



SCCRC Scottish Criminal Cases
Review Commission

BUSINESS PLAN

2020-21

June 2020

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 conviction and/or sentence 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. 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 10 to 13.

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 2020 we have received a total of 2742 applications and completed the review of 2719 cases. As at 31 March 2020, a total of 144 cases were referred to the High Court for an appeal. Therefore our overall rate of referral was 5.3% of cases reviewed.

Of the 144 cases referred, 131 cases have been determined by 31 March 2020. Of these cases, 86 appeals were granted and 45 were refused. A further 11 cases were abandoned. Therefore 66% of cases referred and decided were successfully appealed by the applicant.

Structure

We currently operate with a Board of eight 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 & Information Governance, two Senior Legal Officers, five Legal Officers and three 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.

Performance: 2019-20

As at 31 March 2020 we had received a total of 128 new applications and concluded 129 cases, 26 of which were after full review. A total of four cases were referred to the High Court. This represents a slight reduction on the number of applications received in the previous four years. Performance against case related targets is set out below:

Target	31 March 2020
1. To allocate cases within an average of 1 week from the date of receipt.	Achieved 0.7 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 1.8 month average
3. To conclude sentence-only reviews within an average of 4 months of the date of stage 2 allocation.	Not Achieved 4.5 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 7.2 month average
5. To complete the review of 98% of the cases received before 31 March 2019, so that by the beginning of the 2020-21 reporting year no more than 3 of the Commission's cases are more than 12 months old.	Achieved 0 cases over 12 months

The Commission successfully achieved four of its five key targets for 2019-20, for the second year in a row going over target on sentence-only reviews by an average of 0.5 months. Only two sentence-only cases were reviewed during the year with one of these resulting in a referral to the High Court.

Given the pressures on legal officer resources during the year, with one resigning to take up an academic position and one on maternity leave, this still represents an excellent level of case related performance. In addition, the Commission concluded its review of the “Lockerbie” case just before the Coronavirus pandemic caused global disruption on an unprecedented scale and significant impacted on how the Commission undertakes its core business.

Case Related Statistics

	2015-16	2016-17	2017-18	2018-19	2019-20
Number of cases received	148	150	160	138	128
*Number of concluded cases	159	128	181	145	129
Average time taken from date of acceptance to date of conclusion	6.3 months	6.6 months	6.2 months	6.6 months	7.0 months
Number of cases where initial decision not to refer is changed to a decision to refer following submission of further representations	0	0	0	1	0
Referrals per year	2	3	3	7	4
Outcome of referrals decided in year	3 granted 1 refused	1 granted	2 granted 2 refused	4 granted 2 refused	2 granted 2 refused
Cases abandoned following referral	0	0	0	0	0
**Cumulative % referral success rate					66%
Number of formal complaints received	2	0	1	0	3
Number of cases subject to judicial review	1	1	3	1	0

*The number of concluded cases can exceed the number received in each year as a result of cases received in previous financial years concluding in a subsequent year.

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

Financial Performance

The Commission's budget for 2019-20 was initially set at £1,058,995, an increase of £20,000 on 2018-19, reflecting increased employer contribution costs. Scottish Government agreed to provide additional funding throughout the year to support additional legal costs, arising from ongoing legal actions, costs associated with the review and conclusion of the "Lockerbie" case and costs attributed to the Commission's office move and upgrade that could not be met through established provisions or reserves. Two additional funding tranches of £50,000 and £175,000 were made during the year resulting in a total funding draw down of £1,283,995.

Comprehensive net expenditure for the year was £1,137k including depreciation and notional costs.

Our fully audited accounts for the year 2019-20 will be published in July 2020.

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. Performance against our Strategic Aims is set out within our Business Plans and our Annual Reports. Contribution towards the National Outcomes is identified via the relevant National and Commission Indicators as well as our 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 17 separate business plan objectives were agreed for 2019-20, 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.co.uk

Strategic Aim 1:

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

National Outcome: Human Rights

We respect, protect and fulfil human rights and live free from discrimination.

