

SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 27 JUNE 2014
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.

Present:

Mrs Jean Couper CBE, Chairman
Mr Stewart Campbell
Professor Brian Caddy
Professor George Irving CBE
Miss Frances McMenamin Q.C.
Mr Gerrard Bann
Mr Gerard McClay

Also Present:

Mr Gerard Sinclair, Chief Executive
Mr Chris Reddick, Director of Corporate Services (minutes)

Section 1: Governance Matters (names deleted)

1.1 Apologies

Mr Peter Ferguson Q.C. and Sir Gerald Gordon Q.C. had submitted their apologies.

1.2 Conflicts of Interest/Declarations of Interest/Gifts & Hospitality

1.2.1 Members were asked to declare any known conflicts of interests or gifts and hospitality. Mr McClay and Mr Bann had declared a conflict in one (different) case

1.2.2 Miss McMenamin Q.C. had previously declared a conflict in one case.

1.3 Minutes of Board meeting held on 30 May 2014

The Board approved the minutes of the Board meeting held on 30 May 2014. The Board also approved the version of the minutes for the Publication Scheme.

1.4 Matters Arising

Professor Caddy referred to 1.8 of the minutes and asked if any response had been received from the solicitor concerned. Mr Sinclair confirmed that no response had been received and that the matter was now closed.

1.5 Minutes of Audit Committee meeting held on 5 June 2014

Mr Campbell confirmed that the minutes had been approved by the Audit Committee Members subject to minor amendment and that these had been circulated to the Board for information. He also confirmed that the version of the minutes for the Publication Scheme had also been approved, subject to the same minor amendments.

1.6 Matters Arising

1.6.1 Mr Campbell provided the Board with a summary of the matters considered at the Audit Committee meeting held on 5 June 2014. He confirmed that both the internal and external auditors had provided the highest levels of assurance, based on their work undertaken during the course of the year. In addition, he confirmed that the auditors had remarked on the excellent support provided by Commission staff and the quality of record keeping. He noted that there were a few minor amendments within the internal audit report that were being addressed. Mr Campbell also set out the main audit recommendations for noting:

Internal Audit Recommendations:

- All Commission policies and procedures to be updated and include new version control system.
- The Commission's Asset Register to be reviewed and updated.
- An accessibility review of the Commission's website to be undertaken.
- Formal backup reports to be requested from the IT Support Providers.
- Occasional and unannounced spot checks of petty cash records to be undertaken.
- Claim forms for fees to be updated and guidance reissued to Members.

External Audit Recommendations:

- Monitor the risk of increased legal costs associated with potential judicial review proceedings and subsequent impact on budget.
- Ensure the draft Framework Document is approved by Scottish Government in a timely manner.

1.6.2 Mr Campbell confirmed that the 2013-14 Annual Accounts had been signed off and an unqualified opinion provided by external audit. He noted that there had been a delay in the supply of pension information required to complete the remuneration disclosure although this had been resolved by Mr Reddick.

1.6.3 Mr Reddick provided a full update on the pension information delays which had been a result of an error by Scottish Government staff followed by incorrect calculations being undertaken by MyCSP. He confirmed that the Commission would be dealing directly with MyCSP for 2014-15 and that they would be requested to provide additional assurances over the pension calculations.

1.6.4 Mrs Couper thanked Mr Campbell for the update and confirmed that the outcome of the year-end audits was extremely positive and conveyed her thanks to staff.

1.7 Chairman's Report

Mrs Couper referred to the correspondence dealt with at 1.8 of the minutes of the meeting held on 30 May 2014 and provided a brief update.

1.8 Chief Executive's Report

1.8.1 Mr Sinclair provided the Board with updates on the following matters:

- Mr Sinclair reported he and Mr Reddick had attended the quarterly meeting with Justice Directorate on 6 June 2014.
- Mr Sinclair reported that he had attended the Police Investigations and Review Commissioners Annual Lecture on 6 June 2014.
- Mr Sinclair reported that he had attended the Sir Gerald Gordon Seminar on 12 June 2014.
- Mr Sinclair reported that he had attended the Innocence Project Seminar on 18 June 2014.
- Mr Sinclair confirmed that the Commission's 2013-14 Annual Report & Accounts had been signed off and were both due to be laid in Parliament on 30 June 2014.

1.8.2 Mr Sinclair provided a full update on outstanding referrals confirming that as at 27 June 2014 a total of 6 were still to be decided by the High Court. He provided an update on procedural and appeal hearing dates.

