

### DIRECTORS' REPORT

#### Management Commentary

##### Introduction

This statement of accounts reports the results of the Scottish Criminal Cases Review Commission (the Commission) for the year 1 April 2012 to 31 March 2013. It has been prepared in accordance with the Accounts Direction given by the Scottish Ministers in accordance with paragraph 9(2) of Schedule 9A to the Criminal Procedure (Scotland) Act 1995. These financial statements were authorised for issue by the Chief Executive, who is the Accountable Officer, on 7 June 2013.

##### History of the Commission

Following the recommendation of the Committee on Appeals Criteria and Alleged Miscarriages of Justice in 1996, the then Secretary of State agreed to create a non-departmental public body to review alleged miscarriages of justice in Scotland. The Scottish Criminal Cases Review Commission was created by Section 194A of the Criminal Procedure (Scotland) Act 1995, as inserted by section 25 of the Crime and Punishment (Scotland) Act 1997. The Commission was established on 1 April 1999.

The Act provides that there shall be no fewer than 3 Members. As at 31 March 2013 there were 8 Members serving on the Commission, one of whom is Chairman. All appointments to the Commission are made by Her Majesty The Queen on the recommendation of the Scottish Ministers.

**Chairman:** Mrs Jean Couper, CBE  
**Board Members:** Professor Brian Caddy  
Mr Gerard McClay  
Mr Stewart Campbell  
Mr Gerrard Bann  
Professor George Irving, CBE  
Miss Frances McMenemy Q.C.  
Mr Peter Ferguson Q.C.

The Register of Interests for Commission Members can be found on the Commission's website [www.sccrc.org.uk](http://www.sccrc.org.uk) and is also available from the Commission.

The Commission currently employs a Chief Executive, a Director of Corporate Services, 3 Senior Legal Officers, 6 Legal Officers (1 current vacancy) and 3 administrative support staff. The Commission's offices are based in Glasgow.

##### Principal Activities

The Commission has statutory power to refer solemn and summary cases to the High Court for determination. Its powers of referral arise:

- in relation to conviction, sentence or both;
- even where an appeal has not previously been heard;
- whether or not there has been a petition for the exercise of the Royal Prerogative of mercy;
- where a person charged with the commission of an offence has been found to be insane;
- where a court has found that an accused person who is insane has committed the act or omission as charged;
- even where the person or persons convicted are dead.

If the Commission believes, after proper investigation, (i) that a miscarriage of justice may have occurred, and (ii) that it is in the interests of justice that a reference should be made, it may refer the case to the High Court, where the case will be heard as if it were a normal appeal. The Commission requires to provide a statement containing its reasons for making a referral, or for deciding not to refer a case.

The Commission may consider applications by a convicted person personally or by others on his or her behalf. The Commission may refer a case to the High Court even where no application for a reference has been made.

In carrying out its statutory function, the Commission is committed to ensuring that all cases are dealt with efficiently and expeditiously while also ensuring the proper and thorough investigation of each case it receives.

The Commission is financed 100% by Grant-in-Aid from the Scottish Government. The Scottish Ministers are answerable to the Scottish Parliament for the Commission and are responsible for making financial provision to meet the Commission's needs.

### **Performance**

Details of the Commission's performance against its key targets during the reporting year are detailed in the Performance Section of the 2012-13 Annual Report, which is available on the Commission's website, [www.sccrc.org.uk](http://www.sccrc.org.uk), or from the Commission. The key targets for 2013-14, as agreed with the Justice Directorate are set out in the Year Ahead Section of the 2012-13 Annual Report.

In summary, 2012-13 performance against key targets was as follows:

- To allocate cases in backlog within an average of 1 month from the date of receipt.  
*Achieved – 20 day average.*
- To complete the stage 1 pre-acceptance procedure within an average of 2 months from the date of stage 1 allocation.  
*Achieved – 1.7 month average.*
- To conclude sentence-only reviews within an average of 4 months of the date of allocation.  
*Achieved – 3.3 month average.*
- To conclude cases involving a review of conviction within an average of 9 months of the date of allocation.  
*Achieved – 8.4 month average.*
- To complete the review of 98% of the cases received before 31 March 2012, so that by the beginning of the 2013-14 reporting year no more than 2 of the Commission's cases are more than 12 months old.  
*Achieved – 1 case more than 12 months old.*

The Commission successfully achieved all of its key targets for 2012-13. This is particularly encouraging given the significant increase in case volume with the Commission receiving its highest number of cases ever at 196 for the year. This also demonstrates the success of the revised case handling procedures and the introduction of the stage 1 pre-acceptance procedure. The Commission remains committed to enhancing the overall review process and will continue to identify ways further improving overall efficiency.

Staffing matters are detailed within the 2012-13 Annual Report. However, the Commission has monitoring arrangements to review staffing performance issue such as rates of absence. The average number of sick days per employee in post increased from 2 days in 2011-12 to 3.4 days in 2012-13.

Performance relating to disclosure requests is also set out within the 2012-13 Annual Report.

### **Future Developments**

The 2012-13 Annual Report includes a section on The Year Ahead, which sets out in detail the Commission's future plans regarding targets, performance and continuous improvement. Having reviewed its performance, the Commission's key targets for the year ahead are:

- to allocate cases received within an average of 1 month from the date of receipt;
- to complete the stage 1 pre-acceptance procedure within an average of 2 months from the date of stage 1 allocation;
- to conclude sentence-only reviews within an average of 4 months of the date of stage 2 allocation;
- to conclude cases involving a review of conviction within an average of 8 months of the date of stage 2 allocation; and
- to complete the review of 98% of the cases received before 31 March 2013, so that by the beginning of the 2014-15 reporting year no more than 4 of the Commission's cases are more than 12 months old.

These targets reflect both the increase in case volumes experienced during 2012-13, changes to the overall review process and the eradication of the small case backlog. They also set a significant challenge for all staff, particularly in respect of conviction reviews whereby the target review timescale has been reduced by 1 month to an average of 8 months from the date of stage 2 allocation.

