



**Scottish Criminal Cases
Review Commission**

**Annual Report
2022-23**

Laid before the Scottish Parliament by the Scottish Ministers SG/2023/246

Overview

2022–23

- 139 New applications received
- 27 Applications accepted for stage 2 review
- 138 Cases concluded overall
- 26 Cases concluded after stage 2 review
- 6 Cases referred to the High Court

1 April 1999 to 31 March 2023

- 157 Cases referred to the High Court
- 138 Cases determined by the High Court
- 89 Convictions quashed/sentences reduced
- 49 Appeals unsuccessful
- 13 Appeals abandoned

Contents

Chairman's Report	4
Chief Executive's Introduction	7
The Commission	10
Case Statistics	12
Referrals to the High Court	17
Accountability	25
Performance Analysis	32
Our People	41

Chairman's Report

I am pleased to present the 2022-23 Annual Report of the Scottish Criminal Cases Review Commission, setting out the work and performance of the Commission over the last financial year.

It was a busy year. We received 139 new applications, concluded 138 cases and referred six cases to the High Court for determination – all six cases concerned Post Office subpostmasters and the Post Office's computer system, Horizon. Our work on the Post Office/Horizon cases continued this year to include applications from subpostmasters (or their next of kin) and employees of companies which provided post office services.



BILL MATTHEWS

In March 2023 the High Court upheld the appeal against conviction by Ineta Dzinguviene following upon our referral to the court and quashed her murder conviction. The Court chose not to issue a written judgment and granted the Crown permission to raise a fresh prosecution against Ms Dzinguviene. In the event the Crown accepted Ms Dzinguviene's plea of guilty to culpable homicide owing to her diminished responsibility, which was consistent with our statement of reasons to refer the case.

We were delighted this year to host our colleagues from the CCRC and Te Kāhui Tātari Ture (the New Zealand CCRC) and we discussed with them areas of common interest and best practice.

In November we welcomed the two most senior judges in Scotland, the Lord Justice General, Lord Carloway, and the Lord Justice Clerk, Lady Dorrian, to our offices. Lord Carloway and Lady Dorrian gave presentations to our Members and staff, including an analysis of the application of the “rape shield” laws in Scotland.

We agreed an information sharing agreement with the Scottish Courts & Tribunals Service. This applies the statutory framework for information governance and will facilitate the sharing of information between the two organisations.

On a regulatory note, the National Records of Scotland approved our five-year records management plan. This confirms that the records we hold, many of which are highly sensitive, are held in accordance with the Public Records (Scotland) Act 2011.

We responded to the Scottish Government’s consultation on “Improving Victims’ Experience of the Justice System” and concluded a review of our policies and procedures so that they accord with the UN Convention on the Rights of the Child.

I am pleased to report that no legal actions were raised against us this year. We did, however, take steps to protect the public purse by seeking to recover sums due to us in respect of expenses awarded in two earlier court actions. In one case the individual agreed to pay the sum owed to us; in the other we were unsuccessful in recovering the sum owed.

I am also pleased to report that two of our Members, Dr Alex Quinn and Ms Laura Reilly, were reappointed to the Board for another four years.

As in previous years, I and my colleagues on the Board are particularly grateful for the efforts of our skilled and committed staff in seeking to identify, review and address potential miscarriages of justice.

A handwritten signature in black ink, appearing to read 'B.MATTHEWS'.

BILL MATTHEWS
Chairman
23 November 2023

Chief Executive's Introduction

The Commission's role in the criminal justice system in Scotland is as important as it ever was. Cases of alleged miscarriage of justice still arise and it is the Commission's job to review those cases and, where appropriate, refer them to the High Court for determination.

In November 2022 we referred the cases of six former subpostmasters to the High Court. In September 2023 the Court quashed the convictions of two of those subpostmasters. The Court has still to determine the appeals in the other four cases. We expect the Court will issue the decisions in those cases in early 2024.



