

BUSINESS PLAN

2014-15

June 2014



Purpose

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

The Scottish Criminal Cases Review Commission was established as an independent public body in 1999 to review alleged miscarriages of justice. The Commission was created by section 194A of the Criminal Procedure (Scotland) Act 1995 and has the power to refer cases to the High Court for determination.

Anyone convicted of a criminal offence in Scotland can apply to the Commission to have their convictions and/or sentences reviewed (but normally only after a previously unsuccessful appeal). Thereafter the Commission has a statutory obligation to provide a statement of reasons for making a referral to the High Court or for deciding not to refer a case.

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Our strategic aims

- **to investigate all cases efficiently, without undue delay and to a consistently high standard**
- **to work with others to deliver a quality service**
- **to promote public understanding of the Commission's role**
- **to strengthen public confidence in the ability of the Scottish criminal justice system to address miscarriages of justice**

Our strategic aims have been agreed by the Scottish Ministers and the Commission is committed to the achievement of these aims and contributing effectively to the Scottish Government's National Outcomes.

The delivery of our strategic aims and national outcomes will be through the business plan objectives which are set out in pages 9 to 12.

Background

Reviewing Cases

Upon receipt, all new applications are allocated to a legal officer in order to undertake the pre-acceptance stage of the review (stage 1) and consider whether or not the application should be accepted for full review. All cases are subsequently considered by the Board and the Board will decide whether to reject the application or accept it for full review.

Cases accepted for full review (stage 2) will be investigated by a legal officer in accordance with the Commission's Case Handling Procedures and under the guidance of the relevant case committee.

To assist with the investigation process, we have various powers to obtain documentation, statements and expert opinion from relevant parties. These powers are set out within section 194A of the Criminal Procedure (Scotland) Act 1995 (as inserted by section 25 of the Crime and Punishment (Scotland) Act 1997). The final decision whether or not to refer a case to the High Court for an appeal following full investigation rests with the Board of the Commission.



Case Outcomes

Since our establishment on 1 April 1999 to 31 March 2014 we have received a total of 1844 applications and completed the review of 1805 cases. As at 31 March 2014, a total of 122 cases were referred to the High Court for an appeal. Therefore our overall rate of referral was 6.8 % of cases reviewed.

Of the 122 cases referred, the High Court determined 104 cases, with 70 appeals being granted, and 34 appeals being refused. A total of 7 cases are still to be determined and 11 cases were abandoned. Therefore 67% of cases referred and decided at appeal were successfully appealed by the applicant.

Structure

We currently operate with a Board of 8 Members, one of whom is the Chairman. All appointments are made by Royal Warrant on the advice of Scottish Ministers and in line with the Code of Practice issued by the Commissioner for Public Appointments in Scotland. We are currently staffed by a Chief Executive, a Director of Corporate Services, 3 Senior Legal Officers, 5 Legal Officers (includes 1 vacancy) and 3 administrative support staff.

Further Information

Although we operate under strict, statutory non-disclosure provisions we are committed to our strategic aim of promoting public understanding of our role. To assist with this aim our website, www.sccrc.org.uk, provides detailed information about the Commission, our governance arrangements and key publications including Annual Reports, core policies and procedures. Biographies of the Board and management team are also published.



Performance: 2013-14

As at 31 March 2014 we had received a total of 155 new applications and concluded 179 cases, 55 of which were after full review. A total of 4 cases were referred to the High Court. The total number of cases received was down from 196 in 2012-13, which was our highest number ever. The Commission managed to conclude more cases after full review than in the previous year and this was done within the existing staffing structure and reduced financial resources. Performance against our case related targets at 31 March 2014 was as follows:

Target	31 March 2014
1. To allocate cases within an average of 1 month from the date of receipt.	Achieved 1 day average
2. To complete the stage 1 pre-acceptance procedure within an average of 2 months from the date of stage 1 allocation.	Achieved 1.4 month average
3. To conclude sentence-only reviews within an average of 4 months of the date of stage 2 allocation.	Achieved 3.1 month average
4. 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
5. 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.	Achieved 4 cases more than 12 months old*

* An additional case which had been suspended for a considerable period of time and had been classified as exceptional in its nature has been removed from these statistics.