### **Environmental Matters**

In 2012-13 the Commission continued to monitor compliance with its Environmental Policy and performance of its Environmental Action Plan, demonstrating its ongoing commitment to awareness of and the reduction of its environmental impact. Ongoing initiatives in line with the Environmental Policy and Action Plan have included:

- information gathering in respect of business and commuting mileage to facilitate the calculation and monitoring of the Commission's carbon footprint;
- the development of further arrangements to facilitate the exchange of case related materials electronically, including membership of the Criminal Justice Secure eMail Service and commencement of a pilot system with Judiciary Office;
- the recycling of all confidential waste, waste paper, cardboard, plastic, cans, glass, batteries and toner cartridges;
- the use of video conferencing as a substitute for business travel where possible, and the preference for active travel in respect of business travel, where appropriate;
- the continued support for a 'Travel Season Ticket' loan' scheme in order to encourage active travel in respect of staff commuting;
- the regular monitoring of energy usage, with an emphasis on energy reduction where possible; and
- the continued provision of environmental impact education for staff members.

Details of the Commission's Environmental Policy and action plan are available on the website: [www.sccrc.org.uk](http://www.sccrc.org.uk).

### **Financial Results**

In accordance with paragraph 9(1)(b) of Schedule 9A to the Act, the Commission's statement of accounts covers the period 1 April 2012 to 31 March 2013. The Commission's statement of accounts is prepared in accordance with the Accounts Direction issued to the Commission by the Scottish Ministers.

The accounts for the year ended 31 March 2013 are set out in pages 16 to 19. The Notes to the Accounts on pages 20 to 25 form part of the Accounts.

## 2012-13 ANNUAL ACCOUNTS

All expenditure during 2012-13 was within agreed budgetary provision. The Commission's budget for 2012-13 was set at £1,083,000 at the start of the year. This represents a 4.9% reduction on the 2011-12 budget of £1,139,000. The budget was further reduced during the course of 2012-13 to £1,053,000 following the surrender of £30,000 to Scottish Government in respect of savings against staff costs. Net operating cost for the year was £1,073,252 which includes depreciation and notional costs.

The capital budget for the year was £5,000 and capital expenditure for 2012-13 was £3,756.

### Principal Risks

The Commission has in place an established system of risk management, made up of the Risk Management Policy and Procedure document and the corresponding Corporate Risk Register. Risks associated with the achievement of corporate objectives continue to be identified, prioritised and considered on an ongoing basis to take account of external factors and changes in the control environment. The following key risks are covered within the Commission's Corporate Risk Register:

- **Finance** – inadequate funding and fraud.
- **Human Resources** – inadequate staff and Board Member resource and breach of legislation.
- **Information Technology** – case management system failure, loss of assets, breach of security and obsolescence.
- **Security** – Physical attack, overcoming office security and information leaks.
- **Facilities Management** – unable to access premises.
- **Procedure & Performance** – inadequate support systems, issuing incorrect/inconsistent decisions, receipt of exceptional cases and changes in legislation.
- **Communications** – ineffective communications/relationships with stakeholders, lack of public awareness and negative/inaccurate media coverage.
- **External Accountability** – increase in judicial reviews and unsuccessfully defended judicial reviews, and reduction in referral success rates.

### Changes in Property, Plant and Equipment

The Commission spent £3,756 on acquisition of fixed assets during the year.

### Post Statement of Financial Position Date Events

There are no such events to report for the year ended 31 March 2013.

## **Public Interest Reporting**

### **Charitable Donations**

No charitable donations were made in the year ended 31 March 2013.

### **Payment Performance**

In line with Scottish Government, 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). The Commission aims to pay 100% of invoices, including disputed invoices once the dispute has been settled, within these terms.

The Commission paid a total of 98.4% of invoices received within the terms of the payment policy, compared with 95.3% in the previous year. Of the remaining 1.6% of invoices not paid within the 10 day target (7 invoices in total) all were a result of administrative error. This does however represent a continued improvement in overall payment performance.

As at 31 March 2013 the value of supplier payments outstanding at year end was £0.

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

### **Equal Opportunities**

The Commission is committed to ensuring equal opportunities for all employees and potential employees. The Commission has an equal opportunities policy.

### **People with Disabilities**

The Commission's equal opportunities policy aims to ensure that there is no employment discrimination on the grounds of disability and that access to employment and career development within the Commission is based solely on ability, qualifications and suitability for the work.

### **Staff Involvement and Development**

The Commission is committed to ensuring that staff are adequately trained and staff are encouraged to identify and attend suitable training seminars and courses. All Commission staff have direct access to the Chief Executive and to the Members of the Board of the Commission and are encouraged to express their views on, and to make suggestions to enhance, the efficiency and the effectiveness of the Commission.

### **Pension Costs**

All staff are eligible to become members of the civil service pension arrangements. Further details are provided in the Remuneration Report below.

### **Personal Data Incidents**

There were no personal data incidents reported in this financial period.

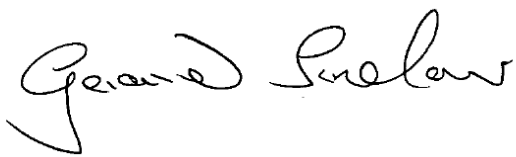
### **Auditors**

The Accounts of the Commission are audited by an auditor appointed by the Auditor General for Scotland in accordance with paragraph 9 of Schedule 9A to the Criminal Procedure (Scotland) Act 1995

External audit services for the 2012-13 Accounts were at a cost of £7,200.

### **Disclosure of information to auditors**

As Accountable Officer, as far as I am aware, there is no relevant audit information of which the Commission's auditors are unaware. I have taken all reasonable steps that ought to have been taken to make myself aware of any relevant audit information and to establish that the Commission's auditors were aware of that information.