MICHAEL WALKER

We continued to liaise with Post Office Ltd and the Crown Office to identify further individuals whose convictions in Scotland may have relied upon evidence from the Post Office's computer system and we have traced and contacted the individuals in question. We are currently investigating a second tranche of applications from subpostmasters.

We widened the scope of our investigations by contacting the strategic partners of Post Office Ltd. The purpose of this was to ascertain whether there are any

potential miscarriages of justice in the cases of individuals who were, rather than subpostmasters, employees of companies which provided post office services. We shall report next year on the outcome of those investigations.

The number of applications we received in 2022-23 increased by approximately 40 per cent on the number received in the previous year. This reflects pre-pandemic norms but also, perhaps, the outreach work we undertook this year, which included issuing our new easy-read application form. We shall evaluate next year whether this work has helped people in accessing our services.

I am concerned that the proportion of applications that we have been receiving from represented applicants compared with unrepresented ones has been low. Defence counsel and solicitors have particular insight into the trial and appeal proceedings that can inform an application to the Commission. Their input at the application stage is valuable. Accordingly, the focus of our engagement strategy is how we can engage effectively with legal professionals in the criminal justice sector, in circumstances where they are, we are aware, working under considerable pressure. We shall report next year on this work and whether it increases the number of applications from represented applicants.

We have presented some of our case statistics this year in the context of the figures for the last five years. The referral rate in the last five years – ie, the

number of referrals (24), expressed as a percentage of the cases concluded (607) – was four per cent. When one considers only cases concluded after a stage 2 review – in essence, the cases we accepted at stage 1 because the applicant had appealed and raised a stateable ground – the referral rate rises to 18 per cent.

Those figures, which include the period of the pandemic and lockdown, highlight the continuing importance of our role in the criminal justice system in Scotland. I thank our Members and staff for their diligence and expertise.



MICHAEL WALKER
Chief Executive
23 November 2023

The Commission

10



OUR PURPOSE

To review potential miscarriages of justice in criminal cases in Scotland and refer appropriate cases to the High Court for an appeal.

The Scottish Criminal Cases Review Commission was established in 1999 by Part XA of the Criminal Procedure (Scotland) Act 1995 as an independent public body to review alleged miscarriages of justice in Scotland. The Commission has the power to refer cases to the High Court for determination.

Any person convicted of a criminal offence in Scotland may apply to the Commission to have their convictions and/or sentences reviewed. Thereafter the Commission has a statutory obligation to provide a statement of reasons for referring or not referring the case to the High Court.

In 2022-23 the Commission's staff complement was as follows: the Chief Executive, the Director of Corporate Services, two Senior Legal Officers, five Legal Officers and three Administration Staff. (The Commission continued to operate with two Legal Officer positions unfilled.)

Our Legal Officers investigate cases under the direction of Board Members and the Chief Executive. The Board is responsible for deciding whether cases should be referred to the High Court.

It is a criminal offence for any Member or employee to disclose information that the Commission obtained in the exercise of its functions, except under certain statutory exceptions.

Details of the Commission's remit, specific powers of investigation and case review procedures can be found on our website, sccrc.co.uk, or by request from our office.

Case Statistics

12

Case Statistics

Between 1 April 1999 and 31 March 2023 the Commission received a total of 3086 applications, completed the review of 3052 cases and referred 157 cases to the High Court for determination.

The statistics about case volumes and case-related performance in 2022-23 are set out below. For context and where appropriate, the statistics for the four financial years preceding 2022-23 are also set out.

Table 1 provides the number of applications received in each of the last five years, the number accepted for a stage 2 review and the number of cases concluded.

Table 2 provides a comparison between solemn and summary cases in each of the last five years and between conviction (including conviction and sentence) and sentence-only cases.

Table 3 provides the main offences of which applicants were convicted and their number in the last five years.

Table 4 provides the main grounds of review and their number in the last five years.