1.8.3 Mrs Couper referred to the Innocence Project Seminar and asked if this was a good time of the year for this event to be held given that it was at the end of the university term. Mr Sinclair confirmed that the date had been suggested by the Innocence Project as it was post exams and before the end of term. He also confirmed that they intended the event to target the current intake of students and that the event was well attended.

1.9 SCCRC Appeal Court Decisions

There were no new Appeal Court decisions for noting.

1.10 Correspondence

There was no correspondence for noting.

Section 2: Management Issues

2.1 Notification by Members of non-case related work

Mrs Couper confirmed that she had spent time on the drafting of the 2013-14 Annual Report.

2.2 Training & Development

The following staff training and development had been undertaken since the last meeting of the Board:

- Mr Walker and Mr Lynn had attended the Information Commissioner's Office conference in Edinburgh on 12 June 2014.
- Mrs Govan, Mr Henry, Miss Ralston and Mr McShane had attended the CLT Criminal Law Conference in Edinburgh on 16 June 2014.

2.3 Framework Document

Mr Reddick provided the Board with an overview of the updated Framework Document which had previously been considered by the Board in February 2014. He confirmed that a number of updates had been agreed with Scottish Government and in particular noted the agreed changes to the section regarding audit access. After discussion the Board approved the Framework Document subject to minor amendment.

2.4 Corporate Risk Register

Mr Reddick provided the Board with an update on the Corporate Risk Register which had been considered by the Audit Committee at their meeting on 5 June 2014. He confirmed that there had been one change in risk scoring which had previously been agreed by the Board and provided an update on some additional control actions that were being taken forward. Following discussion, the Board approved the updated Corporate Risk Register.

2.5 2013-14 Annual Report & Accounts

Mr Reddick provided a full update on the production of the 2013-14 Annual Report & Accounts and confirmed that the final, signed documents would be laid in Parliament on 30 June 2014. He confirmed that copies would be distributed at this point. Mrs Couper thanked Mr Reddick and his team for their work on the production of these documents.

2.6 Boardbooks/iPads

Mr Reddick confirmed that he had taken receipt of the new iPads and was in the process of having these set up for Members. He confirmed that he required some additional information from all Members concerning their setup and that he would be in touch with each of them over the course of July 2014 with the intention of passing out the new equipment at the end of July.

Section 3: Case Matters (name deleted)

3.1 Monthly Case Summary

Mr Sinclair confirmed that a total of 21 new cases had been received in June 2014 to date. He confirmed that these would be split between the Policy meeting and Board meeting on 24 and 25 July 2014.

3.2 Notification of cases where final decisions have been issued since the last meeting of the Board, following the 28 days for submission of further representations expiring:

There was one case in this category.

3.3 Notification of decision cases agreed at previous meetings of the Board but not yet issued:

There were no cases in this category.

3.4 Referral press releases issued since last meeting of the Board:

There were no press releases issued since the last meeting of the Board.

3.5 Requests for extensions of time to submit further representations:

There were no cases in this category.

3.6 Want of Insistence Cases:

There were no cases in this category.

3.7 Discussion Cases:

There were no cases in this category.

Section 4: Stage 1 Pre Acceptance Cases (edited)

4.1-4.13 A total of 13 new applications were considered and the following decisions were made:

2 cases	Accepted for a review of conviction and sentence
2 cases	Accepted for a review of conviction
1 case	Continued for 1 month in order to obtain further information
1 case	Rejected: the applicant had not appealed against his conviction or sentence and there were no stateable grounds of review
1 case	Rejected: the grounds of review were a repeat of the grounds of appeal
2 cases	Rejected: the grounds of review were a repeat of the appeal grounds and there were no stateable grounds of review
1 case	Rejected: the grounds of review were a repeat of the appeal grounds and there were no stateable grounds of review in respect of sentence
3 cases	Rejected: there were no stateable grounds of review

Miss McMenamin Q.C., Mr Bann and Mr McClay left the meeting for one (different) case having previously declared a conflict of interest and took no part in the consideration of the case in which they had declared conflict of interest.

Section 5: Proposed Referral Cases

There were no cases in this category.

Section 6: Proposed Interim Cases (edited)

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

Section 7: Proposed Supplementary Cases

There were no cases in this category.

Section 8: Concluding Matters

8.1 Any Other Competent Business

There was no other competent business.

8.2 Date of Next Meeting

- Policy Meeting – 24 July 2014 @ 10:30
- Board Meeting – 25 July 2014 @ 10:00

Chris Reddick
16 July 2014