



Scottish Criminal Cases  
Review Commission

# CORPORATE PLAN

## 2016-19

June 2016

Scottish Criminal Cases Review Commission

## Purpose

**To review potential miscarriages of justice in criminal cases 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.

## 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.

## About the Commission

### Case Outcomes

Since establishment on 1 April 1999 to 31 March 2016 we have received a total of 2166 applications and completed the review of 2136 cases. As at 31 March 2016, a total of 127 cases were referred to the High Court for an appeal. Our overall rate of referral has therefore been 5.9%.

All of the 127 cases referred to the High Court had been determined by 31 March 2016. Of these cases, 76 appeals were granted and 40 were refused. A further 11 cases were abandoned. Therefore 65.5% of cases referred and decided 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.

Our current staff complement comprises a Chief Executive, a Director of Corporate Services, a Head of Casework, 2 Senior Legal Officers, 6 Legal Officers 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 we have recently created a new stakeholder focused website, [www.sccrc.org.uk](http://www.sccrc.org.uk), which provides detailed information about the Commission, our governance arrangements and key corporate documents in line with our Publication Scheme. We also publish details of our Board and management team.

## Our 3-Year Focus

During the 2013-16 corporate planning period the Commission continued to experience a significant increase in case volumes whilst at the same time experiencing a cumulative decrease in funding of 10%. Despite this, the Commission was able to continue providing a high level of service and met all of its case related targets. This was achieved through an ongoing programme of efficiency in its case handling and financial procedures.

Whilst forecasting case volumes over the next 3 years is difficult, it is anticipated that levels will at least continue at this higher level. Having implemented a number of changes to operating procedures to enable us to deliver a quality service efficiently with limited resources, the focus for the next 3 years will be on the effectiveness of our service delivery in how we meet our strategic aims.

Our subsequent annual business plans will identify the specific objectives to be achieved in the furtherance of service delivery effectiveness and we will be focusing on the following key areas as part of these objectives:

- **Stakeholder Focus:** Critically reviewing how we deliver our core service, how this meets the needs of our key stakeholders and identifying improvements where possible.
- **Our Wider Role:** Consider how we interact with the justice and other sectors to share knowledge, experience and opinions derived from the work that we undertake with the aim of making positive wider contributions.
- **Legislative Framework:** Actively contribute to the development of the legislative framework within the justice sector where we can make informed contributions through legislative consultations.

- **Research, Learning & Development:** Continue to undertake relevant internal research on areas where we have accumulated a body of knowledge and expertise so that we can learn and develop as an organisation and share this where applicable.
- **Inequalities:** Set out to identify and address any actual or perceived inequalities that may arise as a result of the way in which we provide our service.

Work taken forward over the next 3 years to improve our effectiveness will be set out within our annual business plans and will include details of our performance against our aims and objectives in the preceding year. In addition, our annual reports will provide a more detailed evaluation of these activities.

We continue to observe the principles of best value and strive to identify ways of enhancing our service delivery and undertaking our core activities in a more efficient way through regular review and improvement. This will be balanced with our focus on overall effectiveness.

## Scottish Government's National Performance Framework

The Government's purpose, as defined within the framework, is to focus government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth.

We are committed to the Scottish Government's purpose and national performance framework and our work contributes to the achievement of 5 of the National Outcomes.

### **National Outcome 3:**

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

### **National Outcome 7:**

We have tackled the significant inequalities in Scottish Society.

### **National Outcome 9:**

We live our lives safe from crime, disorder and danger.

### **National Outcome 14:**

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

### **National Outcome 15:**

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

We have incorporated these 5 National Outcomes within our Corporate Plan to show how we contribute to them through the delivery of our strategic aims. We have also identified appropriate targets and both national and local indicators which will demonstrate our performance and contribution to the Scottish Government's purpose.

## Corporate Expectations of Public Bodies

We are committed to aligning ourselves with the Scottish Government's corporate expectations where applicable and have integrated these expectations within the Corporate Plan. Subsequent business plan objectives will specifically set out to enhance the Commission's progress on alignment with the corporate expectations.