Table 1 • Cases Received and Concluded

	2018-19	2019-20	2020-21	2021-22	2022-23
CASES RECEIVED	138	128	107	98	139
CASES REJECTED AT STAGE 1	111	103	74	74	112
CASES ACCEPTED FOR STAGE 2 REVIEW	32	32	31	21	26
CASES CONCLUDED AFTER STAGE 2 REVIEW	34	26	19	28	26
CASES CONCLUDED OVERALL	145	129	93	102	138

Table 2 • Nature of Review

	2018-19	2019-20	2020-21	2021-22	2022-23
	%	%	%	%	%
SOLEMN	63	70	61	68	67
SUMMARY	37	30	39	32	33
REVIEW INVOLVING CONVICTION	90	86	86	90	92
SENTENCE-ONLY REVIEW	10	14	14	10	8

Table 3 • Types of Offence Reviewed

MAIN OFFENCE	NUMBER OF CASES	%
SEXUAL OFFENCES OTHER THAN RAPE	125	18.4
RAPE	112	16.5
ASSAULT	77	11.3
AGGRAVATED ASSAULT	55	8.1
MURDER	50	7.4
BREACH OF THE PEACE/THREATENING OR ABUSIVE BEHAVIOUR	45	6.6
ROAD TRAFFIC OFFENCES	30	4.4
CRIMES OF DISHONESTY OTHER THAN THEFT OR ROBBERY	19	2.8
ATTEMPTED MURDER	17	2.5
DRUGS-RELATED OFFENCES	16	2.4
THEFT	9	1.3
ROBBERY	8	1.2
OTHER	116	17.1

*Please note that a further five applications (0.7 %) have been recorded as “unknown” as no details of the offence were included in the application.

Table 4 • Grounds of Review Considered

MAIN GROUND OF REVIEW	NUMBER OF CASES	%
DEFECTIVE REPRESENTATION	190	27 %
CREDIBILITY OR RELIABILITY OF WITNESS OR EVIDENCE	168	24%
SENTENCING ISSUE	79	11 %
UNFAIR TRIAL	66	9 %
NEW EVIDENCE	34	5 %
MISDIRECTION BY TRIAL JUDGE OR SHERIFF	27	4 %
POLICE MISCONDUCT	14	2 %
HUMAN RIGHTS ISSUE	11	2 %
WRONGFUL CONVICTION	9	1 %
OTHER	113	16 %

*A total of 610 cases were received in the 5-year period. However, the total number of grounds of review exceeds this on account of multiple grounds being recorded against individual cases.

Referrals to the High Court

17

Referrals to the High Court

The Commission may refer to the High Court any conviction on indictment or summary complaint, or any sentence imposed in such a case, whether or not the High Court has previously determined an appeal against the conviction or sentence.

The Commission must, before it makes such a referral, believe that there may have been a miscarriage of justice and that it is in the interests of justice that a referral is made. Full details of the applicable legislation are available on the Commission's website, sccrc.co.uk, or within the Commission's information leaflets, available upon request.

In 2022-23 the Commission referred six conviction cases (and no sentence cases) to the High Court.

The referral rate for conviction cases in 2022-23 – ie, the number of conviction referrals to the High Court, expressed as a percentage of the conviction cases concluded, either at stage 1 or stage 2 (127) – was 4.7%.

The referral rate in the last five years – the number of referrals (24), expressed as a percentage of the cases concluded (607) – was 4%. When one considers only cases concluded after a stage 2 review – in essence, the cases accepted at stage 1 because the applicant had appealed and raised a stateable ground – the referral rate rises to 18%.

The overall referral rate – the total number of referrals between 1 April 1999 and 31 March 2023 (157), expressed as a percentage of the total number of cases concluded (3052) – was 5.1 %. The overall referral rate for conviction cases was 3.9 %.

The referral rate of successful appeals – the total number of successful appeals following upon Commission referrals (89), expressed as a percentage of the total number of Commission referrals the High Court has determined (138) – was 64 %. The referral rate of successful appeals in conviction cases was 50 %.

