

Scottish Criminal Cases
Review Commission

Annual Report



2016-17



Overview

2016-17

- 150 New applications received
- 53 Applications accepted for full review
- 128 Applications concluded overall
- 43 Cases concluded after full review

1 April 1999 to 31 March 2017

- 130 Cases referred to the High Court
- 117 Cases determined by the High Court
- 77 Convictions quashed/sentences reduced
- 40 Appeals unsuccessful
- 11 Appeals abandoned

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Chairman's Foreword

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Chairman's Report

As Chair, I am delighted to be able to report another successful year for the Scottish Criminal Cases Review Commission in this, my first annual report. In the few months I have been at the Commission I have been struck by both the quality of the staff and their efforts on behalf of the organisation in its crucial role in reviewing potential miscarriages of justice.

As always, our annual report provides a wealth of information and statistical analysis on the Commission's performance throughout the year. The Commission received 150 applications and concluded 128 cases in 2016-17. The simplicity of these two figures masks the vast amount of time, effort and care expended, not only by our own staff, but by the many stakeholders who cooperate with and assist the Commission in seeking to deliver a high quality service each year. I am grateful to all those, from the defence, the police and Crown Office, the judiciary and other key stakeholders in the justice system, who have again provided such assistance this year.



BILL MATTHEWS

The Commission sets itself key business targets aligned to the Strategic Aims set for it by Scottish Ministers which are fully detailed in this report. I am delighted to confirm that all 5 targets were either met or exceeded by the end of the year. We continue to manage controllable expenditure effectively, and appreciate the ongoing support from our sponsor team at the Scottish Government.

During 2016-17 we said goodbye to three long-serving Members - Gerrard Bann, George Irving, and, of course, my predecessor, Jean Couper. I would like to thank them all for their hard work and diligence over the term of their appointments.

I am particularly appreciative of Jean's efforts in establishing such a strong framework of governance - which has clearly contributed to the credibility of the SCCRC with stakeholder organisations. I look forward to continuing her good work in the years to come.

A handwritten signature in black ink, appearing to read 'Bill Matthews', written in a cursive style.

BILL MATTHEWS

Chairman

21 June 2017

The Commission

Our Purpose

To review potential miscarriages of justice in criminal cases in Scotland and refer appropriate cases to the high court for an appeal.

The Commission

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.

As at 31 March 2017, the Commission's Board was made up of a Chairman and 7 Members. The Commission's staff complement was as follows: a Chief Executive, a Director of Corporate Services, a Head of Casework, 2 Senior Legal Officers, 6 Legal Officers and 3 Administration Staff.

The Commission's Legal Officers investigate cases under the direction of the Chief Executive and Board Members. The Board is responsible for deciding whether or not cases should be referred to the High Court.

The Commission operates under statutory non-disclosure provisions, whereby it is a criminal offence for any Member or staff of the Commission to disclose information obtained by the Commission in the exercise of any of its functions, except under certain statutory exceptions.

Details of the Commission's remit, specific powers of investigation and case review procedures can be found on our website, www.sccrc.org.uk, or by request from the Commission's office.

Case Statistics

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Case Statistics

Between 1 April 1999 and 31 March 2017, the Commission received a total of 2316 cases, completed the review of 2264 cases and referred 130 cases to the High Court for determination.

Within this section of the Annual Report some of the Commission's key case statistics relating to both case volumes and case-related performance in 2016-17 are detailed. Where appropriate, these statistics are set within the context of comparative data from previous years.

Table 1 – shows a simple comparison of case related statistics over the Commission's last 5 reporting years, as at the end of each reporting year, including cumulative figures to 31 March 2012.

Table 2 – shows the comparison of solemn/summary and conviction/sentence-only cases received by the Commission over the past 5 reporting years.

Table 3 – provides information on the nature of offences committed by applicants. The top 14 categories of offence are detailed separately with the remainder of offences classified as "other."

Table 4 – provides information on the main grounds of review lodged by applicants. The top 12 grounds of review are detailed separately with the remainder of grounds classified as “other.”

