

SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 31 JANUARY 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 - video conference
Mrs Suzanne Mertes – video conference
Mr Finlay Young – office
Ms Jacqueline Fordyce – video conference
Mrs Gillian Mawdsley – office
Dr Alex Quinn - 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

1.1 Apologies

Miss Forbes had submitted her 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 29 November 2024

The Board approved the minutes of the Board meeting held on 29 November 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 Chair's Report

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

- She reported that she had attended induction training provided by Commission staff on 7 January 2025 and that this had been followed up with training materials including the Board Handbook. She confirmed that she had also met with Mr Walker and Mr Reddick as part of her induction.
- She confirmed that she would be contacting all Board Members soon to organise one to one catch up sessions.
- She reported that she would be attending a quarterly sponsor team meeting on 11 February 2025 with Mr Walker and Mr Reddick, as an introduction to both key personnel and processes.

1.6 Chief Executive's Report (Edited)

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

- He provided an update regarding recent communications with the Crown Agent regarding the forensic archive and that it had been agreed that arrangements would be made for representatives from SCCRC, Police Scotland, SPA and COPFS to meet to discuss the specifics of the recent Malkinson decision.
- Mr Walker provided an update on the previously discussed Resource Planning Paper.
- Mr Walker provided an update on succession planning arrangements.
- He reported that a cyber resilience early warning notice had been received from Scottish Government at the start of January, providing details of a possible threat. Mr Reddick provided a full update and confirmed that the threat had been fully investigated, with the assistance of the Commission's IT support team, and it was confirmed that the threat referred to did not affect the Commission. He agreed to make a note of this exercise within the business continuity plan test/incident schedule.
- He advised that Dr Isla Calander, from Aberdeen University, had been invited to give a presentation to the Board on her recent research on the SCCRC. He confirmed that she would attend the Policy meeting on 21 March 2025.
- He provided an update on recent Scottish Legal News articles in respect of the Lockerbie bombing case and reviews by the Commission, noting that this had attracted some follow up commentary and press.
- Mr Walker reported on a review of the Scottish Government (SG)'s use of mobile messaging apps (MMAs) and SG's decision to end the use of MMAs across the SG by the spring of 2025. He explained that the Commission's use of MMAs is limited to its Work Group WhatsApp, which is used for providing updates about weather warnings, Scotrail problems etc, as well as a way for management to invite staff to join meetings, and that he is content that we can continue to use our Work Group WA for those limited purposes but only those purposes.

- He reported that a petition to judicially review one of the Commission's previous decisions had been received, noting that this was currently being considered by SLAB for legal aid.

1.7 Court Decisions (Edited)

SCCRC Referral – Case of Darren Hughes – Refusal 3 December 2024

- 1.9.1 Mr Walker referred Members to the circulated High Court opinion of 3 December 2024 in respect of the Commission's referral in the case of Darren Hughes which had been refused. He also confirmed that a copy of the referral statement of reasons had also been circulated for information. The decision of the court was discussed in full.

1.8 Correspondence (edited):

Mr Walker provided an overview of the following correspondence:

- He confirmed that, further to his letter in December 2024 to the Chief Executive at the Scottish Prison Service, SPS has provided, in its letter on 16 January 2025, full assurance that all matters of concern have been addressed

Section 2: Management Issues

2.1 Notification by Members of non-case related work

Induction training had been taken forward with Dr Davies and Miss Forbes.

2.2 Training & Development

The following training and development had been undertaken since the last meeting of the Board in November 2024:

- Trauma training: in December 2024 and January 2025, all staff undertook the NHS Education for Scotland Trauma Informed Justice Modules 1 (Foundation knowledge for working with victims and witnesses) and 2 (Developing skills for working with victims and witnesses). A follow-up discussion in connection with module 1 was held with legal officers and administrative staff in December, to reflect collectively on the principles of trauma-informed practice and the potential re-traumatisation of the Commission's service users. A follow-up discussion will be held in connection with module 2 in due course.
- In line with the Commission's Corporate Social Responsibility Policy, 3 members of staff participated in the Social Bite Christmas Tree of Kindness scheme on 9 December 2024.
- Induction training for Dr Davies and Miss Forbes was undertaken on 7 January 2025.
- DNA training: 22 January 2025, the Chief Executive and legal officers attended a half-day training session on novel techniques in DNA delivered by Dr Tunde Huszar of the Centre for Forensic Science, University of Strathclyde. This training will be extended to Board Members.