The relevant corporate expectations are set out below:

### National Performance Framework

We will work with the Scottish Government to develop a shared understanding of the joint priorities over the medium term in order to contribute towards delivery of the National Outcomes. We will develop appropriate corporate communications and engagement strategies to fully reflect this.

### Youth Employment

We will support the Government's youth employment strategy through ongoing delivery of our own strategy which seeks to provide opportunities, where appropriate, for unemployed young people including a job, high quality work experience, mentoring or other work-related support.

### Finance

We will seek to align, where appropriate, our activities and strategy with the priorities set by Ministers in the current Spending Review, taking account of the impact of our actions on overall public spending.

### Fraud Prevention

We will continue to implement and develop proactive counter-fraud policies which are consistent with Scottish Government guidance, including the review of current counter-fraud activities and the adoption of robust reporting procedures.

## Procurement

We will maintain an accurate and up to date contracts database and share information on contract performance and anticipated future contracting activity. We will maintain levels of procurement capability appropriate to our spending levels, working with Scottish Procurement to agree procurement improvement plans where appropriate.

## Shared Services

We will continue to investigate opportunities for shared services where appropriate and assess the business case for shared service options before proceeding with investment plans in corporate systems or services. If required, we will ratify corporate systems proposals through the Strategic Corporate Services Board.

## Human Resources

We will engage fully with Scottish Government HR Shared Services in the ongoing development of HR processes and procedures in order to support workforce development and talent management. We will also consider ways to facilitate career development opportunities across the sector.

We will comply with the Code of Practice for Ministerial Appointments to Public Bodies in Scotland, working closely with our sponsor team to facilitate effective Board succession planning and appointments.

## Transparency

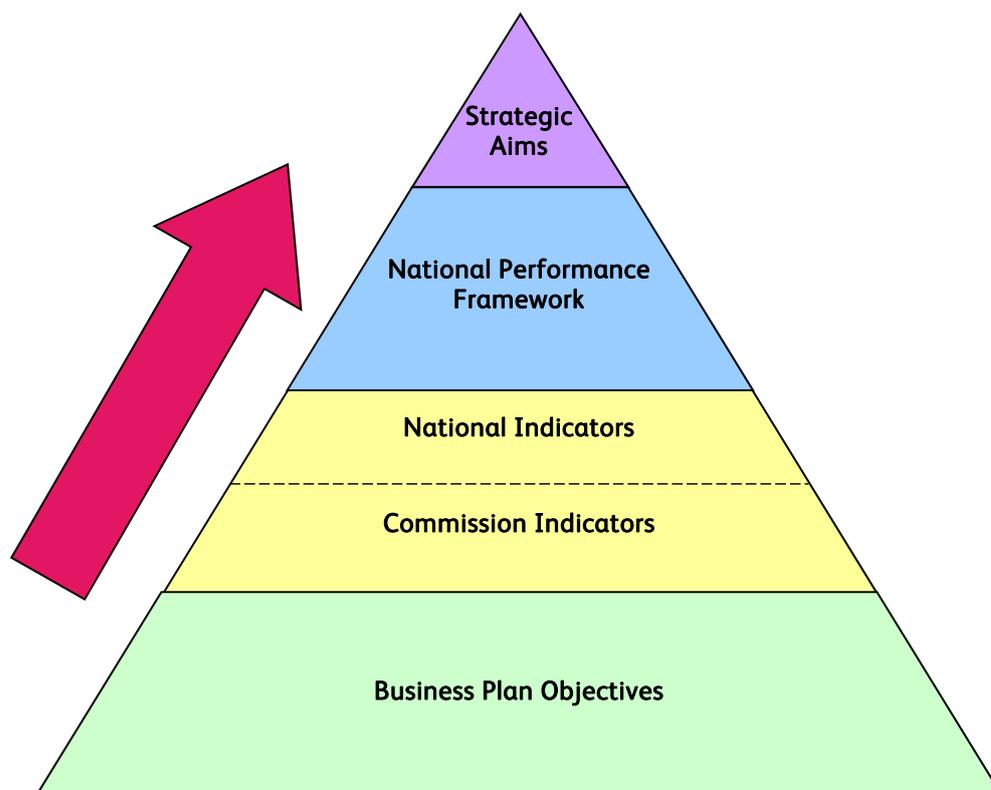
We will adopt policies for open and proactive publication of relevant information, where appropriate, consistent with the Scottish Government's transparency agenda and our founding legislation.