Table 5 – provides information on the grounds upon which the Commission has referred the 73 conviction cases to the High Court.

Table 6 – provides information on the grounds upon which the Commission has referred the 57 sentence-only cases to the High Court.

The more detailed classification in tables 5 and 6 is that used in the 2008-09 Commission research project on referrals. Within these tables all grounds of referral are identified in each case and not just the “main” ground.

TABLE 1 – Cumulative case related statistics (as at 31 March each year)

| | Cumulative to 31 March 2012 | 2012-13 | 2013-14 | 2014-15 | 2015-16 | 2016-17 | Cumulative Total |
|------------------------------------|-----------------------------------|---------|---------|---------|---------|---------|---------------------|
| Cases Received | 1493 | 196 | 155 | 174 | 148 | 150 | 2316 |
| Pre-acceptance Cases (Stage 1) | n/a | 29 | 16 | 17 | 10 | 23 | n/a |
| Cases under review (Stage 2) | n/a | 34 | 22 | 22 | 19 | 29 | n/a |
| Cases Concluded | 1436 | 190 | 179 | 172 | 159 | 128 | 2264 |

TABLE 2 – All cases received from 1 April 2012 to 31 March 2017

| | 2012-13 % | 2013-14 % | 2014-15 % | 2015-16 % | 2016-17 % | % Cumulative: 1 April 1999 to 31 March 2017 |
|-----------------------------------|--------------|--------------|--------------|--------------|--------------|---|
| Solemn | 80 | 67 | 74 | 68 | 74 | 78 |
| Summary | 20 | 33 | 26 | 32 | 26 | 22 |
| Sentence- only review | 19 | 18 | 16 | 16 | 9 | 20 |
| Review involving conviction | 81 | 82 | 84 | 84 | 91 | 80 |

TABLE 3 – Nature of principal offence committed by applicants
(applications received from 1 April 1999 to 31 March 2017)

| Principal Offence | Number of Cases | % |
|---------------------------------|-----------------|----|
| Murder | 473 | 20 |
| Sexual Offences other than Rape | 339 | 15 |
| Rape | 311 | 13 |
| Drug Related Offences | 179 | 8 |
| Other Assault | 180 | 8 |
| Aggravated Assault | 142 | 6 |
| Other Statutory Offences | 132 | 6 |
| Breach of the Peace | 109 | 5 |
| Road Traffic Offences | 109 | 5 |
| Attempted Murder | 90 | 4 |
| Other Crimes of Dishonesty | 64 | 3 |
| Theft | 46 | 2 |
| Robbery | 44 | 2 |
| Culpable Homicide | 27 | 1 |
| Other | 66 | 3 |

*Please note that a further five applications (0.25 %) have been recorded as “unknown” as no details of the offence were included in the application.

TABLE 4 – Main ground of review lodged by applicants
(applications received from 1 April 1999 to 31 March 2017)

| Main Ground of Review | Number of Cases | % |
|--|-----------------|-------|
| Defective Representation | 441 | 19.04 |
| Excessive Sentence | 336 | 14.51 |
| Credibility or Reliability of Evidence | 278 | 12.00 |
| Unfair Trial | 203 | 8.77 |
| New Evidence | 161 | 6.95 |
| Misdirection by Trial Judge | 128 | 5.53 |
| Credibility or Reliability of Witness | 106 | 4.58 |
| Human Rights Issue | 84 | 3.63 |
| Wrong Sentence Imposed | 55 | 2.37 |
| Wrongful Conviction | 55 | 2.37 |
| Police Misconduct/Wrong Procedure | 50 | 2.16 |
| Perjury | 26 | 1.12 |
| Other | 393 | 16.97 |

