

SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE POLICY MEETING ON FRIDAY 21 MARCH 2025 10:00, HYBRID MEETING

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.

There have been no edits to these minutes.

Members Present:

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

Also Present:

Mr Michael Walker, Chief Executive - Office
Mr Chris Reddick, Director of Corporate Services (minutes) – Office
Miss Frances McMenamin K.C., Consultant Legal Adviser – Video Conference
Mrs Fiona Govan, Senior Legal Officer – office (from section 2.0)
Mr Daniel Fenn, Senior Legal Officer – office (from section 2.0)
Miss Alison McNab, Legal Officer - Office (from section 2.0)
Mr Stephen Lynn, Legal Officer – Office (from section 2.0)

Section 1: Governance Matters

1.1 Apologies

Mrs Mertes 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 declarations of conflicts or hospitality.

Mr Walker reported that Sara Hellqvist Bailey, external lecturer in forensic psychology, DIS Study Abroad in Scandinavia, who had visited the Commission on 3 March 2025 with a delegation of American students, had presented him with a small thank you gift comprising scented candles. It was agreed that the gift would go into a staff charity raffle.

1.3 Minutes of Policy meeting held on 24 May 2025

The minutes of the Policy meeting held on 24 May 2025 were noted having previously been approved by the Board on 25 June 2025. The Board also noted the version of the minutes for the Publication Scheme.

1.4 Matters Arising

Mr Reddick provided the Board with an update on the succession planning arrangements, confirming that the approved plans had subsequently been reviewed and updated, taking account of staffing changes and changes in responsibilities. He also confirmed that the updated plans had now been saved centrally to ensure appropriate access where they need to be enacted. Mr Walker also confirmed that training on the plans had also commenced with relevant staff.

1.5 Correspondence

There was no correspondence.

Section 2: Policy Matters

2.1 Information Governance Updates (S Lynn)

2.1.1 Mr Lynn provided an overview of proposed updates to the following information governance policies:

- Draft Records Management Policy
- Draft Plan for Personal Data Breaches
- Guide to Information
- Data Retention Policy

2.1.2 Mr Lynn confirmed that the updates were all relatively minor and had arisen during the current review cycle. He noted that the guide to information links to a section of the Commission's website instead of individual documents as this simplified the process and limited the number of link updates.

2.1.3 Mr Walker confirmed that the Commission was now holding quarterly information governance meetings and that monthly updates were now a standing item on the agenda of staff meetings. In respect of the Records Management Plan, he confirmed that this had previously been submitted to the National Records of Scotland (NRS) and approved by the Keeper of the Records, with one amber note relating to archiving materials and use of the National Archive.

2.1.4 In terms of retention of exceptional case data and use of the National Archive, Mr Walker confirmed that the available options would either be to address the issue legislatively, seeking an order under section 194(K)(f) of the 1995 Act in order to provide the data to the NRS, or to obtain guidance from the NRS in terms of local archiving. After full discussion the Board agreed that the legislative option would be preferable. Mr Walker agreed to raise this with sponsor team and Mr Lynn agreed to discuss this with the NRS at their next meeting. It was also agreed that Mr Lynn

should produce proposals on archiving exceptional case materials following these discussions for consideration at the Board meeting in May 2025.

- 2.1.5. Mr Lynn also referred Members to the review of indefinite retention cases and the exceptional case list, taking them through the current content. Dr Davies suggested that the criteria used for indefinite retention should be defined and suggested that this could also be discussed with the NRS before returning to the Board in May 2025.
- 2.1.6 The process for making case related retention recommendation and decisions at the Board were also discussed and it was agreed that the process should also be further considered and included within proposals to the Board in May 2025.
- 2.1.7 After further discussion, the Board approved the updated governance policies.