## Delivery of Our Strategic Aims

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

Our Corporate Plan also sets our vision and priorities for the next 3-years. This provides the foundation for the subsequent business plans, which set out the specific objectives for the year ahead, i.e. those tasks to be delivered during the year which will directly contribute towards the achievement of our Strategic Aims.

The delivery of our Strategic Aims is set out below within the context of the National Performance Framework.



The measures we intend to use to demonstrate the delivery of our strategic aims and contribution to the National Performance Framework are set out fully in Appendix A, including details of national and local performance indicators.

## Assumptions

The Corporate Plan has been developed using appropriate assumptions relating to case volumes, financial and other resource requirements and the delivery of our strategic aims. These assumptions take into account statistical data, historical trends and critical reviews of our main operating procedures. The assumptions we have used are set out in summary below.

### Case Volumes

The last 3 years have seen a continued high level in the number of applications being submitted to us for review, averaging 159 per annum. For the purposes of corporate planning we have assumed that there is unlikely to be significant changes to these volumes over the coming 3 years. However, case volumes will be monitored and appropriate revisions to assumptions made within annual business plans where necessary.

### Staffing

Our agreed staff complement has also remained static throughout the past 3 years with an average of 13 full time equivalents in post during this period compared to the agreed complement of 14.

In order to deal with the increase in case volumes we have introduced a number of changes to both operating procedures and staff structures. We will also continue to develop workforce plans in order to match resource requirements to the effective delivery of our service.

Our complement currently comprises a Chief Executive, a Director of Corporate Services, a Head of Casework, 2 Senior Legal Officers, 6 Legal Officers and 3 administrative support staff.

We also operate with a Board of 8 Members, including the Chairman. We do not anticipate any changes to this complement within the Corporate Plan period.

## Financial Forecasts

We receive grant in aid funding from the Scottish Government's Justice Directorate on the basis of agreed financial forecasts and supporting assumptions. In 2015-16 grant-in-aid funding of £1,018,995 was made available to the Commission. A further £125,850 was also made available to fund any additional expenditure arising from the second application in respect of the Lockerbie Bomber, Mr Abdelbaset Ali Mohamed Al Megrahi.

The Commission has experienced significant year on year budget reductions over the course of the past two corporate planning periods, equating to 2.1%, 6.9%, 9.7% and 12.4% from 2010-11 to 2014-15 when the Commission's budget was frozen at £1,018,995. This freeze has continued into 2016-17 and for the purposes of planning it is anticipated that this will not change during the current corporate planning period.

The implications of prior year cuts and a budget freeze at this level are potentially significant to the Commission in terms of our ability to meet both planned expenditure and day to day running costs. Staff costs and accommodation charges account for the majority of our budget which means that small changes in case volumes or case related expenditure, such as legal costs or investigation costs, can have a significant overall impact. We will continue to work closely with Justice Directorate regarding funding arrangements in an attempt to ensure that we can continue to deliver an effective service despite these financial constraints.

As in previous years we will continue to strive to reduce overall running costs through collaborative and shared service arrangements. It has however become increasingly more difficult to realise meaningful savings given the level of efficiencies already achieved and overall budget reduction.

The Corporate Plan sets out our 3 year financial forecast below on the assumption that the budget freeze will extend throughout the duration of the corporate planning period.