TABLE 5 – Main ground of referral in conviction cases
(for cases referred from 1 April 1999 to 31 March 2017)

| Main Ground of Referral | Frequency of Ground | % of Referred Cases |
|---|---------------------|---------------------|
| Error in Law: | 18 | 25% |
| Insufficient Evidence | 12 | 16 % |
| Evidence: Wrongful Admission | 3 | 4 % |
| Evidence: Wrongful Exclusion | 2 | 3 % |
| Refusal of No Case to Answer Submission | 2 | 3 % |
| Miscellaneous | 2 | 3 % |
| Irregular Proceedings: | 9 | 12% |
| Conduct of Judge | 2 | 3 % |
| Conduct of Jury | 3 | 4 % |
| Conduct of Prosecutor | 1 | 1 % |
| Other | 3 | 4 % |

TABLE 5 – Main ground of referral in conviction cases
(for cases referred from 1 April 1999 to 31 March 2017) cont.

| Main Ground of Referral | Frequency of Ground | % of Referred Cases |
|--|---------------------|---------------------|
| Misdirection: | 12 | 16% |
| On Evidence: Omission, Value, Weight | 8 | 11 % |
| On Law: Corroboration | 2 | 3 % |
| On Law: Other | 4 | 5 % |
| Other: | 37 | 51% |
| Evidence Not Heard at Original Proceedings | 26 | 36 % |
| Failure to Disclose | 11 | 15 % |
| Defective Representation | 10 | 14 % |
| Unreasonable Verdict | 3 | 4 % |
| Lurking Doubt | 1 | 1 % |

It should be noted that the sub totals in each of the four main categories of referral ground may not add up to the heading total as there may be some cases referred on more than one of the grounds contained in the sub categories, e.g. under misdirection a case may have been referred on evidence and on law etc. This will have the same effect on the percentage figures.

TABLE 6 – Main ground of referral in sentence-only cases
(for cases referred from 1 April 1999 to 31 March 2017)

| Main Ground of Referral | Frequency of Ground | % of Referred Cases |
|---|---------------------|---------------------|
| Improper Punishment Part Calculation | 24 | 42 % |
| Sentence Inconsistent with Precedent | 16 | 28 % |
| Incompetent Sentence | 9 | 16 % |
| Relevant Factor Not Taken Into Account | 5 | 9 % |
| Sentence Calculated on Inaccurate Factual Basis | 1 | 2 % |
| Inappropriate Weighting of Certain Factors | 4 | 7 % |

The percentage figures in table 6 do not add up to 100% as some referrals have more than one ground of referral.

Referrals

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Referrals

Under section 194B of the Criminal Procedure (Scotland) Act 1995, the Commission has the discretionary power to refer to the High Court any conviction or sentence passed on a person convicted on indictment or complaint whether or not an appeal against the conviction or sentence has been heard and determined by the High Court.

Full details of the applicable legislation and the Commission's two tier test for making referrals (i.e. whether the Commission believes there may have been a miscarriage of justice and that it is in the interests of justice that a referral is made) are available on the website, www.sccrc.org.uk, or within the Commission's information leaflets, available upon request.

High Court Referrals

As at 31 March 2017, the Commission had referred a total of 130 cases to the High Court, 117 of which have been determined. From 1 April 1999 to 31 March 2017, the overall average time from referral to judgment was 17.64 months, a reduction of 1.65 months from the same period last year. It should however be noted that the timescales from referral to determination over the past 5 years have been substantially shorter with the average time from referral to judgment being 11.29 months for this period. There are currently 2 Commission referrals awaiting determination.

Of the 117 cases decided, 77 appeals have been granted and 40 appeals have been refused. In addition, 11 appeals were abandoned by appellants following referral by the Commission.

Referral Rates

As at 31 March 2017 the Commission's overall rate of referral to the High Court was 5.7%, based on a total of 2264 concluded cases and 130 referrals. The overall rate of referral in relation to conviction is 4%, based on a total of 1838 conviction cases concluded and 73 conviction referrals.

During 2016-17, the overall rate of referral was 2.3%, based on a total of 128 cases concluded and 3 referrals. The annual rate of referral in relation to conviction is 0.9%, based on 117 conviction cases concluded and 1 conviction referral.