Case Related Statistics

	2011-12	2012-13	2013-14
Number of cases concluded	159	190	179
Average time taken from date of acceptance to date of conclusion	7.8 months	7.8 months	7.3 months
Number of cases where initial decision not to refer is changed to decision to refer following submission of further submissions	0	4	1
Referrals per year	6	11	4
Outcome of referrals decided in year	5 granted 4 refused	9 granted 0 refused	3 granted 2 refused
Cases abandoned following referral	0	0	0
Cumulative referral success rate	67%		
Number of formal complaints received	4	1	2
Number of cases subject to judicial review	0	3	0

Cumulative success rate based on total number of decided referrals. Does not take into account cases which have been referred and subsequently abandoned.



Performance Against Service Standards

We have service level standards in place which set out clearly for applicants and their representatives the level of service that they can expect from the Commission. Full details on the individual standards are available from the Commission and on our website.

Upon completion of each review we ask both the applicant and their legal representative, where applicable, for an assessment of performance against these standards using the following scale: 1 – Very Good, 2 – Good, 3 – Average, 4 – Poor.

Over the past 5 reporting years the overall average score against all of the individual standards has been 2.

The service standards were also reviewed during 2013-14 by the Commission's User Group Forum. In particular the decreasing volume of completed service questionnaires was considered and it was agreed that the Commission should reconsider its actual standards in 2014-15 and the way in which it seeks feedback on performance against these standards.

Financial Performance

Our budget for 2013-14 was set at £1,050,500 which was a 3% reduction on the 2012-13 budget of £1,083,000 and a 5% and 7.4% reduction on the previous 2 years.

During the course of the year the Commission experienced a significant increase in legal costs associated with the defence of judicial reviews. The initial legal costs budget for the year was set at £15,000 although by 31 March 2014 costs of £47,314 had been realised. The Commission also experienced additional system support costs during the year as a result of essential infrastructure maintenance. These additional costs were discussed with Scottish Government throughout the course of the year and it was agreed that the Commission could meet these additional costs through reserves. The net operating cost for 2013-14, less notional costs, was £1,079,762.

Our fully audited accounts for the year 2013-14 will be published in June 2014.



Business Plan Objectives

Within our Corporate Plan we identify the performance framework within which we operate. This comprises our Strategic Aims and alignment to the Scottish Government National Outcomes, achievement of which is identified via the relevant National and Commission Indicators and specific case related targets.

Our Corporate Plan also sets out the vision and priorities for the Commission over a 3-year period. This provides the framework for the Business Plan, which sets out the specific objectives for the year ahead, i.e. those tasks to be taken forward during the year which will directly contribute towards the achievement of our Strategic Aims.

A total of 21 separate business plan objectives were agreed for 2013-14, year 1 of the Corporate Plan cycle, and these were set out against each of the strategic aims and relevant national outcomes. A summary of achievement against these objectives is set out below. A full breakdown of achievement against individual objectives is available on our website, www.sccrc.org.uk

Strategic Aim 1:

“To investigate all cases efficiently, without undue delay and to a consistently high standard.”

National Outcome 3 applies

We are better educated, more skilled and more successful, renowned for our research and innovation.

National Outcome 15 applies

Our services are high quality, continually improving, efficient and responsive to local people’s needs.

Of the 5 business plan objectives set in relation to Strategic Aim 1, the Commission achieved the following:

- 5 objectives fully achieved

Strategic Aim 2:

“To work with others to deliver a quality service.”

National Outcome 14 applies

We reduce the local and global environmental impact of our consumption and production.



National Outcome 15 applies

Our services are high quality, continually improving, efficient and responsive to local people's needs.

Of the 4 business plan objectives set in relation to Strategic Aim 2, the Commission achieved the following:

- 1 objectives fully achieved
- 3 objective ongoing

Two objectives classified as ongoing relate to interactions with the Commission's User Group Forum and the review of the Commission's service standards. The impact of the Scottish Government's Digital Information Strategy has had an initial impact on the Commission's plans for enhanced interactivity with the User Group Forum and further work on the service standards was identified, including the way in which feedback is canvassed. A further objective relating to exchange and peer review programmes with the CCRC and the NCCRC has also been classified as ongoing to reflect both the work achieved in 2013-14 and the continued nature of this objective.