## Financial Estimates

	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>
Members' Fees & Expenses	£95,000	£91,000	£91,000	£91,000
Staff Costs	£660,000	£675,000	£675,000	£675,000
Accommodation	£124,000	£120,000	£120,000	£120,000
System Support	£40,000	£36,000	£36,000	£36,000
Investigations	£8,000	£4,000	£4,000	£4,000
Legal Costs	£8,000	£10,000	£10,000	£10,000
Misc Travel & Subsistence	£6,000	£5,000	£5,000	£5,000
Training	£6,000	£6,000	£6,000	£6,000
Capital	£4,000	£4,000	£4,000	£4,000
Non Pay Costs	£67,995	£67,995	£67,995	£67,995
<b>TOTAL</b>	<b>£1,018,995</b>	<b>£1,018,995</b>	<b>£1,018,995</b>	<b>£1,018,995</b>

## Managing Risk

We have in place a system for identifying, monitoring and mitigating the risks associated with the non-achievement of our corporate aims. This system forms part of our risk management strategy which takes into account external factors and changes in the control environment in order to effectively manage applicable risks. We currently prioritise the following key risk areas within our corporate risk register:

- Loss or significant reduction in funding
- Fraud and/or loss of financial control
- Quality of decision making
- Loss of key personnel and skills shortage
- Change in law affecting the Commission
- Receipt of one or more cases which are exceptional in their nature
- Inaccurate or ineffective communication
- Increase in number of judicial reviews and/or unsuccessfully defended judicial reviews
- Breach of security
- Physical attack or threat to staff

Full details of our Risk Management Strategy and Corporate Risk Register can be found on our website, [www.sccrc.org.uk](http://www.sccrc.org.uk)

## Case Review

We have developed a set of comprehensive case handling procedures which are subject to regular review and have enabled us to maintain a consistently high quality of service based on our established case review targets.

Our stage 1 pre-acceptance procedure continues to provide a more robust assessment of whether or not a case should be accepted for full review and ensures that only those cases with reviewable grounds progress to the more resource intensive stage 2 procedure. This approach has greatly assisted in the management of significantly increasing case volumes.

We remain committed to identifying ways in which the case review procedure can be enhanced and made more effective where possible. This is imperative if we are to manage the increase in case volumes alongside the ongoing reduction to budget. Within the Corporate Plan we assume that we will maintain our current high level of service delivery and strive to improve upon this where possible.

### Case Review Targets

We are committed to ensuring that all cases are reviewed in the most effective manner whilst maintaining the quality of investigation. Our case review targets specifically focus on the review timescale and clearly set a realistic expectation for all applicants and their representatives. These targets are directly linked to the achievement of our first strategic aim.

We have made reductions to both our allocation target and the target review timescale for conviction cases and are satisfied that these new targets provide both an effective challenge and enhanced level of service.

- To allocate cases received within an average of 1 week 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.
- To complete the review of 98% of the cases received before 31 March 2016, so that by the beginning of the 2016-17 reporting year no more than 3 of the Commission's cases are more than 12 months old.

## Case Related Statistics

In addition to our specific case review targets we report annually against a number of key case related statistics in order to demonstrate both trends and performance over time. Our current case related statistics, which are reported in the annual report and business plan are as follows:

- Number of cases received.
- 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 a decision to refer following the submission of further representations.
- Number of referrals per year.
- Outcome of all referrals decided each year.
- Number of cases abandoned following referral.
- Cumulative referral success rate.

- Number of formal complaints received each year.
- Number of formal complaints upheld each year.
- Number of cases subject to judicial review each year.

## Appendix A

1. To investigate all cases efficiently, without undue delay and to a consistently high standard by:

- regularly reviewing, developing and enhancing review procedures and supporting systems;
- making the best use of all available resources in line with value for money principles and best value;
- ensuring that the Commission's staff are highly trained and have excellent professional skills;
- maintaining positive contact with all relevant bodies within the justice sector in order to help facilitate effective case reviews; and
- establishing robust performance management and systems to support open, accurate, timely and accountable reporting.

**National Outcomes:**

3. We are better educated, more skilled and more successful, renowned for our research and innovation.
15. Our services are high quality, continually improving, efficient and responsive to local people's needs.