Case Referral Details

Table 7 – shows a summary of cases referred by the Commission and cases determined by the High Court in each reporting year. The last five reporting years are detailed separately. Cases are not necessarily determined by the High Court in the same year that they are referred by the Commission.

Table 8 – provides details of all cases referred by the Commission which have been determined by the High Court during 2016-17. A full listing of all cases referred by the Commission and determined by the High Court since 1 April 1999 is available on the website, www.sccrc.org.uk. This information is broken down by conviction and sentence-only cases, and includes details of appeals which were abandoned. Where a written judgment has been issued by the High Court, the appropriate hyperlink to the Scottish Court Service is provided.

Table 9 – provides details of all cases referred by the Commission during 2016-17 which have yet to be determined by the High Court.

TABLE 7 – Summary of cases referred by the Commission and determined by the High Court

| | Cumulative to 31 March 2012 | 2012-13 | 2013-14 | 2014-15 | 2015-16 | 2016-17 | Cumulative Total 31 March 2017 |
|---------------------|-----------------------------------|---------|---------|---------|---------|---------|---|
| Cases Referred | 107 | 11 | 4 | 3 | 2 | 3 | 130 |
| Cases Determined | 90 | 9 | 5 | 8 | 4 | 1 | 117 |
| Cases Abandoned | 11 | 0 | 0 | 0 | 0 | 0 | 11 |

TABLE 8 – Cases determined by the High Court during 2016-17

Sentence-only: 1 Case

| | |
|-------------------------|---|
| Name: | Conor McAteer |
| Date Referred to Court: | 30 August 2016 (decided by the Board on 26 August 2016) |
| Offence: | Drug Offences |
| Date of Conviction: | 22 December 2015 |
| Appeal Outcome: | Successful |
| Date of Appeal Outcome: | 04 October 2016 |
| Judgment: | https://www.scotcourts.gov.uk/search-judgments/judgment?id=562a20a7-8980-69d2-b500-ff0000d74aa7 |

TABLE 9 – Referrals to the High Court in 2016-17

Conviction: 1 Case

| | |
|-------------------------|----------------------|
| Name: | Carol Kirk |
| Offence: | Assault |
| Date of Conviction: | 11 May 2015 |
| Date Referred to Court: | 24 February 2017 |
| Main Referrals Grounds: | Unreasonable Verdict |

Sentence-only: 1 Case

| | |
|-------------------------|--|
| Name: | AS |
| Offence: | Section 127(1)(c) Communications Act 2003 |
| Date of Conviction: | 21 January 2016 |
| Date Referred to Court: | 15 December 2016 |
| Main Referrals Grounds: | Inappropriate Weighting of Certain Factors |

Accountability

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Accountability

The Commission strives to maintain the highest levels of accountability with regard to how it undertakes its core function and delivers its service to all stakeholders. The Commission has in place a number of governance-related structures and processes which are outlined below.

Stakeholders Views

During 2016-17 the Commission continued to obtain feedback from stakeholders through the User Group Forum, which last met on 23 March 2017. Representation on the group includes the Criminal Cases Review Commission, Justiciary Office, Scottish Government, Police Scotland, HMP Shotts, Faculty of Advocates, Miscarriage of Justice Organisation (MOJO), SACRO, the Presumed Innocent Network and private practice.

At the last meeting of the group, the topics under consideration included:

- *Casework Statistics / Performance*
- *Annual Reporting 2016-17*
- *SCCRC Research – Legal Representation of Applicants*
- *Equalities – Easy Read Information Leaflets*
- *SCCRC Awareness Raising – Prison Talks*

The input and feedback provided by all members of the group has been of great benefit since it was established and has contributed effectively to the development of the Commission's forward-facing processes and procedures. During the year, as part of the 2016-17 Business Plan, the Commission agreed to undertake a review of the role and remit of the group in order to identify ways of enhancing feedback further. As part of this review it was agreed that from 2017-18, stakeholder meetings would become more regular and issue-specific, with the overall aim of making meetings more focused. Details of how this is taken forward will be reported in next year's annual report.