**GERARD SINCLAIR**  
Chief Executive  
7 June 2013

### REMUNERATION REPORT

The Commission has in place a Remuneration Committee, comprising all Board Members, who meet on at least an annual basis. The Committee's function is to make recommendations to the Board of the Commission and the Scottish Ministers on the level of annual pay award for the Chief Executive in accordance with the relevant Scottish Government Pay Policy guidance. The Committee also agrees any recommendations for payment of staff bonuses as set out within the Commission's Staff Appraisal and Performance Policy.

The analysis of Board Members Fees and Expenses, and the tables providing a breakdown of the Chief Executive's and Director of Corporate Service's remuneration and pension benefits in 2011-12 and 2012-13 has been subject to audit by the Commission's auditors.

#### Analysis of Board Members Fees and Expenses

Board Member	Fees	Expenses	Travel Time Allowance & Tax	Total 2012-13	Total 2011-12
Mrs Jean Couper CBE	22,399	620	3,591	26,610	25,258
Mr Gerrard Bann	7,256	660	1,675	9,591	8,762
Professor Brian Caddy	11,382	105	17	11,504	10,319
Mr Stewart Campbell	11,582	423	271	12,276	9,376
Mr Peter Ferguson QC	5,492	634	2,643	8,769	2,895
Professor George Irving CBE	10,568	273	2,638	13,479	12,600
Mr Gerard McClay	10,206	0	0	10,206	8,538
Miss Frances McMenamin QC	8,768	0	0	8,768	8,124

#### Statement on the Remuneration Policy for Senior Appointments

In accordance with the FReM, the Commission discloses details of the remuneration arrangements in place for senior appointments, which specifically covers that of the Chief Executive and Director of Corporate Services.

The Chief Executive's contract of employment was signed on 1 July 2003. This is a permanent appointment with a 3 month notice period. The Director of Corporate Services' contract of employment was signed on 5 September 2005. This is a permanent appointment with a 1 month notice period. There are no early termination payment clauses within these contracts. No benefits in kind were made to the Chief Executive or Director of Corporate Services.

The Commission's Board agreed a salary range for both the Chief Executive and the Director of Corporate Services along with starting salaries for both employees within the respective scales. This was subject to Scottish Government approval. The Board further agreed that pay for both employees would be reviewed annually, with any pay awards dependent on performance and the relevant Scottish Government Pay Policy.

The Chief Executive's performance is assessed by the Chairman using a system of annual appraisal and the performance conditions are based on achievement of the Commission's Corporate Plan objectives. The Director of Corporate Service is also subject to annual appraisal although this is undertaken by the Chief Executive with the performance conditions based on the achievement of personal objectives and direct contribution to the overall achievement of the Commission's Corporate Plan Objectives.

#### Remuneration

	2012-13	2011-12
	Salary £'000	Salary £'000
Mr Gerard Sinclair	85-90	85-90
Mr Chris Reddick	55-60	55-60

In accordance with the FReM the Commission discloses the relationship between the median remuneration of its staff and the midpoint of the Chief Executive's pay range. As at 31 March 2013 the midpoint of the Chief Executive's pay range was 2.4 times that of the median remuneration of staff, which is unchanged from 31 March 2012.

The Chief Executive's and Director of Corporate Services' posts are pensionable under the civil service pensions arrangements details of which are given below.

### Pension Benefits

	Accrued pension at age 60 as at 31/3/13 and related lump sum	Real increase in pension and related lump sum at age 60	CETV at 31/3/13	CETV at 31/3/12	Real increase in CETV as funded by employer
	£k	£k	£'000	£'000	£'000
Mr Gerard Sinclair	15-17.5	0-2.5	253	205	32
Mr Chris Reddick	7.5-10	0-2.5	104	88	8

### Salary

'Salary' includes gross salary; performance pay or bonuses; overtime; reserved rights to London weighting or London allowances; recruitment and retention allowances; private office allowances and any other allowance to the extent that it is subject to UK taxation.

### Benefits in kind

The monetary value of benefits in kind covers any benefits provided by the employer and treated by the HM Revenue & Customs as a taxable emolument.

### Pensions

Pension benefits are provided through the Civil Service Pension arrangements. Employees of the Commission may be in one of four statutory based 'final salary' defined benefit schemes (classic, premium, classic plus and nuvos). The Schemes are unfunded with the cost of benefits met by monies voted by Parliament each year. Pensions payable under classic, premium, classic plus and nuvos are increased annually in line with changes in the Retail Prices Index.

Employee contributions are set at the rate of 1.5% of pensionable earnings for classic and 3.5% for premium, classic plus and nuvos. Benefits in classic accrue at the rate of 1/80th of pensionable salary for each year of service. In addition, a lump sum equivalent to three years' pension is payable on retirement. For premium, benefits accrue at the rate of 1/60th of final pensionable earnings for each year of service. Unlike classic, there is no automatic lump sum (but members may give up (commute) some of their pension to provide a lump sum). Classic plus is essentially a variation of premium, but with benefits in respect of service before 1 October 2002 calculated broadly as per classic. Nuvos was introduced to new members from 31 July 2007. It is a defined benefit scheme (3.5%) based on career average earnings.

Further details about the Civil Service Pension arrangements can be found at the website [www.civilservice-pensions.gov.uk](http://www.civilservice-pensions.gov.uk)

### Cash Equivalent Transfer Values

A Cash Equivalent Transfer Value (CETV) is the actuarially assessed capitalised value of the pension scheme benefits accrued by a member at a particular point in time. The benefits valued are the member's accrued benefits and any contingent spouse's pension payable from the scheme.

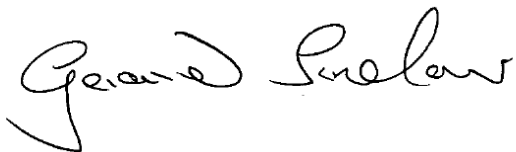
A CETV is a payment made by a pension scheme or arrangement to secure pension benefits in another pension scheme or arrangement when the member leaves a scheme and chooses to transfer the benefits accrued in their former scheme. The pension figures shown relate to the benefits that the individual has accrued as a consequence of their total membership of the pension scheme, not just their service in a senior capacity to which disclosure applies. The CETV figures and the other pension details, include the value of any pension benefit in another scheme or arrangement which the individual has transferred to the Civil Service Pension arrangements and for which the CS Vote has received a transfer payment commensurate to the additional



pension liabilities being assumed. They also include any additional pension benefit accrued to the member as a result of their purchasing additional years of pension service in the scheme at their own cost. CETVs are calculated within the guidelines and framework prescribed by the Institute and Faculty of Actuaries.

