

SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE POLICY MEETING ON FRIDAY 11 AUGUST 2017
10:00, PORTLAND HOUSE

FOR DISCLOSURE VIA THE PUBLICATION SCHEME

In line with the Commission's Disclosure policy, various paragraphs may have been edited or deleted from these minutes as the information contained therein relates to specific case information and/or personnel-related matters. Where the summary of discussion has been edited or the names have been deleted, this is indicated at the start of the relevant paragraph or section.

Members Present:

Mr Bill Matthews, Chairman
Mr Peter Ferguson Q.C.
Miss Frances McMenemy Q.C.
Mr Raymond McMenemy
Professor Jim Fraser

Also Present:

Mr Gerard Sinclair, Chief Executive
Mr Chris Reddick, Director of Corporate Services
Sir Gerald Gordon Q.C., Consultant Legal Adviser

Cases & Policy Items Only:

Mr Michael Walker, Head of Casework
Mrs Fiona Govan, Senior Legal Officer
Miss Mary Frances Ralston, Legal Officer
Mr Kevin Henry, Legal Officer

Section 1: Governance Matters

1.1 Apologies

Dr Darjee, Mrs Noad and Mr Dunipace had submitted their apologies.

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

Members were asked to declare any known conflicts of interests or gifts and hospitality.

There were no declarations of conflicts, gifts or hospitality.

1.3 Minutes of Policy meeting held on 15 December 2016

The minutes of the Policy meeting held on 15 December 2016 were noted having previously been approved by the Board on 27 January 2017. The Board also noted the version of the minutes for the Publication Scheme.

1.4 Matters Arising

There were no matters arising.

Section 2: Policy Matters (edited)

2.1 Legal Officer Recruitment

2.1.1 Mr Sinclair reported that a total of 30 applications had been received for the current legal officer recruitment exercise and after initial sift a total of 11 had been shortlisted for interview. He confirmed that interviews had been scheduled for the last week in August and first week in September and, subject to candidates being considered appointable, he hoped to have new staff in post from early October.

2.1.2 Mr Reddick confirmed that an aptitude test had been devised by Mr Fenn as part of the application process and that the results from this would form part of individual interviews.

2.2 Accommodation & Lease Update

2.2.1-2.2.2 Mr Reddick provided an update about this, which the Board noted.

2.3 Discussion Cases

2.3.1-2.3.5 Mr Walker provided an overview of the Commission's approach in two cases. After discussion it was agreed that both cases should return to the Board in August 2017 for final decision.

2.4 Terms of Reference

2.4.1 Mr Reddick provided the Board with a summary of his paper on the Audit Committee and Board Terms of Reference confirming that clarification had been requested within these documents in respect of the Audit Committee's delegated responsibility for recommending to the Accountable Officer the signing of the Annual Accounts.

2.4.2 Mr Reddick confirmed that he had subsequently reviewed both sets of terms of reference and proposed minor updates to both of them as circulated. After discussion the Board approved both of the suggested updates.

2.5 Equality Impact Assessments

2.5.1-2.5.3 Mr Reddick provided the Board with a summary of his paper in respect of the Commission's plans to further develop its approach to equality impact assessments. He confirmed that guidance had been provided by the Equality & Human Rights Commission and that he had reviewed a number of approaches adopted by other organisations in terms of assessing their policies and practices, as well as appropriately documenting these reviews. The Board discussed the process in detail and agreed that any approach adopted needed to be proportionate and manageable for the organisation. The Board agreed Mr Reddick's recommendations.

2.6 Standards Commission for Scotland

Mr Sinclair confirmed that a copy of the latest briefing note had been circulated for information only.

2.7 Police Complaints Commission for Scotland (now PIRC) – Querulous Complainers Report

Mr Sinclair confirmed that a copy of the report had been circulated for information only although it provided some useful information for the Commission to consider further in respect of its Persistent & Vexatious Correspondents and Persistent & Repeated Applications Policies.

2.8 Inside Times Article

Mr Sinclair provided the Board with an overview of the Inside Times article which had been circulated for information only.

2.9 Cyber Resilience

2.9.1 Mr Sinclair provided the Board with an overview of the recent guidance issued by Scottish Government in respect of Cyber Resilience and the requirements to complete the public sector action plan and associated accreditation. The various requirements were discussed in detail and it was noted that a significant resource would be required in order to complete this exercise as requested.

2.9.2 After full discussion, the Board agreed with Mr Sinclair's plan to discuss further with Justice Directorate at the next quarterly meeting, in order to set out the requirement for some level of proportionality and assistance with such requests.

Section 3: Position Papers

3.1 Position Papers:

- Defective Representation
- Fresh Evidence
- Moorov
- Oppression
- Unreasonable Verdict
- Sentencing

3.1.1 Mr Walker referred to Mr Fenn's paper on the updated position papers and, with the assistance of the legal officers, took the Board through all of the various proposed changes and updates.

3.1.2 After full discussion the Board approved the updated position papers.

Section 4: High Court Decisions

9 December 2016 – 4 August 2017

Members noted that High Court decisions had been issued in the following cases:

- Case of AS – Sentence Referral – 12 April 2017
Successful – no written judgment available

Section 7: Concluding Matters

7.1 Any Other Competent Business

There was no other competent business.

7.2 Date of Next Meeting

Policy Meeting – 8 December 2017 @ 10:00

Chris Reddick
17 August 2017