Complaints Procedure

The Commission has in place a formal complaints procedure which is available on the website and upon request from the Commission. The complaints procedure is limited to administrative matters and does not cover complaints about decisions issued by the Commission in respect of cases.

No formal complaints were registered in 2016-17 compared with 2 in the previous year. In addition, 2 complaints were received during 2016-17 although following initial review it was confirmed that these related to case decisions taken by the Board and were therefore not registered as formal complaints.

Code of Conduct

The Commission has in place a documented Code of Conduct for both Board Members and staff. As part of the Code of Conduct all Members and staff must declare any known conflicts of interest, e.g. where they have had previous involvement with an applicant or witness in a case. Conflicts of interest are recorded and the person involved is precluded from any involvement in the respective case. The Code of Conduct for both Board Members and staff was updated and reissued during 2016-17.

A Declarations of Interest Register is maintained and is available on the website or for inspection at the office.

Promoting Public Understanding of the Commission's Role

In accordance with its broad aims, the Commission continues to promote public understanding of its role. This work takes the form of targeting various interest groups as well as more general information events and talks. During 2016-17 these have included:

- *Scottish Prisons – HMP Edinburgh and HMP Barlinnie – talks delivered to both prisoners and prison staff*
- *Strathclyde University – Miscarriage of Justice Seminar*

Freedom of Information

The Commission has in place a publication scheme which has the approval of the Scottish Information Commissioner until May 2019. The guide to the publication scheme can be found at <http://www.sccrc.org.uk/publication-scheme>.

28 FOI requests were received during 2016-17 and responses were issued in respect of 25 FOI requests*.

The responses issued were dealt with as follows:

- *full disclosure of information – 14 cases;*
- *partial disclosure of information – 9 cases;*
- *all the information requested was not held – 1 case*
- *fees notice was issued but not paid – 1 case; and*
- *non-disclosure of any of the information requested – 0 cases;*

In the 9 cases in which information was partially disclosed, the Commission did not disclose the information, or some of the information, for one of the following reasons:

- *the information requested constituted third party data – 2 cases;*
- *the Commission did not hold the information requested/the request was not a valid request within the ambit of FOISA – 10 cases;*
- *the information requested was prohibited from disclosure by or under another enactment – 1 case;*
- *the information requested had previously been provided to the requester – 2 cases.*

*one decision was issued in April 2016 respect of a request received in March 2016 and four requests received in March 2017 were responded to in April 2017.

Data Protection

The Data Protection Act 1998 (DPA) provides for an individual's right to access any of his or her personal data that the Commission holds, subject to certain exemptions. A request to access such data under DPA is called a 'subject access request' (SAR).

10 subject access requests were received during 2016-17 and responses were issued in respect of 9 requests**.

In 7 of those 9 requests the Commission disclosed, or was of the view that it had already disclosed, the information to the applicant. In 1 case the Commission considered that the request was a repeat of a similar earlier request, and in 1 case the initial request was withdrawn.

One decision of the SCCRC in connection with a SAR was appealed to the Information Commissioner's Office (ICO) and the ICO found that the SCCRC's decision was in line with DPA.

**one request responded to in April 2016 was received in March 2016, and two requests received in March 2017 were responded to in April 2017.

Persistent & Repeated Applications Policy

The Commission has in place a Persistent & Repeated Applications Policy, which was approved in April 2013 and subsequently reviewed and updated in December 2016. The policy was developed in response to the increasing number of repeat applications being received from a small number of applicants where there continued to be no new grounds of review.

The policy includes an appeals process and all registrations on the Persistent & Repeated Applications Register are reviewed on an annual basis.

One applicant was removed from the Persistent & Repeated Applications register during 2016-17 and there were no new registrations. The total number of applicants on the register has therefore dropped from 7 to 6.

Enhance Public Confidence

The Commission believes that achieving its objectives and targets and ensuring that all cases are reviewed thoroughly, without undue delay and to a consistently high standard will enhance public confidence in the ability of the Scottish criminal justice system to rectify miscarriages of justice. The Commission is firmly of the view that its independence from Scottish Government and the prosecution service is of paramount importance in enhancing such public confidence.