Case Referral Details

Table 5 provides the main grounds of referral in the last five years.

Table 6 provides the number of referrals and the number of cases the High Court has determined in each of the last five years. (The cases the High Court has determined are not necessarily determined in the same year in which the Commission referred them.)

Table 7 provides details about the one case the High Court determined in 2022-23 following upon a Commission referral in 2021-22.

(A list of all the cases the High Court has determined since 1 April 1999 following upon Commission referral is available on the Commission's website, sccrc.co.uk. Where the High Court has issued a written judgment in the case, the appropriate hyperlink to the website of the Scottish Courts & Tribunals Service is provided.)

Table 8 provides details about the Commission referrals in 2022-23.

Table 5 • Main Ground of Referral in last five years

MAIN GROUND OF REFERRAL	FREQUENCY OF GROUND	% OF REFERRED CASES
SENTENCING ISSUES	8	33%
PLEA OF GUILTY TENDERED UNDER A REAL ERROR OR IN PREJUDICIAL CIRCUMSTANCES	7	29 %
FRESH EVIDENCE	5	21 %
MISDIRECTION	2	8 %
INSUFFICIENT EVIDENCE	1	4 %
UNREASONABLE VERDICT	1	4 %

*Non-disclosure was a secondary ground for one of the cases.

**Oppression was a secondary ground for 6 of the Post Office cases.

Table 6 • Referrals and Disposals in last five years

	2018-19	2019-20	2020-21	2021-22	2022-23
CASES REFERRED	7	4	4	3	6
CASES DETERMINED	6	4	2	4	1
CASES ABANDONED	0	0	0	1	0

Table 7 • Cases Determined 2022-23

CONVICTION: 1 CASE
NAME: INETA DZINGUVIENE
DATE REFERRED TO COURT: 15 MARCH 2022
OFFENCE: MURDER
DATE OF CONVICTION: 12 MAY 2011
APPEAL OUTCOME: SUCCESSFUL
DATE OF APPEAL OUTCOME: 31 MARCH 2023
JUDGMENT: NO JUDGMENT AVAILABLE
SENTENCE: 0 CASES

Table 8 • Cases Referred 2022-23

CONVICTION: 6 CASES	
NAME:	SUSAN SINCLAIR
DATE REFERRED TO	08 NOVEMBER 2022
COURT:	
OFFENCE:	EMBEZZLEMENT
DATE OF CONVICTION:	7 APRIL 2004
APPEAL OUTCOME:	SUCCESSFUL
DATE OF APPEAL OUTCOME:	29 SEPTEMBER 2023
JUDGMENT:	NO JUDGMENT AVAILABLE
NAME:	COLIN SMITH
DATE REFERRED TO	08 NOVEMBER 2022
COURT:	
OFFENCE:	EMBEZZLEMENT
DATE OF CONVICTION:	23 MAY 2013
APPEAL OUTCOME:	TO BE DETERMINED
DATE OF APPEAL OUTCOME:	TO BE DETERMINED
JUDGMENT:	TO BE DETERMINED
NAME:	JUDITH SMITH
DATE REFERRED TO	08 NOVEMBER 2022
COURT:	
OFFENCE:	FRAUD
DATE OF CONVICTION:	26 OCTOBER 2009
APPEAL OUTCOME:	TO BE DETERMINED
DATE OF APPEAL OUTCOME:	TO BE DETERMINED
JUDGMENT:	TO BE DETERMINED

