

SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 25 SEPTEMBER 2020

10.00 AM, VIDEO CONFERENCE

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

Present: all by video conference

Mr Bill Matthews (Chair)
Ms Carol Gammie
Ms Laura Reilly
Professor Jim Fraser
Mrs Elaine Noad
Mr Raymond McMenamin
Dr Alex Quinn

Also Present: all by video conference

Mr Gerard Sinclair, Chief Executive
Mr Chris Reddick, Director of Corporate Services (minutes)
Mr Michael Walker, Head of Casework
Miss Frances McMenamin Q.C., Consultant Legal Adviser

Section 1: Governance Matters (edited)

1.1 Apologies

There were no 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 conflicts of interest or declarations of gifts or hospitality.

1.3 Minutes of Board meeting held on 28 August 2020.

The Board approved the minutes of the Board meeting held on 28 August 2020. The Board also approved the version of the minutes for the Publication Scheme.

1.4 Matters Arising

There were no matters arising.

1.5 Chair's Report

Mr Matthews confirmed that he had no matters to report.

1.6 Chief Executive's Report

Mr Sinclair provided the Board with updates on the following matters:

- 1.6.1 Mr Sinclair provided the Board with an update on the Commission's COVID-19 guidance and procedures, confirming that these were largely unchanged from the previous month. He confirmed that the Government guidance and localised infection rates were being continually monitored and considered against the Commission procedures. He reported that weekly updates are provided at the staff meetings, held via video conference and that the staff rota may need to be reviewed and onsite days reduced if the current situation in Glasgow deteriorates. In summary he confirmed that the office space continued to provide a safe environment for staff but that procedures would be updated and changed if necessary and that specific arrangements may be put in place for individuals with specific needs.
- 1.6.2 Mr Matthews confirmed that the current procedures all seemed appropriate. Mrs Noad asked if travel arrangements for staff had been considered and in particular if public transport was being used. Mr Reddick confirmed that the approach to date had been to discourage the use of public transport and that additional parking arrangements had been put in place for staff. He also confirmed that the Commission had joined the latest Scottish Government Cycle to Work Scheme. He also reported that a Health & Safety meeting had been scheduled for the following week and that COVID-19 procedures would factor heavily on the agenda.
- 1.6.3 Mrs Noad asked if any consideration had been given with regard to the impact of homeworking on staff and if any payment would be appropriate. Mr Reddick confirmed additional guidance was being prepared for homeworking staff and that a full risk assessment would be undertaken for each member of staff. He also confirmed that no subsidies were currently being considered although staff would be advised that a small reimbursement was available from the Inland Revenue in respect of homeworking during the Coronavirus Pandemic.
- 1.6.4 Mr Sinclair provided the Board with a full update on one ongoing court action. The Board agreed with the proposed course of action.
- 1.6.5 Mr Sinclair provided an update on the post office cases, confirming that details of 73 possible applications had been received directly from the Post Office and the individual contact details obtained from Crown Office. He set out the proposed course of action in respect of contacting the individuals concerned and also raising awareness more widely on the issues involved.
- 1.6.6 Mr Sinclair provided the Board with an update on three related cases. The Board discussed the merits of these cases and agreed to consider further at Committee and then Board.
- 1.6.7 Mr Sinclair provided the Board with an update in one other case.

1.7 Court Decisions

There were no court decisions.

1.10 Correspondence

There was no correspondence for consideration.

Section 2: Management Issues (edited)

2.1 Notification by Members of non-case related work

There was no non case related work for noting.

2.2 Training & Development

No training and development had been undertaken since the last meeting of the Board.

2.3 Guidance for Applicants & Representatives – D Fenn

2.3.1-3 Mr Fenn provided the Board with a background to the development of the original guidance document which was intended to assist applicants and their representatives make appropriate submissions to the Commission. He confirmed that he had updated the guidance document with the aim of making this more user friendly and thanked Members for various comments and suggested updates. After discussion it was agreed that the document should be redrafted and recirculated to Members for further consideration and that the issues raised as part of the discussion be incorporated into the strategy for dealing with literacy issues.

Section 3: Case Matters (edited)

3.1 Monthly Case Summary

Mr Sinclair confirmed that a total of 12 new applications had been received in September 2020.

3.2 Notification of cases where final decisions have been issued since the last meeting of the Board, following the 28 days for submission of further representations expiring:

There were two cases in this category.

3.3 Notification of decision cases agreed at previous meetings of the Board but not yet issued:

There were no cases in this category.

3.4 Referral press releases issued since last meeting of the Board:

No referral press releases had been issued since the last meeting of the Board.

3.5 Requests for extensions of time to submit further representations:

There were no cases in this category.

3.6 Want of Insistence Cases:

There were no cases in this category.

3.7 Discussion Cases:

Mr Walker provided the Board with an overview in one case. After full discussion it was agreed that a further period of 28 days be granted in which to submit further representations.

Section 4: Proposed Referral Cases

There were no cases in this category.

Section 5: Proposed Interim Cases (edited)

5.1 The Board considered 1 statement of reasons. After full discussion it agreed not to refer the case to the High Court.

Section 6: Proposed Supplementary Cases

There were no cases in this category.

Section 7: Stage 1 Pre Acceptance Cases (edited)

7.1–13 A total of 13 new applications were considered and the following decisions were made:

1 case	Agreed to accept for a review of conviction
2 cases	Agreed to accept for a review of conviction and sentence
2 cases	Rejected: the applicant had not appealed and there were no plausible or stateable grounds of review
1 case	Rejected: the grounds of review were a repeat of the grounds of appeal and there were no plausible or stateable grounds of review
5 cases	Rejected: there were no plausible or stateable grounds of review
2 cases	Continued for 1 month in order to obtain further information

Section 8: Concluding Matters

8.1 Any Other Competent Business

There was no other competent business.

8.2 Date of Next Meeting

- Board Meeting – Friday 30 October 2020 @ 10:00

C Reddick
14 October 2020