The Commission will continue to maintain total independence in its investigation and review of cases.

Research & Development

The Commission continues to utilise the wealth of information and knowledge gathered as part of its operations in order to undertake meaningful internal research which can be utilised to improve both internal procedures as well as enhance external learning opportunities. During 2016-17 the Commission published its second internal review of legal representation of applicants to the Commission. The full report and finding are available on the website.

During 2017-18 the Commission plans to look further at the findings from the review of legal representation and to specifically consider the impact of representation at the stage 1 review process. The Commission will also set out to identify other areas of meaningful research-based available information and statistics.

Performance Analysis

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Corporate Planning

The Commission has in place a Corporate Plan covering the period 1 April 2016 to 31 March 2019. The Corporate Plan sets out the Commission's strategic aims and priorities for the 3-year period and how it intends to deliver these. It also identifies how the Commission will align itself to the Scottish Government's National Performance Framework and contains a 3-year financial forecast.

In support of the Corporate Plan the Commission produces an annual Business Plan. The Business Plan details the operational objectives for the year ahead as well as providing a full performance assessment for the preceding year. The Business Plan also sets out the Commission's agreed budgetary provision for the year ahead.

Both the Corporate Plan and Business Plan are available on the Commission's website, www.sccrc.org.uk or from the Commission.

Performance Against Key Targets

To 31 March 2017, the Commission's strategic aims, as set by the Scottish Ministers, were:

- *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; and*
- *to strengthen public confidence in the ability of the Scottish criminal justice system to address miscarriages of justice.*

The Commission sets specific objectives and targets to meet its broad aims as well as demonstrating its commitment to the National Performance Framework. The Corporate Plan and corresponding Business Plan identify these objectives and targets for 2016-17.

Performance against the Commission's key targets for 2016-17 is set out below:

| Target | Outcome | Performance |
|--|----------|---------------------------|
| (i) to allocate cases received within an average of 1 month from the date of receipt. | Achieved | 1 day average |
| (ii) 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 |
| (iii) to conclude sentence-only reviews within an average of 4 months of the date of allocation. | Achieved | 3.6 month average |
| (iv) to conclude cases involving a review of conviction within an average of 8 months of the date of allocation. | Achieved | 6.9 month average |
| (v) to complete the review of 98% of the cases received before 31 March 2016, so that by the beginning of the 2017-18 reporting year no more than 3 of the Commission's cases are more than 12 months old. | Achieved | 1 case over 12 months old |

Full details of performance against these targets and objectives are available on the Commission's website, www.sccrc.org.uk.

The Commission successfully achieved all 5 of its key targets for 2016-17 despite the continued high level of new applications received. This level of performance reflects positively on the Commission's ongoing review of case handling procedures in order to enhance efficiency in the review process. It is also testament to the ongoing effectiveness and hard work of the Commission's staff and the Board.

Performance Indicators

The Commission has set itself a number of key performance indicators, as identified within the 2016-19 Corporate Plan, and reports on these within each Annual Report. The table below sets out performance against these indicators over the past 5 reporting years:

| Performance Indicator | 2012-13 | 2013-14 | 2014-15 | 2015-16 | 2016-17 |
|---|------------------------|------------------------|------------------------|------------------------|------------------------|
| Number of cases received | 196 | 155 | 174 | 148 | 150 |
| Number of concluded cases | 190 | 179 | 172 | 159 | 128 |
| Average time taken from date of acceptance to date of conclusion | 7.7 mths | 7.3 mths | 7.5 mths | 6.3 mths | 6.6 mths |
| Number of cases where initial decision not to refer is changed to a decision to refer following submission of further representations | 4 | 1 | 0 | 0 | 0 |
| Referrals per year | 11 | 4 | 3 | 2 | 3 |
| Outcome of referrals decided in year | 9 granted 0 refused | 3 granted 2 refused | 3 granted 3 refused | 3 granted 1 refused | 1 granted 0 refused |
| Cases abandoned following referral | 0 | 0 | 0 | 0 | 0 |
| *Cumulative % referral success rate | | | | | 66% |
| **Number of formal complaints received | 1 | 2 | 4 | 2 | 0 |
| Number of cases subject to judicial review | 3 | 0 | 0 | 1 | 1 |

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

**No formal complaints were registered in 2016-17: however, 3 complaints were submitted but not registered as they did not fall within the remit of the Complaints Procedure and related to case decisions.

