



SCCRC BOARD - TERMS OF REFERENCE

Equality

In accordance with the Equality Act 2010, we will make any reasonable adjustment necessary to assist those with a protected characteristic or substantive health condition to engage fully with the Commission. If you require any assistance with this document please let us know.

We are also a member of Happy to Translate (HTT) and can provide language assistance with this document or make it available in alternative formats if required upon request.



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1.0 Constitution

- 1.1 The Board has formally adopted these terms of reference in line with the Management Statement & Financial Memorandum and its general governance arrangements.

2.0 Objective

- 2.1 The Board is responsible for setting the Commission's overall strategic direction and ensuring this is realised. This is in line with the Commission's statutory function and overall purpose to review potential miscarriages of justice in criminal cases in Scotland and refer appropriate cases to the High Court for an appeal.
- 2.2 The Board also has executive responsibility for all final decisions in case related matters. The exception to this is where the Chief Executive's power under the Persistent and Repeated Applications Policy is used to refuse a case. In this instance there is a route of appeal to the Board.

3.0 Membership

- 3.1 The Chairman and Members of the Board are appointed by Royal Warrant on the advice of the First Minister and in line with the Code of Practice issued by the Office of the Commissioner for Public Appointments in Scotland.
- 3.2 The Board must consist of no fewer than 3 Members (including a Chairman).
- 3.3 The Chairman of the Commission will normally be the Chairman of the Board but another Member of the Board may deputise on occasion if necessary. Meetings of the Board will normally be attended by the Chief Executive and the Director of Corporate Services, along with Legal Officers of the Commission and the Consultant Legal Adviser as required. Only Board Members can take decisions.

4.0 Reporting

- 4.1 All meetings of the Board will be minuted, normally by the Director of Corporate Services, who will also prepare a publication scheme version of the minutes. The Board will formally approve these minutes at the following meeting of the Board.
- 4.2 Management and staff will be updated on relevant matters arising from Board meetings at the monthly Management Team and Staff meetings.

5.0 Responsibilities

- 5.1 The Board has corporate responsibility for ensuring that the Commission fulfils the aims and objectives set by the Scottish Ministers and for the efficient and effective use of staff and other resources by the Commission in accordance with the principles of Best Value - see relevant section of the SPFM. To this end, and in pursuit of its wider corporate responsibilities, the Board shall:

- establish the overall strategic direction of the Commission;
- keep Scottish Ministers informed of any changes likely to impact on the Commission's strategic direction or achievement of targets;
- monitor that statutory and administrative requirements in respect of funds falling within its stewardship are complied with;
- receive and review regular financial information concerning the management of the Commission;
- demonstrate high standards of corporate governance at all times, including the establishment of an independent audit committee and assuring itself on the effectiveness of the internal control and risk management systems;
- provide commitment and leadership in the development and promotion of Best Value principles throughout the organisation;
- appoint, with the Scottish Ministers' approval, a Chief Executive to the Commission, setting appropriate performance objectives and remuneration terms; and
- not give the Chief Executive instructions which conflict with the latter's duties as the Commission's Accountable Officer.

6.0 Standing Orders

- 6.1 The Board will oversee the running of the Commission's governance committees which are:

- Audit Committee
- Remuneration Committee

- 6.2 The Board will receive all minutes from the Audit Committee and Remuneration Committee along with all relevant reports on delegated matters and performance issues.
- 6.3 The Board also has executive responsibility for all final decisions in case related matters. The exception to this is where the Chief Executive's power under the Persistent and Repeated Applications Policy is used to refuse a case. In this instance there is a route of appeal to the Board.
- 6.4 The Board will agree membership, the chair and terms of reference for these Committees where appropriate and required by the Management Statement & Financial Memorandum.
- 6.5 The decision of the Members attending a meeting of the Board is the decision of the Board.
- 6.6 The Board will normally meet formally at least once a month. Thereafter the Chairman, with the agreement of the Chief Executive as Accountable Officer, may agree to convene additional meetings as is deemed necessary.
- 6.7 All Members must be given at least one week's written notice of an extraordinary Board meeting.
- 6.8 A minimum of 3 Members (at least one of whom requires to be a legal Member and one a non-legal Member) must be present for a Board meeting to be deemed quorate.
- 6.9 The Board, with the agreement of the Chief Executive as Accountable Officer, may request any of the committees to convene to discuss issues and to thereafter advise the Board accordingly.
- 6.10 Members will be required to declare any conflicts of interest relating to the business on the agenda at the beginning of each meeting and gifts or hospitality received.
- 6.11 The Board is required to approve any additional work undertaken by Members on non case related matters as part of the normal Board business.

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