### **Real increase in CETV**

This reflects the increase in CETV effectively funded by the employer. It takes account of the increase in accrued pension due to inflation, contributions paid by the employee (including the value of any benefits transferred from another pension scheme or arrangement) and uses common market valuation factors for the start and end of the period.



**GERARD SINCLAIR**  
Chief Executive  
7 June 2013

### STATEMENT OF COMMISSION AND ACCOUNTABLE OFFICER'S RESPONSIBILITIES

Under paragraph 9 of Schedule 9A of the Criminal Procedure (Scotland) Act 1995, the Scottish Ministers have directed the Scottish Criminal Cases Review Commission to prepare for each financial year a statement of accounts in the form and on the basis set out in the accounts direction. The accounts are prepared on an accruals basis and must give a true and fair view of the state of affairs of the Commission and of its income and expenditure, recognised gains and losses and cash flows for the financial year.

In preparing the accounts, the Accountable Officer is required to comply with the requirements of the Government Financial Reporting Manual and in particular to:

- observe the accounts direction issued by the Scottish Ministers, including the relevant accounting and disclosure requirements, and apply suitable accounting policies on a consistent basis;
- make judgments and estimates that are reasonable and prudent;
- state whether applicable accounting standards as set out in the Government Financial Reporting Manual have been followed, and disclose and explain any material departures in the financial statements; and
- prepare the financial statements on a going concern basis.

The Director-General, Accountable Officer for the Scottish Government Justice Directorate designated the Commission's Chief Executive, Mr Gerard Sinclair, as the Accountable Officer for the Scottish Criminal Cases Review Commission. The responsibilities of an Accountable Officer, including his responsibility for the propriety and regularity of the public finances for which the Accountable Officer is answerable, for keeping proper records and for safeguarding the Commission's assets, are set out in the Scottish Government Memorandum to Accountable Officers of Other Public Bodies.

The Accountable Officer is responsible for the maintenance and integrity of the corporate and financial information included on the Commission's website. Legislation in the UK governing the preparation and dissemination of financial statements may differ from legislation in other jurisdictions.

### GOVERNANCE STATEMENT

#### Scope of responsibility

As Accountable Officer, I have responsibility for maintaining a sound system of corporate governance and internal control that supports the achievement of the Scottish Criminal Cases Review Commission's policies, aims and objectives set by the Scottish Ministers, whilst safeguarding the public funds and Commission's assets for which I am personally responsible, in accordance with the responsibilities assigned to me in the Management Statement and Financial Memorandum (Managing Public Funds – in the guidance). As Accountable Officer I have specific responsibility in relation to:

- corporate governance;
- planning, performance management and monitoring;
- advising the Board;
- managing risk and resources;
- and accounting for the Commission's activities.

The Scottish Public Finance Manual ("SPFM") is issued by the Scottish Ministers to provide guidance to the Scottish Government and other relevant bodies on the proper handling and reporting of public funds. It sets out the relevant statutory, parliamentary and administrative requirements, emphasises the need for economy, efficiency and effectiveness, and promotes good practice and high standards of propriety

#### The Governance Framework

The Commission's governance framework is clearly defined within the context of the Management Statement and Financial Memorandum which specifically addresses:

- the functions, duties and powers of the Commission;
- aims, objectives and targets;
- the responsibilities of the Chairman, the Board and the Chief Executive;
- planning, budgeting and control;
- external accountability;
- staff management;
- reviewing the Commission's role; and
- key financial and operating procedures.

The governance framework is further supported by a Code of Conduct for Board Members and a Risk Management Strategy which sets how significant risks facing the Commission in the delivery of its corporate aims and objectives will be identified, evaluated and appropriately managed.

#### The Board

The Board has corporate responsibility for ensuring that the Commission fulfils the aims and objectives set by Scottish Ministers and for promoting the efficient and effective use of staff and other resources in accordance with the principles of Best Value. The Board also has a specific executive responsibility with regard to discharging its statutory role in making decisions in respect of all cases received by the Commission. The Board is supported by 3 Case Committees, the Audit Committee and the Remuneration Committee. In addition, the full Board sits twice a year as the Policy Group.

During 2012-13 the Board met formally on 18 occasions. All meetings of the Board were quorate and on each occasion a full set of minutes were produced to record all agreed actions and decisions. On each occasion all Members were canvassed for any declarations of interest and gifts and hospitality, with a full record made on the minutes in compliance with the Code of Conduct. In accordance with the Commission's Publication Scheme, edited versions of these minutes are available on the website, [www.sccrc.org.uk](http://www.sccrc.org.uk)

On 31 December 2012 the Chairman and 2 Board Members completed their first 4-year terms of office and were subsequently reappointed for a further 4 years to 31 December 2016. Re-appointments were regulated by the Public Appointments Commissioner for Scotland. The Commission has a Board Induction Programme in place which includes attendance at CIPFA On Board Training and a comprehensive Board Member's Handbook.

### **Risk Management Arrangements**

All bodies to which the SPFM is directly applicable must operate a risk management strategy in accordance with relevant guidance issued by the Scottish Ministers. The general principles for a successful risk management strategy are set out in the SPFM.

The Commission has a documented risk management strategy which is fully supported by procedural guidance, providing advice on the operation of the risk management process. Procedural guidance is provided to staff as part of their training to ensure that they are equipped to manage risk in a way appropriate to their authority and duties.