**Table 8 • Cases Referred
2022-23
(continued)**

NAME:	ANNE QUARM ON BEHALF OF WILLIAM QUARM (DECEASED)
DATE REFERRED TO COURT:	08 NOVEMBER 2022
OFFENCE:	EMBEZZLEMENT
DATE OF CONVICTION:	4 MAY 2010
APPEAL OUTCOME:	SUCCESSFUL
DATE OF APPEAL OUTCOME:	29 SEPTEMBER 2023
JUDGMENT:	NO JUDGMENT AVAILABLE
NAME:	ROBERT THOMSON
DATE REFERRED TO COURT:	08 NOVEMBER 2022
OFFENCE:	EMBEZZLEMENT
DATE OF CONVICTION:	6 APRIL 2006
APPEAL OUTCOME:	TO BE DETERMINED
DATE OF APPEAL OUTCOME:	TO BE DETERMINED
JUDGMENT:	TO BE DETERMINED
NAME:	ALEID KLOOSTERHUIS
DATE REFERRED TO COURT:	08 NOVEMBER 2022
OFFENCE:	EMBEZZLEMENT
DATE OF CONVICTION:	24 OCTOBER 2012
APPEAL OUTCOME:	TO BE DETERMINED
DATE OF APPEAL OUTCOME:	TO BE DETERMINED
JUDGMENT:	TO BE DETERMINED
SENTENCE:	0 CASES

Accountability

25

Accountability

The Commission seeks the highest levels of accountability in how it undertakes its core functions and delivers its services. It has several governance-related structures and processes to facilitate this, which are outlined below.

Stakeholder Engagement

The number of applications the Commission received in the pandemic dropped significantly. This increased post-pandemic but the proportion of applications from represented applicants compared with unrepresented ones is low.

The Commission's new Engagement Strategy addresses the ways in which the Commission can engage effectively with individual applicants, including prisoners, and with the legal profession.

In 2022-23 the Commission's outreach work in the form of prison talks remained suspended as access to prisons was limited. In May 2022, however, the Commission issued information posters, which outlined the Commission's role in the criminal justice system, to the prisons. The Commission also issued to the prisons, as well as other stakeholders, the latest version of its easy-read application form. The Commission continued to assist potential applicants where it can by clarifying with them the grounds of review they wish to raise. In June 2022 the Commission gave a presentation for the first time to representatives from The State Hospital.

The outreach work has continued apace in the new financial year (2023-24). The focus of this work has been with members of the criminal bar. The Commission shall report next year on this and whether it has increased the number of applications from represented applicants.

In 2022-23 we conversed with colleagues from the (English) CCRC, the Norwegian CCRC and Te Kāhui Tātari Ture (the New Zealand CCRC). In May 2022 we met in person with members of the CCRC's senior management team and discussed areas of common concern. In October 2022 we welcomed Colin Carruthers KC, Chief Commissioner of the NZCCRC, and Pare McLean, the Chief Executive, to our offices. Our New Zealand colleagues explained the ethos of Te Kāhui Tātari Ture and the work it has undertaken since its inception.

Complaints Procedure

The Commission has a formal Complaints Procedure (available on the website or upon request from the Commission). The Complaints Procedure is limited to administrative matters and does not cover complaints about the Commission's case decisions.

In 2022-23 the Commission received three formal complaints (compared with seven in 2021-22). None of those complaints was upheld following investigation.

Code of Conduct

The Commission has a Code of Conduct for Members and staff. In 2022-23 we updated the Code of Conduct.

All Members and staff must declare any known conflicts of interest – where they have, for example, had previous involvement with an applicant or a witness in a case. Conflicts are recorded, and the individual involved is excluded from any involvement in the respective case.

The Commission maintains a Register of Interests for Members (available on the website or for inspection at the office). All Members are required to review and update their registration on at least an annual basis.

Freedom of Information

The Commission has a Publication Scheme in accordance with the Freedom of Information (Scotland) Act 2002 (FOISA). The Publication Scheme can be found at sccrc.co.uk/publication-scheme

In 2022-23 the Commission received 17 freedom of information requests and issued a response in each case.

