

SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE POLICY MEETING ON FRIDAY 24 JULY 2015 10.00 AM, PORTLAND HOUSE

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.

Members Present:

Mrs Jean Couper CBE, Chairman
Professor George Irving CBE
Mr Peter Ferguson Q.C.
Miss Frances McMenamin Q.C.

Also Present:

Mr Gerard Sinclair, Chief Executive
Mr Chris Reddick, Director of Corporate Services
Sir Gerald Gordon Q.C., Consultant Legal Adviser

For Policy Items:

Mr Michael Walker, Head of Casework
Mrs Fiona Govan, Senior Legal Officer
Miss Mary Frances Ralston, Legal Officer
Mr Kevin Henry, Legal Officer
Mr Jim McShane, Legal Officer
Mr Stephen Lynn, Legal Officer
Miss Erin Monaghan, Legal Officer

Section 1: Governance Matters

1.1 Apologies

Mr Bann. Dr Darjee, Professor Fraser and Mr Dunipace had submitted their 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. The following declarations of interest were noted:

- There were no new declarations of interest.
- There were no new declarations of interest or gifts and hospitality.

1.3 Minutes of Policy meeting held on 19 December 2014

The minutes of the Policy meeting held on 19 December 2014 were noted having previously been approved by the Board on 30 January 2015. The Board also noted the version of the minutes for the Publication Scheme.

1.4 Matters Arising

There were no matters arising.

Section 2: Stage 1 Cases (edited)

2.1–2.2 A total of 2 new applications were considered and the following decisions were made:

2 cases	Accepted for a review of conviction
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Section 3: Cases (edited)

3.1 The Board considered one case where it agreed to write to the applicant's representatives in order to obtain further information.

(Miss McMenamin Q.C. left the meeting for this discussion having previously declared a conflict of interest and therefore took no part in its consideration.)

Section 4: Policy Matters

4.1 Ethnic Minorities Report (Mrs Govan)

Mrs Govan provided an overview of the terms of her report on the issue of Ethnic minority applications. After general discussion it was agreed that there should be wider circulation of the annual report and that consideration should be given to creating an introductory paragraph on the website which could be replicated in a number of different languages as currently provided in the application form.

4.2 Repeat Applications Report (Mrs Govan)

Mrs Govan provided an overview of the terms of her updated report on the issue of repeat applications. After general discussion it was agreed that consideration could be given to creating a flowchart or decision tree explaining the Commission's practices which might assist applicants and which could be provided when issuing an application pack. The proposed changes to the allocation policy and record management policy were discussed but it was agreed that no change was required.

4.3 SCCRC Guide to information available through the model publication scheme 2015 (Mr Walker)

Mr Walker provided an overview of the terms of the model publication scheme guide. A general discussion then took place regarding the content of this and the various updates which had been made. The Board noted the updated version of the publication scheme.

4.4 SCCRC Frequently Asked Questions (Mr Fenn)

Mr Sinclair discussed the format of the current sheet on FAQs and suggested changes to the format. It was agreed to amend the heading to “Frequently asked questions by applicants” and to thereafter convert the questions from third party to first party questions.

4.5 50/50 by 20/20 – Gender Equality Initiative (Mr Reddick)

Mrs Couper provided an overview of the initiative. After a general discussion it was agreed that the Commission would support the initiative.

Section 5: Position Papers

5.1 Defective Representation Fresh Evidence Moorov Unreasonable Verdict

All of the updated policy papers were discussed in detail with particular consideration given to the various suggested updates. After further discussion all of the updated position papers were approved and it was agreed that these would be circulated on Boardbooks and made available on the website.

Section 6: High Court Decisions

6.1 Case of David Lilburn – 17 June 2015

Mr Sinclair confirmed the details of the recent High Court decision in the Commission’s referral in the case of David Lilburn which had been issued since the date of the last Policy meeting. He confirmed that a copy of the decision had been provided with papers for information.

Section 7: Concluding Matters

7.1 Any Other Competent Business

Update on Court Actions

7.1.1 Mr Sinclair provided a full update on current court actions.

Data Breach

- 7.1.2 Mr Sinclair provided a report on a recent data protection breach affecting the Commission. The details of this were noted by the Board.

Declarations of Interests

- 7.1.3 Mr Sinclair requested that all Members complete and return their annual declaration of interest forms.

7.2 Date of Next Meeting

Policy Meeting – Friday 11 December 2015 @ 10:00

Gerard Sinclair
24 July 2015