The Commission's risk management strategy specifies the roles of the Board, the Audit Committee and the Chief Executive and details the process of risk identification in relation to the Commission's objectives. The strategy also details the process of risk categorisation and the approval and review structure for the risk register by the Audit Committee and Board. The Commission's risk management strategy is therefore broken down into the following key elements:

- Objective Setting
- Risk Identification
- Evaluation of Risk
- Control Identification & Evaluation
- Review & Assurance

The strategy, in line with the supporting policy and procedures, clearly sets out the framework for undertaking these key elements as well as identifying responsibilities. The risk management arrangements have been developed to be appropriate to the organisation's structure and needs and as a result risk capacity and appetites are not separately identified and considered. Risks in relation to information security and management are specifically identified within the Commission's corporate risk register along with detailed control actions to compensate for these risks.

Risk management is embedded in the activities of the Commission as a result of the focus on achievement of organisation goals and objectives and identification of the risk that will impact on this. All Members and staff are involved in this process depending on their authority and duties.

### **Assessment of Corporate Governance and Risk Management Arrangements**

As Accountable Officer, I have responsibility for overseeing the Commission's corporate governance arrangements including compliance with generally accepted best practice principles and relevant guidance. In addition I have responsibility for reviewing the effectiveness of the Commission's risk management arrangements and system of internal control. My review of the effectiveness of both these systems is informed by:

- the management team who have responsibility for the development and maintenance of the Commission's governance, performance and internal controls frameworks;
- the Board who has responsibility for receiving, monitoring and commenting on regular management reports on governance matters, performance outcomes and risk management.
- the work of the Commission's Audit Committee as delegated by the Board which includes ongoing review of the Commission's external assurance functions and internal assessments on governance, risk and Best Value;

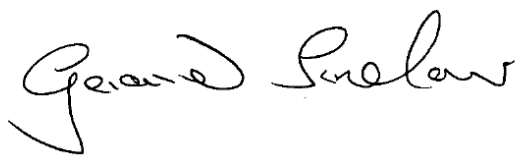
## 2012-13 ANNUAL ACCOUNTS

- the work of the internal auditors, who submit to the Commission's Audit Committee regular reports which include the independent and objective opinion on the adequacy and effectiveness of the organisation's systems of internal control together with recommendations for improvement; and
- comments made by the external auditors in their management letters and other reports.

My review and assessment has been informed directly by the following key processes which have operated continuously and effectively during the course of 2012-13:

- monthly meetings of the Board of the Commission to consider, inter alia, policies and plans and the strategic direction of the Commission;
- regular discussions with all staff when staff are encouraged to identify new issues with a view to updating the record of areas of potential risks facing the organisation;
- half yearly meetings of Board Members and staff to inter alia identify and discuss potential areas of risk and, where necessary, initiate work on action and policies to address such issues;
- at least half yearly meetings of the Commission's Audit Committee;
- training on issues which may give rise to potential risk situations made available for staff and Members if necessary;
- a system of key performance and risk indicators;
- a risk register for the Commission; and
- reporting arrangements from the Director of Corporate Services to the Chief Executive on systems of internal control and a completed annual assurance statement.

As Accountable Officer I can confirm that I am fully content with the effectiveness of the Commission's existing arrangements to ensure appropriate standards of corporate governance and effective risk management. I can also confirm that there were no significant control weakness or identified lapses in data security during 2012-13.



**GERARD SINCLAIR**  
Chief Executive  
7 June 2013

**Independent auditor's report to the members of the Scottish Criminal Cases Review Commission, the Auditor General for Scotland and the Scottish Parliament**

I have audited the financial statements of the Scottish Criminal Cases Review Commission for the year ended 31 March 2013 under the Criminal Procedure (Scotland) Act 1995. The financial statements comprise the Statement of Comprehensive Net Expenditure, Statement of Financial Position, the Cash Flow Statement, the Statement of Changes in Taxpayers' Equity and the related notes. The financial reporting framework that has been applied in their preparation is applicable law and International Financial Reporting Standards (IFRSs) as adopted by the European Union, and as interpreted and adapted by the 2012/13 Government Financial Reporting Manual (the 2012/13 FReM).

This report is made solely to the parties to whom it is addressed in accordance with Public Finance and Accountability (Scotland) Act 2000 and for no other purpose. In accordance with paragraph 125 of the Code of Audit Practice approved by the Auditor General for Scotland, I do not undertake to have responsibilities to members or officers, in their individual capacities, or to third parties.

**Respective responsibilities of accountable officer and auditor**

As explained more fully in the Statement of the Accountable Officer's Responsibilities, the Accountable Officer is responsible for the preparation of the financial statements and for being satisfied that they give a true and fair view, and is also responsible for ensuring the regularity of expenditure and income. My responsibility is to audit and express an opinion on the financial statements in accordance with applicable law and International Standards on Auditing (UK and Ireland) as required by the Code of Audit Practice approved by the Auditor General for Scotland. Those standards require me to comply with the Auditing Practices Board's Ethical Standards for Auditors. I am also responsible for giving an opinion on the regularity of expenditure and income in accordance with the Public Finance and Accountability (Scotland) Act 2000.

**Scope of the audit of the financial statements**

An audit involves obtaining evidence about the amounts, disclosures, and regularity of expenditure and income in the financial statements sufficient to give reasonable assurance that the financial statements are free from material misstatement, whether caused by fraud or error. This includes an assessment of: whether the accounting policies are appropriate to the body's circumstances and have been consistently applied and adequately disclosed; the reasonableness of significant accounting estimates made by the Accountable Officer; and the overall presentation of the financial statements. It also involves obtaining evidence about the regularity of expenditure and income. In addition, I read all the financial and non-financial information in the annual report to identify material inconsistencies with the audited financial statements. If I become aware of any apparent material misstatements, irregularities, or inconsistencies I consider the implications for my report.

**Opinion on financial statements**

In my opinion the financial statements:

- give a true and fair view in accordance with the Criminal Procedure (Scotland) Act 1995 and directions made thereunder by the Scottish Ministers of the state of the body's affairs as at 31 March 2013 and of its net operating cost for the year then ended;
- have been properly prepared in accordance with IFRSs as adopted by the European Union, as interpreted and adapted by the 2012/13 FReM; and
- have been prepared in accordance with the requirements of the Criminal Procedure (Scotland) Act 1995 and directions made thereunder by the Scottish Ministers.