2.3 Quarterly Business Plan Objectives Report – 31 December 2024

- 2.3.1 Mr Reddick provided the Board with a full update on progress against business plan objectives for 2024-25. In summary he noted that work on a number of objectives had commenced and was ongoing at the start of quarter 4, confirming that resourcing pressures were having an impact on the delivery on non-case related activities. Despite this progress was still good and he highlighted a number of specific objectives.
- 2.3.2 He noted that work on performance evaluation measures had been pushed back as this was currently subject to internal audit review and he was keen to take on board and thoughts/recommendations that the internal auditors make. He also identified the evaluation of the Commission's easy read application form and information leaflets as an objective that still needed to be taken forward, highlighting some of the issues in respect of obtaining this type of evaluation information.
- 2.3.3 Mrs Mertes confirmed that she had discussed issues such as applicant journey with the auditors as part of the review of performance management. Mr Young also raised the issue of considering both qualitative and quantitative measures. Mr Reddick agreed that the quantitative aspects were relatively straight forward and that various options of evaluating quality were being considered and may include applicant surveys. After further discussion Dr Davies confirmed that an update on this should be taken forward to the Policy meeting in March 2025 so that internal audit recommendation could be taken into consideration.

2.4 Quarterly Case Statistics Report – 31 December 2024

- 2.4.1 Mr Walker provided the Board with an overview of the quarterly case statistics to 31 December 2024. In addition he confirmed that a further 20 new applications had been received in January 2025, taking the current total to 170.
- 2.4.2 Dr Davies noted that the quarterly report didn't provide any update on progress against case related targets and suggested that this may be something to consider in future. Mr Walker provided an update on performance against case related targets and agreed to look at this with Mr Reddick as part of future reporting.

2.5 Quarterly Finance Report – 31 December 2024

Mr Reddick provided the Board with a full update on the quarterly finance position to 31 December 2024. In particular he highlighted the impact of additional investigation costs associated with expert opinions and the potential impact on legal costs of the latest judicial review petition. He confirmed that this report and these issues would be discussed in detail with Justice Directorate on 11 February 2025, as well as the 2025-26 funding position. The Board noted the content of the finance report.

2.6 Corporate Risk Register – Quarterly Update – 31 December 2024

Mr Reddick confirmed that the Corporate Risk Register was now being circulated with the standard quarterly update reports, irrespective of the Audit Committee meeting cycle, and provided an update on the current top 10 corporate risks and scoring. Mrs Mertes confirmed that she had discussed the current risk register with the external audit team as part of their audit planning work.

Section 3: Case Matters (edited)

3.1 Monthly Case Summary:

Mr Walker confirmed that a total of 20 new applications had been received in January 2025.

3.2 There were four cases where notification of final decisions had been issued since the last meeting of the Board, following the 28 days for submission of further representations expiring.

3.3 – 3.4 There were no cases in any of these categories.

3.5 There was one case where there had been a request for extensions of time to submit further representations.

3.6 – 3.7 There were no cases in these categories.

3.8 Discussion Cases

Post Office/Horizon/Capture - verbal update (Conflict: G Mawdsley)

3.8.1 Miss McNab and Mr Fenn provided an update on current Post Office cases, confirming that the last case had now been closed off. They also provided an update in respect of Capture and Echo, including the UK Government response to date. After full discussion it was agreed that Mr Fenn and Miss McNab would present a full plan to the next meeting of the Board in respect of taking forward this new class of potential cases.

3.8.2 The Board considered further representations in once case and, after full discussion, agreed that no further issue had been raised to suggest that a miscarriage of justice may have occurred. The Board agreed that a final decision not to refer should be issued.

Section 4: Proposed Referral Cases

There were no cases in this category.

Section 5: Proposed Interim Cases

5.1-5.3 The Board considered 3 statements of reasons. After full discussion it agreed not to refer the cases to the High Court.

Section 6: Proposed Supplementary Cases

6.1 The Board considered 2 supplementary statements of reasons. After full discussion it agreed not to refer the cases to the High Court.

Ms Reilly left the meeting in respect of one case, having previously declared conflicts of interest and therefore took no part in its consideration.

Section 7: Stage 1 Pre-acceptance Cases

7.1 – 7.27	A total of 27 new applications were considered and the following decisions were made:	
	2 cases	Accepted for a review of conviction only.
	2 cases	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: the applicant had not appealed it was not in the interests of justice to accept the case for review.
	11 cases	Rejected: in each case the applicant had not appealed and there were no plausible or stateable grounds of review.
	1 case	Rejected: the applicant had abandoned their appeal without good reason and there were no plausible or stateable grounds of review.
	4 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.
	1 case	Continued for 1 month.
	1 case	Suspended for 1 month.

Section 8: Concluding Matters

8.1 Any Other Competent Business

Mr Reddick provided an update on staffing within the admin team.

8.2 Date of Next Meeting

- Board Meeting – Friday 28 February 2025 @ 10:00
- Policy Meeting – Friday 21 March 2025 @ 10:00
- Audit Committee Meeting – Monday 24 March 2025 @ 13:30

C Reddick
18 February 2025