National Outcome: Education

We are well educated, skilled and able to contribute to society.

Of the 4 business plan objectives set in relation to Strategic Aim 1, the Commission achieved the following:

- 3 objectives fully achieved
- 1 objective carried forward to 2020-21

The one objective carried forward to 2020-21 related to the streamlining of the Commission's new case management system and development of new modules to deal with other discrete areas of business. Given the pressures on staff resource during the year and the level of change resulting from the office move and infrastructure upgrade, it was not possible to conclude this within 2019-20.

Strategic Aim 2:

"To work with others to deliver a quality service."

National Outcome: Environment

We value, enjoy, protect and enhance our environment.

National Outcome: Fair Work & Business

We have thriving and innovative businesses, with quality jobs and fair work for everyone.

National Outcome: Health

We are healthy and active.

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

- 3 objectives fully achieved
- 1 objective partially achieved

The objective classified as partially achieved was in respect of the development of a new Staff Health & Welfare Policy which was underway when the Coronavirus pandemic hit and was largely replaced with specific guidance on staff health and safety during this period. This will be concluded in 2020-21 and will take into account any health and welfare issues arising from the Coronavirus pandemic.

Strategic Aim 3:

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

National Outcome: Human Rights

We respect, protect and fulfil human rights and live free from discrimination.

National Outcome: International

We are open, connected and make positive contribution internationally.

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

- 3 objectives fully achieved
- 2 objectives partially achieved

The two objectives partially achieved relate to the evaluation of the effectiveness of the Commission's easy read information leaflets and the update of the internal research relating to equalities. In respect of the first objective, there was insufficient data to carry out meaningful analysis and in respect of the second objective there was a delay in the supply of the required comparative data from the Scottish Prison Service. Both objectives will be carried forward to 2020-21.

Strategic Aim 4:

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

National Outcome: Human Rights

We respect, protect and fulfil human rights and live free from discrimination.

National Outcome: International

We are open, connected and make positive contribution internationally.

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

- 4 objectives fully achieved

Business Plan Objectives 2020-21

Strategic Aim 1:

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

National Outcome: Human Rights

We respect, protect and fulfil human rights and live free from discrimination.

National Outcome: Education

We are well educated, skilled and able to contribute to society.

	Objective	Responsibility
1.1	By 31 March 2021 to have undertaken a full review of the new case management system with the aim of enhancing scripting, aligning the new system fully to the case handling procedures and identifying further enhancements in respect of equalities monitoring and the processing of FOI and Subject Access Requests.	Management Team/Administration Team
1.2	By 31 December 2020 to have taken forward recommendations and good practices identified through the Organisation Culture review completed in 2019-20.	Director of Corporate Services
1.3	By 31 March 2021 to undertake a comprehensive review of the Commission’s Equal Opportunities Policies and Processes in order to identify suitable actions to address any perceived inequalities.	Director of Corporate Services
1.4	Undertake a full review of the Case Handling Procedures by 31 March 2021 in order to identify areas within the case review process where effectiveness can be enhanced and improvements identified from equality impact assessments can be further incorporated.	Management Team

Strategic Aim 2:

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

National Outcome: Environment

We value, enjoy, protect and enhance our environment.

National Outcome: Fair Work & Business

We have thriving and innovative businesses, with quality jobs and fair work for everyone.

National Outcome: Health

We are healthy and active.