### Opinion on regularity

In my opinion in all material respects the expenditure and income in the financial statements were incurred or applied in accordance with any applicable enactments and guidance issued by the Scottish Ministers.

### Opinion on other prescribed matters

In my opinion:

- the part of the Remuneration Report to be audited has been properly prepared in accordance with the Criminal Procedure (Scotland) Act 1995 and directions made thereunder by the Scottish Ministers; and
- the information given in the Directors' Report for the financial year for which the financial statements are prepared is consistent with the financial statements.

### Matters on which I am required to report by exception

I am required to report to you if, in my opinion:

- adequate accounting records have not been kept; or
- the financial statements and the part of the Remuneration Report to be audited are not in agreement with the accounting records; or
- I have not received all the information and explanations I require for my audit; or
- Corporate Governance Statement does not comply with guidance from Scottish Ministers.

I have nothing in respect of these matters.



**Asif A Haseeb**  
Audit Scotland  
8 Nelson Mandela Place  
Glasgow  
G2 1BT  
7 June 2013

STATEMENT OF COMPREHENSIVE NET EXPENDITURE  
for the year ended 31 MARCH 2013

	Notes	2012-13 £000	2011-12 £000
<b>Administrative Costs</b>			
Staff costs	2	(760)	(735)
Depreciation	5,6	(13)	(13)
Other administration costs	3	(298)	(312)
Notional costs	4	(3)	(3)
<b>Net operating costs</b>		<b><u>(1,074)</u></b>	<b><u>(1,063)</u></b>

The results for the year derive from the ordinary activities of the Scottish Criminal Cases Review Commission, all of which are continuing.

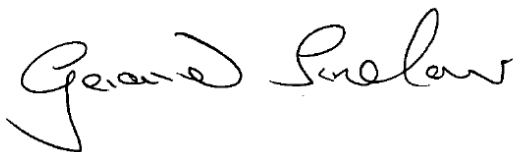


## 2012-13 ANNUAL ACCOUNTS

### STATEMENT OF FINANCIAL POSITION as at 31 March 2013

	Notes	31 March 2013 £'000	31 March 2012 £'000
<b>Non-current assets</b>			
Property, plant and equipment	5	20	28
Intangible assets	6	-	1
<b>Total non-current assets</b>		<b><u>20</u></b>	<b><u>29</u></b>
<b>Current assets</b>			
Trade and other receivables	7	15	25
Cash and cash equivalents	8	366	309
<b>Total current assets</b>		<b><u>381</u></b>	<b><u>334</u></b>
<b>Total assets</b>		<b><u>401</u></b>	<b><u>363</u></b>
<b>Current liabilities</b>			
Trade and other payables	9	148	111
<b>Total current liabilities</b>		<b><u>148</u></b>	<b><u>111</u></b>
<b>Non-current assets plus net current assets</b>		<b><u>253</u></b>	<b><u>252</u></b>
<b>Non-current liabilities</b>			
Provisions for liabilities	10	60	45
<b>Total non-current liabilities</b>		<b><u>60</u></b>	<b><u>45</u></b>
<b>Total liabilities</b>		<b><u>208</u></b>	<b><u>156</u></b>
<b>Assets less liabilities</b>		<b><u>193</u></b>	<b><u>207</u></b>
<b>Taxpayers Equity</b>			
General Reserve		193	207
<b>Total taxpayers equity</b>		<b><u>193</u></b>	<b><u>207</u></b>

Signed on behalf of the Commission



**GERARD SINCLAIR**  
Chief Executive  
7 June 2013

## 2012-13 ANNUAL ACCOUNTS

### CASH FLOW STATEMENT for the year ended 31 March 2013

	Notes	2012-13 £'000	2011-12 £'000
<b>Cash flows from operating activities</b>			
Net operating cost		(1,074)	(1,063)
Adjustments for non-cash transactions			
Depreciation	5,6	13	13
Notional costs	4	3	3
Opening balance adjustment		4	-
<b>Movements in working capital</b>			
(Increase)/decrease in trade and other receivables	7	10	(2)
Increase/(decrease) in trade and other payables	9	37	(2)
Increase in provision	10	15	15
<b>Net cash outflow from operating activities</b>		<b><u>(992)</u></b>	<b><u>(1,036)</u></b>
<b>Cash flows from investing activities</b>			
Purchase of property, plant and equipment	5	(4)	(7)
Purchase of intangible assets	6	-	-
Proceeds from disposal of property, plant and equipment		-	-
<b>Net cash flow from investing activities</b>		<b><u>(4)</u></b>	<b><u>(7)</u></b>
<b>Cash flows from financing activities</b>			
Grant from Scottish Government		1,053	1,053
<b>Net cash flow from financing</b>		<b><u>1,053</u></b>	<b><u>1,053</u></b>
<b>Net increase/(decrease) in cash and cash equivalents</b>		<b>57</b>	<b>10</b>
Cash and cash equivalents at beginning of period	8	309	299
Cash and cash equivalents at end of period	8	366	309
<b>Net change in cash and cash equivalent balances</b>		<b>57</b>	<b>10</b>

## 2012-13 ANNUAL ACCOUNTS

### STATEMENT OF CHANGES IN TAXPAYERS' EQUITY for the year ended 31 March 2013

	Note	General Reserve	
		2012-13 £'000	2011-12 £'000
<b>Balance at 1 April</b>		207	214
Non cash charges – notional costs	4	3	3
Non cash charges – opening balance adjustment		4	-
Net operating cost for the year		(1,074)	(1,063)
Net grant from Scottish Government		1,053	1,053
<b>Balance at 31 March</b>		<b><u>193</u></b>	<b><u>207</u></b>

**NOTES TO THE ACCOUNTS**  
for the year ended 31 March 2013

**1. Statement of accounting policies**

These Accounts have been prepared in accordance with the Government Financial Reporting Manual (FReM) issued by HM Treasury. The accounting policies contained in the FReM apply International Financial Reporting Standards (IFRS) as adapted or interpreted for the public sector context. Where the FReM permits a choice of accounting policy, the accounting policy which is judged to be the most appropriate to the particular circumstance for the purpose of giving a true and fair view has been selected. The particular policies adopted by the Commission are described below. They have been applied consistently in dealing with items that are considered material to the Accounts.