Strategic Aim 3:

"To promote public understanding of the Commission's role."

National Outcome 7 applies

We have tackled the significant inequalities in Scottish Society

Of the 5 business plan objectives set in relation to Strategic Aim 3, the Commission achieved the following:

- 4 objectives fully achieved
- 1 not achieved

The one objective classified as not achieved related to raising awareness of the Commission amongst those subject to community based disposals by working with relevant agencies. Further work will be taken forward on this during 2014-15.



Strategic Aim 4:

“To strengthen public confidence in the ability of the Scottish criminal justice system to address miscarriages of justice.”

National Outcome 9 applies

We live our lives safe from crime disorder and danger.

Of the 7 business plan objectives set in relation to Strategic Aim 4, the Commission achieved the following:

- 6 objectives fully achieved
- 1 objectives ongoing

The one objective classified as ongoing relates to the development of a new Commission website. Given the Scottish Government’s work on its Digital Information Strategy, it was considered prudent to delay this work for a further year.

Indicators of Performance & Success

Within the National Performance Framework a number of national indicators were establish by Scottish Government as part of the “Scotland Performs” initiative in order to demonstrate progress towards the achievement of the National Outcomes. Where possible, we have adopted relevant national indicators as well as Commission indicators in order to demonstrate performance and success.

We continue to adopt 6 of the national indicators as well as 19 of our own indicators. The 4 national indicators are detailed below and further information on contribution towards these indicators as a result of achievement of business plan objectives is provided on our website www.sccrc.org.uk

National Indicators Adopted:

1. Improve people’s perceptions of the quality of public services delivered.
2. Improve the skills profile of the population.
3. Improve the responsiveness of public services.
4. Reduce Scotland’s carbon footprint.
5. Increase the proportion of journeys to work made by public or active transport.
6. Reduce waste generated.



Business Plan Objectives 2014-15

Strategic Aim 1:

“To investigate all cases efficiently, without undue delay and to a consistently high standard.”

National Outcome 3 applies

We are better educated, more skilled and more successful, renowned for our research and innovation.

National Outcome 15 applies

Our services are high quality, continually improving, efficient and responsive to local people's needs.

	Objective	Responsibility
1.1	Undertake a full review of the Case Handling Procedures by 31 March 2015 in order to identify opportunities to further improve the case review process and timescales.	Chief Executive/Senior Legal Officers
1.2	By 31 December 2014 develop a comprehensive internal resource centre as part of the rollout of Boardbooks in order to enhance knowledge management and access to training and information materials.	Management Team
1.3	Implement all agreed actions arising from the Best Value Review undertaken in 2013-14.	Chief Executive/Director of Corporate Services.
1.4	By 31 March 2015 develop and implement an Operational Risk Register for the management of risk at this level which will directly feed into the Board's review of Corporate Risk and enhance the overall levels of internal assurance.	Director of Corporate Services/Management Team



Strategic Aim 2:

“To work with others to deliver a quality service.”

National Outcome 14 applies

We reduce the local and global environmental impact of our consumption and production,

National Outcome 15 applies

Our services are high quality, continually improving, efficient and responsive to local people’s needs.

	Objective	Responsibility
2.1	Undertake a comprehensive review of the Commission’s Contracts Register by 31 December 2014 with the aim of identifying further opportunities to realise efficiencies and collaborate/share services.	Director of Corporate Services
2.2	Review the Commission’s Environmental Policy by 30 September 2014 in order to develop and implement an updated environment action plan demonstrating the Commission’s commitment to sustainability.	Environmental Officer
2.3	By 30 September 2014 to review the Commission’s ability to meet Corporate Expectations on Public Bodies specifically in relation to youth employment.	Director of Corporate Services
2.4	Develop a new set of service standards and an appropriate means of canvassing feedback from stakeholders by 31 March 2015.	Director of Corporate Services/Admin Team
2.5	Continue to develop the exchange and peer review programmes with CCRC and NCCRC by 31 March 2015.	Management Team



Strategic Aim 3:

“To promote public understanding of the Commission’s role.”