	Objective	Responsibility
2.1	By 31 December 2020 to put in place a new Staff Health & Welfare Policy which incorporates both good practice and other initiatives supported by the Scottish Government and recognises the impact of the Coronavirus Pandemic on staff.	Director of Corporate Services
2.2	Undertake a full Best Value Review by 31 March 2021 and implement an appropriate action plan to realise any identified efficiency and effectiveness measures.	Director of Corporate Services
2.3	Undertake a full review of the Commission's Environmental Policy and Action Plan by 31 December 2020 incorporating a review of the new office space and its impact on environmental and sustainability issues.	Environmental Officer
2.4	By 31 December 2020 to have reviewed all current service level agreements in place with key stakeholders in order to make meaningful updates which take account of improved ways of working and exchange of information.	Management Team

Strategic Aim 3:

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

National Outcome: Human Rights

We respect, protect and fulfil human rights and live free from discrimination.

National Outcome: International

We are open, connected and make a positive contribution internationally.

	Objective	Responsibility
3.1	By 31 March 2021 to evaluate the implementation of the Commission’s Easy Read Information leaflets in order to make appropriate changes to these and other Commission documents before full rollout.	Senior Legal Officers
3.2	By 30 September 2020 to update the previously undertaken internal research in respect of equalities in order to evaluate both the impact of work already undertaken and consider future improvements.	Senior Legal Officers
3.3	Undertake a comprehensive analysis and review of the impact of the Coronavirus Pandemic on the Commission’s operating procedures by 31 March 2021 in order to identify lessons learned and implement process improvements.	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 experiences are taken into account in a wider context.	Board/Management Team
3.5	Continue to develop the ongoing exchange and peer review work with CCRC, NCCRC, NZ CCRC and other global stakeholders by 31 March 2021 with emphasis on the effectiveness of such organisations within the criminal justice system.	Management Team

Strategic Aim 4:

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

National Outcome: Human Rights

We respect, protect and fulfil human rights and live free from discrimination.

National Outcome: International

We are open, connected and make a positive contribution internationally.

	Objective	Responsibility
4.1	Case statistics reports 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	2019-20 Annual Report & Accounts be laid in Parliament by 30 September 2020.	Chief Executive/Director of Corporate Services
4.4	In accordance with the requirements of the Public Services Reform (Scotland) Act 2010, all relevant 2019-20 public reporting information be published on the website by 30 June 2020.	Director of Corporate Services

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 week 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 2020, so that by the beginning of the 2021-22 reporting year no more than 3 of the Commission's cases are more than 12 months old.

Case Related Statistics
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 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 formal complaints upheld
Number of cases subject to judicial review

Financial Resources 2020-21

	2019-20 Revised Budget	2020-21 Budget
Members Fees & Expenses	£118,000	£95,000
Staff Costs	£727,000	£726,000
Accommodation	£176,000	£180,000
System Support	£78,000	£50,000
Investigations	£12,000	£6,000
Legal Costs	£42,000	£10,000
Travel & Subsistence	£5,000	£5,000
Training	£12,000	£6,000
Capital	£24,000	£4,000
Non Pay Costs	£89,995	£76,000
Total	£1,283,995	£1,158,000

The Commission saw an increase in annual funding for 2019-20 in recognition of a number of specific planned activities which included the ongoing review of the “Lockerbie” case to completion, the office move, including a number of associated infrastructure upgrades, and increased employer pension contributions.

As in previous years, the Commission also experienced additional costs associated with the defence of legal actions. The Commission was however successfully awarded costs in one of these actions and recovery of these sums is currently ongoing.

Additional funding was fully support by Scottish Government’s Justice Directorate.

The budget for 2020-21 has now been agreed and recognises the conclusion of the activities set out above along with an increase in annual rent and services associated with the new office accommodation. A full

Best Value Review is scheduled for 2020-21 and this will be used to identify further potential efficiencies, particularly in light of the move to more modern and fit for purpose premises.

The impact of the Coronavirus pandemic has initially had a significant impact on how the Commission undertakes its core business. Direct costs have however been kept to a minimum and it is anticipated that there will be a number of areas where lessons can be learnt in terms of streamlining processing and creating a more agile way of working. A full review of the Commission's response to the pandemic and identification of lessons learned will be undertaken during the year.