**(a) Accounting convention**

The Accounts have been prepared under the historical cost convention modified to account for the revaluation of property, plant and equipment, intangible assets and, where material, current asset investments and inventories to fair value as determined by the relevant accounting standard.

**(b) Property, plant and equipment (PPE)**

The Commission does not currently hold any property on its asset register. Amortised historic cost has been used as a proxy for the fair value of plant and machinery. All of the assets in these categories have:

- low values and short useful economic lives which realistically reflect the life of the asset and;
- an amortisation charge which provides a realistic reflection of consumption.

The capitalisation thresholds for the principal categories of assets is £1,000

**(c) Capital reserve**

A capital reserve was created when assets were transferred to the Scottish Criminal Cases Review Commission from the then Scottish Office at the date of the Commission's creation in April 1999. The reserve is released to the general fund in line with the rate of depreciation of the transferred assets.

**(d) Amortisation**

Amortisation is provided on property, plant and equipment, on a straight line basis at rates sufficient to write down their cost over their estimated useful lives. The amortisation periods for the principal categories of assets are: -

Plant and equipment	5 years
Information Technology	3 years
Fixtures and fittings	10 years

**(e) Receivables**

All material amounts outstanding at 31 March 2013 have been brought into account irrespective of when actual payments were made.

**(f) Payables**

All material amounts outstanding at 31 March 2013 have been brought into account irrespective of when actual payments were made.

**(g) Provisions**

A provision is recognised in the statement of financial position when the Commission has a present legal or constructive obligation as a result of a past event, that can be reliably measured and it is probable that an outflow of economic benefit will be required to settle the obligation.

**(h) Leases**

Where substantially all the risks and rewards of ownership of a leased asset are borne by the entity, it is recorded as a non-current asset and a corresponding creditor recorded in respect of debt due to the lessor, with the interest element of the finance lease payment charged to the operating cost statement. Rentals payable in respect to operating leases will be charged to the operating cost statement on a straight line basis over the term of the lease.

**(i) Changes in estimation techniques**

There have been no material changes in estimation techniques which were introduced in 2012-13.

**(j) Government grants**

Expenditure of the Commission is met from funds advanced by the Scottish Government within an approved allocation. Cash drawn down to fund expenditure within this approved allocation is credited to the general fund. All income that is not classed as funding is recognised in the period in which it is receivable. Funding for the acquisition of fixed assets is recognised within the Statement of Comprehensive Net Expenditure in the period in which it is receivable.

**(k) Financial instruments**

The Commission does not utilise complex financial instruments. The only financial instruments the Commission has are other financial assets and liabilities which are included within trade and other receivables and trade and other payables on the statement of financial position. There is no difference between book value and fair value of these assets/liabilities. The nature of the Commission's financial instruments is such that it is not exposed to any significant financial risk factors.

## 2012-13 ANNUAL ACCOUNTS

### 2. Staff costs

	2012-13 £'000	2011-12 £'000
<b>Commission members</b>		
Fees	88	79
Expenses and travel time allowance	13	8
Social security costs	8	10
<b>Total commission members</b>	<b><u>109</u></b>	<b><u>97</u></b>
<b>Administrative staff</b>		
Wages and salaries	464	459
Social security costs	40	40
Pension costs	95	89
Inward secondment from COPFS	36	36
Agency staff	8	8
Staff leave accrual*	8	6
<b>Total administrative staff</b>	<b><u>651</u></b>	<b><u>638</u></b>
<b>Total staff costs</b>	<b><u>760</u></b>	<b><u>735</u></b>

\*The staff leave accrual in 2011-12 does not take into account staff flexi leave balances as they are not considered to be material (less than £1,000).

### Staff numbers

	2012-13	2011-12
<b>Average numbers of staff during the year</b>		
Commission members	8	9
Permanent employees	11	12
Inward secondment/fixed term appointments	2	1
<b>Total</b>	<b><u>21</u></b>	<b><u>22</u></b>

### 3. Other administration costs

	2012-13 £'000	2011-12 £'000
Accommodation costs	147	178
Travel costs	5	5
Training costs	8	12
Legal fees & expenses	29	6
Supplies and services	66	62
Stationery costs	2	3
Advertising costs	-	-
Hospitality costs	-	-
Telecommunications costs	15	14
Other office costs	19	24
Audit fee	7	8
<b>Total other administration costs</b>	<b><u>298</u></b>	<b><u>312</u></b>

## 2012-13 ANNUAL ACCOUNTS

### 4. Notional costs

In compliance with the FReM a charge for 'services' provided, without charge, by the sponsoring department are reflected in the accounts. Notional Costs included in the accounts are as follows:

	2012-13 £'000	2011-12 £'000
Services from the Scottish Government	3	3
<b>Total</b>	<b><u>3</u></b>	<b><u>3</u></b>

### 5. Property, plant and equipment

	Fixtures & Fittings £'000	Plant & Machinery £'000	Information Technology £'000	Total £'000
<b>Cost</b>				
At 1 April 2012	88	35	84	207
Additions	-	-	4	4
Disposals	-	-	-	-
<b>At 31 March 2013</b>	<b>88</b>	<b>35</b>	<b>88</b>	<b>211</b>
<b>Depreciation</b>				
At 1 April 2012	79	33	67	179
Charge for year	3	2	7	12
Disposals	-	-	-	-
<b>At 31 March 2013</b>	<b>82</b>	<b>35</b>	<b>74</b>	<b>191</b>
<b>NBV at 31 March 2013</b>	<b>6</b>	<b>-</b>	<b>14</b>	<b>20</b>
NBV at 31 March 2012	9	2	17	28
<b>Analysis of asset financing:</b>				
Owned	6	-	14	20
Finance leased	-	-	-	-
<b>NBV at 31 March 2013</b>	<b>6</b>	<b>-</b>	<b>14</b>	<b>20</b>