2.2 Health & Safety Policy Updates (F Govan)

- 2.2.1 Mrs Govan provided an overview of proposed updates to the following Health & Safety policies:
 - Health & Safety Policy
 - Fire Safety Policy
 - Personal Safety Policy
- 2.2.2 She confirmed that these were routine reviews of the Commission's 3 main Health & Safety Policies. In addition, she noted that considerable work had been taken forward in relation to Vicarious Trauma. Miss McNab confirmed that a Wellbeing Policy had been approved in the previous year, 2 mental health first aiders had been identified and trained, and that additional discussions were ongoing in terms of ongoing support and responsibilities in respect of vicarious trauma.
- 2.2.3 Dr Davies referred to the Personal Safety Policy and asked for assurance that this was working in practice. Mrs Govan confirmed that it was adhered to although noted that the use of online meetings now minimised a lot of the personal safety risks. Mrs Mawdsley also asked if risks associated with dealing with particular applicants had been covered. Mr Walker confirmed that this was covered within the existing policy and provided an example of a current case where additional measures had been put in place.
- 2.2.4 Ms Fordyce referred to available PPE and asked if this was still appropriate/in place. Mrs Govan confirmed that PPE was still available and it was staff choice on whether or not to use.
- 2.2.5 After further discussion the Board formally approved the updated suite of Health & Safety Policies.

2.3 Service Accessibility (F Govan)

- 2.3.1 Mrs Govan provided an overview of the updated service accessibility documents as follows:
 - Application Form
 - Access to Service Leaflet
 - Case Review Flowchart

2.3.2 Mr Govan confirmed that the review of the application form had been extensive and that she had received lots of useful updates and suggestions from Members. She highlighted some of the main updates since the form was circulated with papers. She also set out updates to the equalities monitoring form and the future process considering any information received in this section from applicants.

2.3.3 Mrs Govan confirmed that the updated application form would be passed back to the Commission's publication designer and that this would be used to update the website version of the form. Mr Reddick provided a separate update on the Commission's website redesign project and confirmed that part of the brief was to implement a secure online electronic application process. He noted at this point that this would be of greater assistance for representatives and potentially family members assisting with applications.

2.3.4 In respect of the access to services leaflet, Mrs Govan confirmed that all listed stakeholders had been provided with a copy of the proposed leaflet and appeared to be content with the leaflet. Mr Young suggested that the services listed should perhaps be reordered. In respect of the flowchart, Dr Davies confirmed that this was extremely helpful, although suggested that a Plain English version may assist with some of the terminology. After further discussion, Mrs Govan agreed to take forward the various agreed updates.

Section 3: Presentation

3.1 Presentation from Dr Isla Callander – Senior Lecturer in Law, University of Aberdeen

Mr Walker introduced Dr Callander to the Board and confirmed that she would be presenting to the Board on her recent research, Establishing a Miscarriage of Justice in Scotland. All attendees did a brief introduction and Dr Callander delivered her presentation and took various questions.

Upon conclusion, Dr Davies thanked Dr Callander and invited her to stay for refreshments and continue discussions on her research materials.

Lunch Break

Section 4: Presentation & Workshop

4.1 Climate Adaptations – Presentation & Workshop (A McNab)

4.1.1 Miss McNab introduced the topic of climate adaptations. She noted that background reading had been circulated to Board Members and briefly spoke to key parts of the materials, including highlighting the Commission's statutory responsibilities in relation to climate change and biodiversity, anticipated climate trends and the consequences of climate change as relevant to the Commission.

4.1.2 Miss McNab explained that the focus for the session was on the risks that the Commission faces as a result of the changing climate. A number of risks had been identified from (i) annotations submitted by Members in advance of the meeting,

(ii) a workshop held with staff in 2024, and (iii) by Miss McNab as the Commission's environmental officer. It was noted that areas which were particularly relevant for the Commission related to business continuity, including office/online access and how people use the Commission's services. The potential impacts of a changing climate on the Commission's services were noted (for example, changing demands against potentially declining resources).