The responses issued were as follows:

full disclosure of information	10 cases
partial disclosure of information	2 cases
non-disclosure of information	5 cases

Where it did not disclose information, the Commission did not do so for one of the following reasons:

- the information was exempt from disclosure under FOISA
- the information was not held by the Commission
- the information was publicly available

Data Protection

In 2022-23 the Commission received 25 requests under the Data Protection Act 2018 (DPA) for personal data and issued a response in each case.

The responses issued were as follows:

full disclosure of personal data	21 cases
non-disclosure of personal data	4 cases

Where it did not disclose personal data, the Commission did not do so for one of the following reasons:

- the data was exempt from disclosure under DPA
- the data was not held by the Commission
- the request was unclear and the applicant did not provide the necessary clarification

Persistent & Repeated Applications Policy

The Commission has a Persistent & Repeated Applications Policy to address repeat applications in which an applicant has raised no new grounds of review.

Where they meet the relevant criteria in the Policy, an applicant is placed on the Commission's Persistent & Repeated Applications Register. Where

it receives an application from an individual who has been placed on the Register, the Commission addresses the application in accordance with the Policy.

An applicant may appeal the decision to place them on the Persistent & Repeated Applications Register. The Commission reviews annually the registrations on it.

In 2022-23 the total number of registrations was 18 (compared with 21 in 2021-22) and no new registrations were made.

Legal Actions

No legal actions were raised against the Commission this year.

In 2019 and 2021 the Inner House of the Court of the Session ruled in the Commission's favour in two reclaiming motions (appeals) by two applicants who had each sought a judicial review of the Commission's decision in their case. The Commission was subsequently awarded judicial expenses in the two cases. The Commission implemented its Recovery of Expenses Policy and took steps to recover the monies due to it.

In April 2022 the Commission raised a petition for one applicant's sequestration. The Commission had been prevented from raising the petition earlier than it did because of emergency legislation enacted during the pandemic. On 10

June 2022 a sheriff made the sequestration order. On 27 July 2023 the Accountant in Bankruptcy granted a certificate discharging the applicant from sequestration. The Commission did not recover any sum from the applicant's estate.

In October 2022 the other applicant signed a debt recovery agreement with the Commission in which he agreed to pay the full sum owed to the Commission £23,749 over a three-year repayment period.

In 2022-23 the Commission spent £4,506 in legal fees and costs in debt recovery matters and recovered a total of £3,958. The net expenditure was thus £548 (compared with £16,000 in 2021-22).

Performance Analysis

32

Performance Analysis

Corporate Planning

The Commission has a Corporate Plan covering the period between 1 April 2022 and 31 March 2025. The Corporate Plan sets out the Commission's strategic aims and priorities for the three-year period and how the Commission intends to deliver those aims. It identifies how the Commission will align with the Scottish Government's National Performance Framework and contains a three-year financial forecast.

The Commission produces an annual Business Plan in support of the Corporate Plan. The Business Plan sets out a full performance assessment for the preceding year and the operational objectives and agreed budgetary provision for the year ahead.

The Corporate Plan and Business Plan are available on the Commission's website, sccrc.co.uk, or by request from our office.

The key performance information contained in the Business Plan is detailed below. This includes the performance against all five key targets in 2022-23, a comparison of achievement against all key performance indicators in the last five years, and the financial results in 2022-23.

Performance Against Key Targets

The Commission's strategic aims, as set by the Scottish Ministers, were as follows:

- to identify, review and address potential miscarriages of justice, and thereby contribute to the strengthening of public confidence in the Scottish criminal justice system and its ability to correct such miscarriages;
- to investigate all cases efficiently, without undue delay and to a consistently high standard;
- to work with others to deliver a quality service which is person-centred and trauma-informed; and
- to promote public understanding of the Commission's role.

The Commission sets specific objectives and targets to meet its broad aims and to demonstrate its commitment to the National Performance Framework. The Corporate Plan and the Business Plan identify those objectives and targets for 2022-23.

The Commission's performance against its key targets for 2022-23 follows.