### 6. Intangible assets

	Software Licenses £'000	Total £'000
<b>Cost</b>		
As at 1 April 2012	65	65
As at 31 March 2013	<b>65</b>	<b>65</b>
<b>Depreciation</b>		
Balance at 1 April 2012	64	64
Charge for year	1	1
<b>Balance at 31 March 2013</b>	<b>65</b>	<b>65</b>
<b>NBV at 31 March 2013</b>	<b>-</b>	<b>-</b>
NBV at 31 March 2012	1	1
<b>Analysis of asset financing:</b>		
Owned	-	-
Finance leased	-	-
<b>NBV at 31 March 2013</b>	<b>-</b>	<b>-</b>

## 2012-13 ANNUAL ACCOUNTS

### 7. Trade receivables and other current assets

	2012-13 £'000	2011-12 £'000
<b>Amounts falling due within one year:</b>		
Trade receivables	1	-
Prepayments and accrued income	14	25
<b>Total receivable within 1 year</b>	<b><u>15</u></b>	<b><u>25</u></b>

### 8. Cash and cash equivalents

	2012-13 £'000	2011-12 £'000
Balance at 1 April	309	299
Net change in cash and cash equivalent balances	57	10
<b>Balance at 31 March</b>	<b><u>366</u></b>	<b><u>309</u></b>

#### The following balances at 31 March were held at:

Government Banking Service - RBS	365	306
Commercial banks and cash in hand	1	3
<b>Balance at 31 March</b>	<b><u>366</u></b>	<b><u>309</u></b>

Balances held at the Government Banking Service - RBS are within the government's financing arrangements and are not interest bearing.

### 9. Trade payables and other current liabilities

	2012-13 £'000	2011-12 £'000
<b>Amounts falling due within one year:</b>		
Trade payables	-	5
Accruals	148	106
<b>Total due within one year</b>	<b><u>148</u></b>	<b><u>111</u></b>

#### Analysis of Trade and Other Payables

	2012-13 £'000	2011-12 £'000
<b>Other Central Government Bodies</b>	<b>101</b>	<b>54</b>
Local Authorities	-	-
NHS Bodies	-	-
<b>Public Corporations and Trading Funds</b>	<b>-</b>	<b>-</b>
<b>Bodies External to Government</b>	<b><u>47</u></b>	<b><u>57</u></b>
	<b><u>148</u></b>	<b><u>111</u></b>



## 2012-13 ANNUAL ACCOUNTS

### 10. Provisions for liabilities and charges

	2012-13 £'000	2011-12 £'000
<b>Balance at 1 April</b>	45	30
Provided in the year	15	15
Provisions utilised in the year	-	-
<b>Balance at 31 March</b>	<b><u>60</u></b>	<b><u>45</u></b>

The initial lease on the premises at Portland House was due to expire on 28 February 2014. This was however extended during 2011-12 to 28 February 2017. As part of the lease agreement the Commission has an obligation to cover any dilapidations and reinstatement costs that may be required at the end of the lease. As such, a provision has been established based on the best estimate of the present value of expenditure required to settle the obligation. The cost of the dilapidations was initially estimated at £75,000. Accordingly, the provision will be increased to this level over the remaining term of the initial lease i.e. 28 February 2014. At this point the dilapidation cost will be re-estimated and any required adjustments to the provision will be made over the duration of the extended part of the lease.

### 11. Related party transactions

The Scottish Government Justice Directorate is the sponsor directorate of the Commission. The Scottish Government Justice Directorate is regarded as a related party with which there have been various material transactions during the year. These material transactions comprise grant in aid funding.

None of the Commission Members or key managerial staff have undertaken any material transactions with the Commission during the year.

### 12. Capital commitments and contingent liabilities

There were no contracted capital commitments or contingent liabilities.

### 13. Commitments under operating leases

All payments due under operating leases relate to lease of premises. The table below shows total future payments under non cancellable operating leases ending in the following periods. The aggregated commitment under operating leases is £230,018.

	31 March 2013 £'000	31 March 2012 £'000
<b>Buildings:</b>		
Not later than one year	59	59
Later than one year and not later than five years	171	235
Later than five years	-	-

### 14. Expenditure for the year.

All expenditure during 2012-13 was within budgetary provision.

### 15. Segmental Reporting

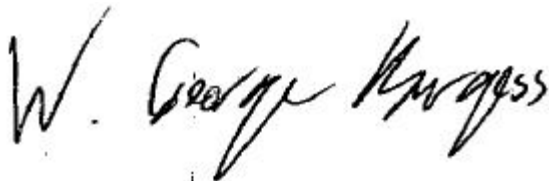
All expenditure, assets and liabilities disclosed within the account relate solely to the delivery of the Commission's single statutory function of investigating alleged miscarriages of justice.



**SCOTTISH CRIMINAL CASES REVIEW COMMISSION**

**DIRECTION BY THE SCOTTISH MINISTERS**

1. The Scottish Ministers, in pursuance of paragraph 9 of and Schedule 9A to the Criminal Procedure (Scotland) Act 1995, hereby give the following direction.
2. The statement of accounts for the financial year ended 31 March 2006, and subsequent years, shall comply with the accounting principles and disclosure requirements of the edition of the Government Financial Reporting Manual (FRM) which is in force for the year for which the statement of accounts are prepared.
3. The accounts shall be prepared so as to give a true and fair view of the income and expenditure and cash flows for the financial year, and of the state of affairs as at the end of the financial year.
4. This direction shall be reproduced as an appendix to the statement of accounts. The direction given on 26 September 2002 is hereby revoked.



W GEORGE BURGESS

A member of the staff of the Scottish Ministers

18 May 2006