case related)

- 1.9.1 Mr Walker referred Members to correspondence from COPFS with regard to a referral by the Commission. This confirmed that the Crown would not be opposing the appeal and Mr Walker confirmed that the conviction had subsequently been quashed. He also confirmed that he had written to both the Crown and SPS regarding a potential systemic issue.

UKSC Decision in 274/275 Case

- 1.9.2 Mr Walker provided an update on the UK Supreme Court’s decision in the case of *Daly V HM Advocate* (Scotland), relating to the S274/275 issue previously discussed and confirmed that this had been refused.

1.10 Correspondence:

Mr Walker provided an overview of the following correspondence:

- He referred Members to the correspondence of 17 October 2024 from the Law Society of Scotland, which had been considered at the Board meeting on 25 October 2024. His response had been circulated with papers for information.
- He provided Members with an overview of a decision by the Scottish Information Commissioner in respect of a freedom of information request which had been refused by the Commission. The decision was made in the Commission’s favour.
- He referred Members to an article in Scottish Legal News concerning legal aid.

Section 2: Management Issues

2.1 Notification by Members of non-case related work

Mr Matthews confirmed that he had spent additional time on Board recruitment and preparations in respect of the Commission's 25th Anniversary Seminar.

2.2 Training & Development

Mr Walker provided Members with an update on Trauma Training that had been organised and was being taken forward with all staff, as well as the development of trauma awareness and support arrangements to be put in place on an ongoing basis.

2.3 Resource & Capacity Paper – C Reddick

2.3.1 Mr Reddick provided the Board with a summary of his resource and capacity paper which had also been discussed with Justice Directorate at the last quarterly meeting on 21 November 2024. The Board discussed the paper and the current situation in detail and various comments were made along with updates to the current paper. After full discussion it was agreed that action on this matter was required and Mr Matthews undertook to write to Scottish Government, setting out the position in respect of current resource and capacity issues.

(Dr Davies left the meeting at this point)

Section 3: Case Matters (Edited)

3.1 Monthly Case Summary:

Mr Walker confirmed that a total of 21 new applications had been received in November 2024.

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

3.7 Persistent & Repeated Applications

1 case was registered on 12 November 2024

1 case where the applicant was on the P&R register was rejected on 12 November 2024

3.8 Discussion Cases

Post Office/Horizon Cases

A discussion took place regarding the current position in respect of the Post Office cases. A copy of a recent letter from the Horizon Compensation Advisory Board to the UK Government had been circulated. It was agreed that no action on this was necessary.

Section 4: Proposed Referral Cases

There were no cases in this category.

Section 5: Proposed Interim Cases (Edited)

5.1-5.6 The Board considered 6 statements of reasons. After full discussion it agreed not to refer the cases to the High Court.

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

Section 6: Proposed Supplementary Cases (Edited)

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

Section 7: Stage 1 Pre-acceptance Cases (Edited)

A total of 24 new applications were considered and the following decisions were made:

7.1 – 7.24 A total of 24 new applications were considered and the following decisions were made:

1 case	Accepted for a review of conviction only
5 cases	Rejected: in each case there were no plausible or stateable grounds of review
2 cases	Rejected: in each case it was not in the interests of justice to accept the case for review
10 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
2 cases	Rejected: in each case the grounds of review were a repeat of the grounds of appeal and there were no plausible or stateable grounds of review
2 cases	Continued for 1 month

Mr Matthews, Ms Fordyce, Mr Young and Miss McMenamin K.C. all left the meeting in respect of one case each, having previously declared conflicts of interest and therefore took no part in their consideration.

Section 8: Concluding Matters

8.1 Any Other Competent Business

The Board met separately as the Remuneration Committee in order to consider the implementation of the 2024-25 Public Sector Pay Policy. A separate note was prepared. (Mr Walker left the meeting for these discussions)

8.2 Date of Next Meeting

- Board Meeting – Friday 31 January 2025 @ 10:00

C Reddick
4 December 2024