TARGET	OUTCOME	PERFORMANCE
(i) to allocate cases received within an average of 1 week from the date of receipt.	Achieved*	3-day average
(ii) to complete the stage 1 pre-acceptance procedure within an average of 2 months from the date of stage 1 allocation.	Achieved	1.8-month average
(iii) to conclude sentence-only reviews within an average of 4 months of the date of stage 2 allocation.	Not Achieved	4.3-month average
(iv) to conclude cases involving a review of conviction within an average of 8 months of the date of stage 2 allocation.	Achieved**	6.0-month average
(v) to complete the review of 98% of the cases received before 31 March 2022, so that by the beginning of the 2023-24 reporting year no more than 3 of the Commission's cases are more than 12 months old.	Achieved	0 cases over 12 months old

*During the year the Commission experienced a significant increase in new applications; to manage these within existing resources, this target was temporarily extended from 1 week to 4 weeks. Despite this, an overall average of 3 days was achieved.

**Post Office Cases – 8 cases were removed from this section as they had initially been placed on hold, awaiting the receipt of further post office cases so that these could be dealt with together.

Full details of the Commission’s performance against these targets and objectives are available on the Commission’s website, sccrc.co.uk.

The Commission achieved four out of its five case-related targets. The average review time for sentence-only cases was 4.3 months, against a target of four months. The Commission reviewed only two sentence-only cases and in one such case it experienced significant delays in obtaining papers from third parties. The Commission improved its performance in conviction cases and maintained it in respect of the other targets.

Key Performance Indicators

The Commission sets several key performance indicators (KPIs), as identified within the Corporate Plan, and reports on those in the Annual Report. The table below sets out performance against the KPIs in each of the last five years:

	2018-19	2019-20	2020-21	2021-22	2022-23
Number of applications received	138	128	107	98	139
Number of concluded cases	145	129	93	102	138
Average time taken from date of acceptance to date of conclusion	6.6 months	7.0 months	6.8 months	7.3 months	6.0 months
Number of cases where an initial decision not to refer is changed to a decision to refer following further submissions	1	0	0	0	0
Referrals	7	4	4	3	6
High Court determinations of appeals following Commission referral	4 granted 2 refused	2 granted 2 refused	1 granted 1 refused	1 granted	1 granted
Cases abandoned following upon a Commission referral	0	0	0	1	0
Number of formal complaints received	0	3	3	7	3
Number of cases subject to judicial review	1	0	2	2	0

*The number of concluded cases can exceed the number received in each year because cases received in previous financial years conclude in a subsequent year.

Financial Results

The Commission's statement of accounts, required under paragraph 9(1)(b) of Schedule 9A to the Criminal Procedure (Scotland) Act 1995, covers the period between 1 April 2022 and 31 March 2023. It is prepared in accordance with the Accounts Direction the Scottish Ministers issue to the Commission. The statement of accounts for 2022-23 is laid in Parliament and is published separately from the Annual Report.

The Commission's budget for 2022-23 was set at £1,219,000, and for the first time in several years, no further increases were sought during the year. This reflects a reduction in ongoing legal actions and investigative costs associated with case reviews.

Comprehensive net expenditure for the year was £1,091k, which includes £131k of non-cash expenditure against a cash budget of £1,219k. Expenditure on both legal costs and investigations were considerably below budget primarily as a result of no new legal actions being raised during the year. Recyclable savings were also realised in respect of staff costs and Board fees.

2022-23 Cash Budget:	£1,219,000
2022-23 Non-Cash Budget:	£90,000
Additional Funding:	0
	Quarter 1 Quarter 2 Quarter 3 Quarter 4
2022-23 Draw Downs	£332,000 £324,500 £292,000 £270,500
Total Funding Draw Down	£1,219,000

The capital budget for the year was set at £10k. This was primarily to facilitate IT resilience projects which required hardware replacements and licensing changes to support O365 migration. Capital expenditure for the year totalled £15k, with the overspend relating to the costs of additional security hardware and infrastructure. These additional costs were met within existing budget.