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 2016 to 31 March 2017. 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 2017 are set out in pages 20 to 23. The Notes to the Accounts on pages 24 to 29 form part of the Accounts.

The Commission's budget for 2016-17 was set at £1,018,995, the same as in 2015-16. During the course of the year the Commission experienced a significant increase in legal costs as a result of a number of ongoing court actions, which resulted in actual expenditure of £100,045 compared with a budget of £10,000. Although Scottish Government agreed to support this level of funding increase it was subsequently decided to meet the additional expenditure from cash and cash equivalents held, thereby also addressing an audit recommendation in respect of levels maintained by the Commission. Comprehensive net expenditure for the year was £1,128,845 including depreciation and notional costs.

2016-17 Budget £1,018,995

| | Quarter 1 | Quarter 2 | Quarter 3 | Quarter 4 | |
|---------------|-----------|------------|-----------|-----------|---------------------------------|
| | | | | | January 2017 February 2017 |
| 2015-16 | | | | | |
| Draw Downs | £262,000 | £230,000 | £220,000 | £166,500 | £140,495 |
| Total Funding | | | | | |
| Draw Down | | £1,018,995 | | | |

The capital budget for the year was set at £4,000, although there was no capital expenditure in 2016-17.

Payment Performance

In line with Scottish Government directions, 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 97.5% of invoices received in accordance with the payment policy, compared with 96.3% in the previous year. Of the remaining 2.5% of invoices not paid within the 10 day target (14 invoices in total) these were all paid within the agreed contractual terms. A total of 28.6% of the invoices not paid within the 10 day target were either in dispute or were late as a result of SEAS system issues which were outside of the Commission's control. The overall improvement in payment performance has been a result of enhanced operating procedures and staff contingency arrangements.

As at 31 March 2017 the value of supplier payments outstanding at year end was nil.

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

Our People

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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.

Chairman:

Mr Bill Matthews (Chairman)

Board Members:

Miss Frances McMenamin Q.C.

Mr Peter Ferguson Q.C.

Professor Jim Fraser*

Doctor Rajan Darjee

Mr Colin Dunipace*

Mrs Elaine Noad*

Mr Raymond McMenamin

Mrs Jean Couper, CBE (to 31 December 2016)

Professor George Irving, CBE* (to 31 December 2016)

Mr Gerrard Bann* (to 31 December 2016)

*Audit Committee Members

| | Male | Female |
|---------------|------|--------|
| Chairman | 1 | - |
| Board Members | 5 | 2 |

The Register of Interests for Commission Members can be found on the Commission's website www.sccrc.org.uk and is also available from the Commission. All Members are required to review and update their registration on at least an annual basis.

Staffing

The Commission's Chief Executive, Mr Gerard Sinclair, is also the Accountable Officer and was supported by the following staff complement as at 31 March 2017:

| Job Title: | Male | Female |
|---|------|--------|
| Director of Corporate Services | 1 | - |
| Head of Casework & Information Governance | 1 | - |
| Ser Legal Officer | 1 | 1 |
| Legal Officer | 3 | 2 |
| Senior Administration Officer | - | 1 |
| Administration Officer | 1 | 1 |

All staff are based at the Commission's office in Glasgow.

The Commission has monitoring arrangements to review staffing performance issues such as rates of absence. The average number of sick days per employee in post decreased from 4.7 days in 2015-16 to 1.2 days in 2016-17. There was one member of staff off on long term sickness during the course of the year which has not been included within these statistics.

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.

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.

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