***National Indicators:***

- 1.1 *Improve people's perceptions of the quality of public services.*
- 1.2 *Improve the skills profile of the population.*
- 1.3 *Improve the responsiveness of public services.*

***Commission Indicators:***

- 1.4 *Achieve annual case review targets.*
- 1.5 *Work within allocated budget and staffing levels.*
- 1.6 *Achieve Investors in People Re-accreditation.*
- 1.7 *All staff and Board Members are suitably qualified, appropriately trained and maintain CPD requirements.*

## 2. To work with others to deliver a quality service by:

- developing a greater understanding of the requirements of individuals and organisations with whom we interact in order to tailor our services to meet their needs and improve the quality of delivery;
- identifying and initiating appropriate collaborative opportunities and partnerships to improve efficiency and effectiveness where possible;
- encouraging the views of and feedback from others as a means of identifying areas for service development and quality improvements;
- maintaining our awareness of legal developments and best practice;
- focusing on how we can improve our overall service and methods of delivery whilst taking account of the subsequent environmental impact; and
- regularly monitoring the effectiveness and impact of our service delivery.

### National Outcomes:

3. We are better educated, more skilled and more successful, renowned for our research and innovation.
15. Our services are high quality, continually improving, efficient and responsive to local people's needs.

### *National Indicators:*

- 2.1 *Reduce Scotland's carbon footprint.*
- 2.2 *Increase the proportion of journeys to work made by public or active transport.*
- 2.3 *Reduce waste generated.*

### *Commission Indicators:*

- 2.4 *User Group Forum meet at least annually and provide positive feedback on suggested procedural enhancements and service improvements.*
- 2.5 *Examples of good practice and service improvement are identified and implemented through peer review and exchange programme.*

- 2.6 *Service improvements are made as a result of analysing service user feedback.*
- 2.7 *Increase the quantifiable benefit of collaborate contracts, joint initiatives and service level agreements.*
- 2.8 *Meet our obligations and commitments under the Public Services Reform (Scotland) Act 2010 and the Scottish Government's Corporate Expectations of Public Bodies.*
- 2.9 *Responsibility for the Commission's Environmental Officer role is allocated to staff on a rotational basis whereby specific environmental actions are agreed, monitored and reported on quarterly whilst raising awareness of environmental impact amongst all staff.*

### 3. To promote public understanding of the Commission's role by:

- delivering an ongoing programme of information events focused on relevant organisations, key groups and interested parties;
- actively raising awareness of the Commission's role and ability to provide valuable insight and contribution through participation in consultations, working groups and research programmes;
- regularly reviewing and enhancing our Publication Scheme; and
- ensuring that our services are accessible

### National Outcomes:

#### 7. *We have tackled the significant inequalities in Scottish Society*

##### ***Commission Indicators:***

- 3.1 *Promote equality and reduction of discrimination and prejudice.*
- 3.2 *Increase number, diversity and attendance at information events.*
- 3.3 *Applicant demographic is in line with the Scottish prison and crime statistics.*
- 3.4 *Increase visibility and accessibility through effective communications.*
- 3.5 *Access to more information via the publication scheme and communication media.*
- 3.6 *Increase participation in appropriate legal reform consultations.*
- 3.7 *Obtain feedback from stakeholder support groups which assists improving accessibility to the Commission's services by all prospective applicants.*

4. To investigate all cases efficiently, without undue delay and to a consistently high standard by:

- providing updates and comparative statistics in relation to case outcomes;
- publicising case conclusion information;
- producing an annual report each year; and
- analysing case outcomes to inform future activities.

**National Outcomes:**

9. *We live our lives safe from crime disorder and danger.*

***Commission Indicators:***

4.1 *Provide case conclusion updates monthly via the website.*

4.2 *Publish referred case statistics.*

4.3 *Publish annual report each year by 30 June following audit review and provision of an unqualified opinion.*

4.4 *Report analysis of key themes and trends identified from review of case conclusion data.*

4.5 *Report on outcome of internal research and peer review.*

4.6 *Achieve case review targets each year.*