Payment Performance

The Commission applies the principles of the Better Payment Procedure Code.

The Commission's policy for the payment of invoices not in dispute is within 10 days of receipt (or the agreed contractual terms if otherwise specified), in accordance with Scottish Government directions. The Commission aims to pay 100 % of invoices not in dispute within those terms.

The Commission continued to make use of BACS payments and SEAS payments and demonstrated a high level of performance: it paid 98.4 % of invoices within the 10-day target; the average payment timescale from the date of receipt was 3.2 days (compared with 98 % and three days in 2021-22).

As at 31 March 2023 the value of supplier payments outstanding at year-end was nil.

Our People

41

Our People

The Board

The Board has corporate responsibility for making sure the Commission fulfils the aims and objectives that the Scottish Ministers set the Commission and for promoting the efficient and effective use of staff and other resources in accordance with the principles of Best Value.

The Board has executive responsibility in discharging its statutory role by making decisions in all cases the Commission receives. Two Case Committees, the Audit Committee and the Remuneration Committee support the Board. The Board sits twice a year as the Policy Group.

The Commission has 50:50 gender equality on its Board.

		START DATE:	FINISH DATE:
Chairman:	Mr Bill Matthews	01.01.17	-
Board Members:	Professor Jim Fraser*	01.07.15	-
	Mr Raymond McMenamin	01.01.17	-
	Mrs Elaine Noad*	01.01.17	-
	Dr Alex Quinn	01.04.19	-
	Ms Laura Reilly*	01.04.19	-
	Mrs Gillian Mawdsley	01.07.21	-
	Ms Jacqueline Fordyce	01.07.21	-

*Audit Committee Members

	MALE	FEMALE
Chairman	1	-
Board Members	3	4

Staffing

The Commission's Chief Executive, Mr Michael Walker, is the Accountable Officer and was supported by the following staff:

JOB TITLE:	MALE	FEMALE
Director of Corporate Services	1	-
Senior Legal Officer	1	1
Legal Officer	1	2
Senior Administration Officer	-	1
Administration Officer	1	1

All staff are based at the Commission's office, in Glasgow, although the Commission operates hybrid working arrangements.

Absence Monitoring

The Commission monitors staff performance issues such as absence rates. The average number of sick days per employee in post in 2022-23 was 0.4 days. (This figure does not include employees who were on long-term absence.)

Training & Development

The Commission is committed to having well-trained staff. All staff are encouraged to identify and attend suitable training events and have direct access to the Chief Executive and Members and are encouraged to express their views on the efficiency and the effectiveness of the Commission.

Performance Management

The Commission has a Staff Appraisal and Performance Policy. This sets out the Commission's commitment to staff training and development in terms of their current role and wider career aspirations, as well as the link between performance and reward. The Commission is also bound by the Scottish Government's Pay Policy, which is reviewed annually as part of the development and approval of the annual pay remit.

Equal Opportunities & Diversity

The Commission has an Equal Opportunities Policy. This is to make sure that there is no employment discrimination on the grounds of disability and that access to employment and career development with the Commission is based solely on ability, qualifications and suitability for the work.

Equalities data are gathered on an annual basis from employees to assist the Commission in identifying and addressing any actual or perceived equality or diversity issues, in accordance with the Commission's Equality Duty Mainstreaming Report. The Mainstreaming Report includes any agreed actions and is published on the Commission's website.

Health & Safety

The Commission has a Health & Safety Policy. This forms part of the Staff Handbook and sets out our responsibilities for the staff's health and safety. Several related policies and procedures, covering issues such as fire safety and staff travel etc, support it. The Commission's Health & Safety Officer – who reports to a bi-annual meeting attended by the Accountable Officer, the Director of Corporate Services and the Environmental Officer – monitors the Health & Safety Policy.



**Scottish Criminal Cases
Review Commission**

**Annual Report
2022-23**