

SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 31 JULY 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

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

Section 1: Governance Matters

1.1 Apologies

Dr Quinn had submitted his 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 26 June 2020.

The Board approved the minutes of the Board meeting held on 26 June 2020, subject to minor amendment. The Board also approved the version of the minutes for the Publication Scheme, subject to the same minor amendment.

1.4 Matters Arising

There were no matters arising.

1.5 Minutes of Audit Committee meeting held on 9 July 2020

The Members of the Audit Committee approved the minutes of the Audit Committee meeting held on 9 July 2020, subject to minor amendment. The Audit Committee also approved the version of the minutes for the Publication Scheme, subject to the same minor amendment.

1.6 Matters Arising

Mrs Noad provided the Board with an overview of the Audit Committee meeting, noting that it had been a very successful meeting with the annual accounts being signed off.

1.7 Chair's Report

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

- He reported that he had participated in the NZCCRC launch meeting along with Mr Sinclair and Mr Reddick on 30 June 2020.
- He reported that the position of Consultant Legal Adviser had been offered to and accepted by Miss Frances McMenamin Q.C. to commence from September 2020.
- He confirmed that he had completed and submitted all paperwork in respect of extensions to terms of appointment in respect of Members whose current terms expired in December 2020.

1.8 Chief Executive's Report

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

- He provided the Board with a full update on the Commission's response to the COVID-19 pandemic including details of the new staff rota which had been put in place for August 2020.
- He confirmed that he had taken part in a video conference event with the New Zealand CCRC on 30 June 2020, with Mr Matthews and Mr Reddick, to mark their launch on 1 July 2020. He reported that the event was also attended by representatives from CCRC and NCCRC and provided the Board with an overview of the main discussion points.
- He reported that he and Mr Reddick had attended a quarterly Sponsor Team meeting on 2 July 2020 which had been held by video conference.
- He reported that the year-end Audit Committee meeting had been held on 9 July 2020.

1.8.1 Mr Sinclair also provided the Board with an update on the post office cases.

1.7 Court Decisions

There were no court decisions.

1.8 Correspondence

There was no correspondence for consideration.

Section 2: Management Issues

2.1 Notification by Members of non-case related work

There was no non case related work for noting.

2.2 Training & Development

The following training and development had been undertaken since the last meeting of the Board:

- Mrs Govan and Mr Fitzpatrick attended the Lord Justice Clerk Seminar by video conference on 30 July 2020.

2.3 Quarterly Case Statistics Report – 30 June 2020

Mr Sinclair provided the Board with an overview of the quarterly case statistics to 30 June 2020, noting that a total of 18 new applications had been received. He confirmed that following the initial slowdown in business at the onset of the lockdown, new case numbers had gradually started to return to more normal levels.

2.4 Quarterly Finance Report – 30 June 2020

Mr Reddick provided the Board with an overview of the quarterly finance report to 30 June 2020, confirming that expenditure was in line with budget at this point in the year. He also highlighted a number of smaller operational budgets which had experienced savings as a result of the COVID-19 lockdown.

2.5 Corporate Risk Register – Quarter 4 Update – 2019-20

Mr Reddick confirmed that the Audit Committee had considered the updated Risk Register at their meeting on 9 July 2020 and this had now been circulated for information. After full discussion it was agreed that reference to the post office cases should be included within the Risk Register. Mr Reddick also confirmed that the risk workshop, to be facilitated by Internal Audit, would be rescheduled for later in the year.

2.6 Internal Audit: Organisational Culture Review

Mr Reddick reported that the Audit Committee had considered the Organisational Culture Review at their meeting on 9 July 2020 and had asked that this be circulated to the Board for information. After full discussion Mr Matthews confirmed that the report had been both informative and reassuring, thanking those involved in the review.

2.7 2019-20 Annual Report – Publication Version

Mr Reddick confirmed that the 2019-20 Annual Report had been laid in Parliament and was being circulated to the Board for information.

2.8 2019-20 Annual Accounts – Signed 9 July 2020

Mr Reddick confirmed that the 2019-20 Annual Accounts had been signed and laid in Parliament and were being circulated to the Board for information.

Section 3: Case Matters (edited)

3.1 Monthly Case Summary

Mr Sinclair confirmed that a total of 10 new applications had been received in July 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 was one case 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:

There were no cases in this category.

Section 4: Proposed Referral Cases

There were no cases in this category.

Section 5: Proposed Interim Cases (edited)

5.1-5.3 The Board considered 3 statements of reasons. After full discussion it agreed not to refer those cases to the High Court.

Section 6: Proposed Supplementary Cases

6.1-6.2 The Board considered 2 supplementary statements of reasons. After full discussion it finally agreed not to refer those cases to the High Court.

Mr McMenamin left the meeting for the discussion in one case having previously declared a conflict of interest and therefore took no part in its consideration. Mr Fitzpatrick had also previously declared a conflict of interest in the same case and therefore took no part in its consideration.

Section 7: Stage 1 Pre Acceptance Cases (edited)

7.1-7.11 A total of 11 new applications were considered and the following decisions were made:

1 case	Accepted on conviction
1 case	Rejected: the applicant had not appealed against conviction and there were no plausible or stateable grounds of review
1 case	Rejected on conviction as the applicant had not appealed and as there were no plausible or stateable grounds of review; rejected on sentence as there were no plausible or stateable grounds of review
1 case	Rejected: the grounds of review were a repeat of the grounds of appeal
4 cases	Rejected: there were no plausible or stateable grounds of review
2 cases	Rejected: it was not in the interests of justice to accept the case for a full review
1 case	Continued for 1 month in order to obtain further information

Ms Reilly left the meeting for the discussion in two cases having previously declared a conflict of interest and therefore took no part in their consideration. Mr Matthews left the meeting for the discussion in one case having previously declared a conflict of interest and therefore took no part in its consideration.

Section 8: Concluding Matters

8.1 Any Other Competent Business

There was no other competent business.

8.2 Date of Next Meeting

- Policy Meeting – Friday 14 August 2020 @ 10:00
- Board Meeting – Friday 28 August 2020 @ 10:00

Chris Reddick
18 August 2020