National Outcome 7 applies

We have tackled the significant inequalities in Scottish Society

	Objective	Responsibility
3.1	Complete all scheduled induction training sessions with SPS and prison visits by 31 March 2015 in order to enhance knowledge and understanding of the Commission’s roll.	Management Team/Legal Officers
3.2	Develop a targeted programme of SCCRC information talks for young offenders by 31 December 2014.	Management Team/Legal Officers
3.3	Review the Commission’s ability to promote understanding of its role to convicted persons whose first language is not English by 31 March 2015 in order to enhance accessibility to the Commission’s services.	Director of Corporate Services/Management Team
3.4	Continue to provide input and opinion on a range of relevant legal reform consultations throughout the year to ensure that the Commission’s views and experience are taken into account in a wider context.	Board/Chief Executive/ Senior Legal Officers



Strategic Aim 4:

“To strengthen public confidence in the ability of the Scottish criminal justice system to address miscarriages of justice.”

National Outcome 9 applies

We live our lives safe from crime disorder and danger.

	Objective	Responsibility
4.1	Case statistics reports to be updated and published on the website within 5 working days of month end.	Director of Corporate Services
4.2	Details of referred cases be published by way of a press release and update to the website 3 working days after notification to relevant parties.	Director of Corporate Services
4.3	2013-14 Annual Report & Accounts be laid in Parliament by 30 June 2014.	Chief Executive/Director of Corporate Services
4.4	In accordance with the requirements of the Public Services Reform (Scotland) Act 2010, all relevant 2013-14 public reporting information be published on the website by 30 June 2014.	Director of Corporate Services
4.5	Roll out a new Commission website by 31 March 2015 with enhanced accessibility, functionality and interactivity.	Management/Admin Teams
4.6	Continue to identify and take appropriate actions as required by the Commission in respect of the Criminal Cases (Punishment and Review)(Scotland) Bill.	Management Team



Case Review Targets & Statistics

In line with our Strategic Aims and Business Plan Objectives, we have also devised a number of case review targets to demonstrate progress against these aims and objectives, and a number of case related statistics which identify trends over times.

The case review targets and case related statistics are set out below. Performance against the case review targets and updated case related statistics will be reported annually.

Case Review Targets
1. To allocate cases received within an average of 1 month from the date of receipt.
2. To complete the stage 1 pre-acceptance procedure within an average of 2 months from the date of stage 1 allocation.
3. To conclude sentence-only reviews within an average of 4 months of the date of stage 2 allocation.
4. To conclude cases involving a review of conviction within an average of 8 months of the date of stage 2 allocation.
5. To complete the review of 98% of the cases received before 31 March 2014, so that by the beginning of the 2015-16 reporting year no more than 3 of the Commission's cases are more than 12 months old.

Case Related Statistics
Number of cases concluded
Average time taken from date of acceptance to date of conclusion
Number of cases where initial decision not to refer is changed to decision to refer following submission of further submissions
Referrals per year
Outcome of referrals decided in year
Cases abandoned following referral
Cumulative referral success rate
Number of formal complaints received
Number of cases subject to judicial review



Financial Resources 2014-15

	2013-14 Budget	2014-15 Budget
Members Fees & Expenses	£96,000	£96,000
Staff Costs	£650,000	£657,995
Accommodation	£125,000	£120,000
System Support	£34,000	£30,000
Investigations	£15,000	£8,000
Legal Costs	£15,000	£8,000
Travel & Subsistence	£12,000	£8,000
Training	£12,000	£8,000
Capital	£5,000	£5,000
Non Pay Costs	£86,500	£78,000
Total	£1,050,500	£1,018,995

Financial resources are currently dictated by the last Comprehensive Spending Review, following which we were required to submit plans for meeting significant budget cuts. Grant-in-aid funding of £1,018,995 has been made available to the Commission for 2014-15 and this represents a reduction of 3% on the previous year and a further 5% and 7.39% respectively on the prior 2 years.

We continue to operate within the principles of Best Value and in particular with regard to the use of public funds and securing value for money. However, as a result of continued reductions in available funding, operating within these financial restraints is becoming even more difficult. The Commission has had an extremely successful efficiency programme over the past 5 years and as a result identification and realisation of further efficiencies without impacting on core services is extremely challenging. As reported, the Commission was over budget in 2013-14 as a result of demand led legal costs and essential infrastructure maintenance. The uncontrollable nature of these additional costs was however recognised and support by Scottish Government.