4.1.3 Members present at the meeting split into two groups to discuss and rank the identified risks as high, medium or low, considering the likelihood and impact of the risks in the round. Members were invited to add any additional risks which they had identified to the list and to rank those risks. After the exercise, each group provided feedback on their discussions. It was agreed that Miss McNab would use the input from Members during the session to prepare a risk assessment in draft for review by the Board at a future meeting. It was noted that mitigations work would be taken forward in the background by Miss McNab and Mr Reddick, particularly with regard to business continuity.

Section 5: Policy Matters (continued)

5.1 2025-28 – Draft Corporate Plan Discussions (C Reddick)

5.1.1 Mr Reddick provided the Board with an overview of his corporate planning paper, setting out the required format and content of the new corporate plan as well as identifying prior year focus for activities and performance over the past 3-years. In terms of the drafting of the 2025-28 Corporate Plan, he confirmed that he had suggested a number of areas for inclusion but was keen to take on board views of the Board, before taking this away and producing the first draft.

5.1.2 Ms Reilly referred to the current strategic aims, as approved by Ministers, and suggested that these made better sense if re-ordered within the plan. Mr Young also noted that in his opinion the Commission was very much a values-based organisation and that there was scope to bring this out further within the plan. He also noted that some of the language within the plan was very passive and this could perhaps be more active to reflect the way the Commission works, particularly in light of current resourcing issues and the recent experiences of the CCRC.

5.1.3 In respect of the 3-year focus, Mr Reddick confirmed that there would be areas brought forward from the prior 3 years and that this reflected resource pressures and the focus on delivering core business to a consistent quality and within appropriate timescales. After full discussion there was agreement that the focus should include internal research and development, wider action role, openness and transparency, governance, environmental and equalities. The Commission's role in strengthening public confidence was also discussed in terms of bringing this out within the plan and also a practical forum to take this forward. Mr Reddick noted that this was a topic covered by quarterly sponsorship meetings although could perhaps be more focused.

5.1.4 After further discussion it was agreed that Mr Reddick would produce a draft plan for consideration at the April Board meeting. Dr Davies also confirmed that she would be happy to provide input to this during the drafting phase.

5.2 Equalities Update – 2024-25 Equalities Mainstreaming Report (C Reddick)

5.2.1 Mr Reddick confirmed that the Commission was required to produce an Equalities Mainstreaming Report/Update at least every 2 years and that the latest report had been produced during the year as part of the 2024-25 business plan objectives. He took Members through the key parts of the report and focused on actions taken forward and various outputs.

5.2.2 After full discussion, the Board approved the latest update, subject to minor updates, and agreed that the report should be published on the Commission's website.

5.3 Governance – Fee Claims Guidance Note (C Reddick)

Mr Reddick confirmed that the fee claims guidance note had been subject to a standard review and put on the agenda to ensure that all Members were familiar with its content and the various updates. After full discussion the Board noted the various updates to the guidance note.

Section 6: Position Papers

6.1 Position Papers (D Fenn)

6.1.1 In Mr Fenn presented the following updated Position Papers;

- Defective Representation
- Disclosure
- Fresh Evidence
- Guilty Pleas
- Oppression
- Unreasonable Verdict

6.1.2 Mr Fenn provided the Board with some background in relation to the development of the Commission's position papers which had now been in place for over 10 years. He confirmed that this initial purpose of the position papers was to provide guidance to staff and Members and enhance consistency within the review process and considerations of key aspects of the law. More widely, he confirmed that the position papers had been published after each review and were a useful resource for representatives and applicants.

6.1.3 Dr Davies queried whether the current position papers could be made simpler in terms of language/plain English in order to enhance the usefulness to a wider group of stakeholders. She suggested that this could be considered further and that a third party could be approached to produce an example of a simplified position paper for further consideration.

6.1.4 After further discussion, Mr Fenn took Members through the main updates to the position papers being considered. The Board approved each of the updated position papers.

Section 7: Concluding Matters

7.1 Any Other Competent Business

There was no other competent business.

4.2 Date of Next Meeting

The date of the next Policy meeting is to be confirmed. The Board also noted a number of items which would be put to the next meeting agenda.

Chris Reddick

4 April 2025