

# SCOTTISH CRIMINAL CASES REVIEW COMMISSION

## MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 31MAY 2019

10.00 AM, 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.

#### **Present:**

Mr Bill Matthews (Chairman)  
Mr Raymond McMenamain  
Professor Jim Fraser  
Mr Colin Dunipace  
Ms Laura Reilly  
Mr Alex Quinn

#### **Also Present:**

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

### Section 1: Governance Matters (edited)

#### **1.1 Apologies**

Mrs Noad and Mr Ferguson Q.C. had submitted their apologies.

Mr Matthews also welcomed back Sir Gerald Gordon Q.C.

#### **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 Board meeting held on 26 April 2019**

The Board approved the minutes of the Board meeting held on 26 April 2019 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 Chairman's Report

Mr Matthews provided the Board with an update on the following matter:

- He provided an update on the previously discussed buddying procedures.

## 1.6 Chief Executive's Report

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

- He confirmed that all staff appraisals had been completed on 2 May 2019.
- He reported that he had attended a seminar on Dignity for Females in Custody on 10 May 2019.
- He reported that he had attended a Forensic Science Symposium on 13 & 14 May 2019.
- He reported that he would be attending a Criminal Law Conference on 3 June 2019.

1.6.2 Mr Sinclair provided the Board with an update on the accommodation review.

1.6.3 Mr Sinclair provided an update in respect of the 20<sup>th</sup> Anniversary Event and the tripartite seminar to be held on 13 & 14 June 2019. He confirmed that a full agenda had been prepared and that this would be circulated with a full list of attendees. He also asked all Members to confirm their attendance at the various events.

## 1.7 Court Decisions

- Carol Kirk Referral – 15 May 2019 – Successful  
(No written judgement available)

## 1.8 Correspondence

Mr Walker provided the Board with an overview of the case management arrangements proposed by Police Scotland within their correspondence of 15 April 2019. After full discussion the Board agreed that they would write to Police Scotland, setting out the Commission's concerns regarding the proposed retention and destruction arrangements.

## Section 2: Management Issues

### 2.1 Notification by Members of non-case related work

The non-case related work relating to Induction was noted by Members.

### 2.2 Training & Development

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

- Mrs Govan had attended the Howard League Conference in Edinburgh on 22 May 2019.

## 2.3 SCCRC Publication Scheme

Mr Walker provided an overview of the new publication scheme and guide for information which had been circulated for Member's attention. He confirmed that the updated model guide had been adopted in full and that there were a few minor updates to be made prior to publication of the documents on the Commission's website. After full discussion the publication scheme and guide to information were approved.

## 2.4 Corporate Plan: 2019-22

Mr Reddick provided the Board with an overview of the updated Corporate Plan which was last considered at their meeting in March 2019. He confirmed that the document had been updated with year-end financial and performance information along with details of the Commission's alignment with the new Scottish Government National Performance Framework. After full discussion the Board approved the 2019-22 Corporate Plan.

## 2.5 Business Plan: 2019-20

Mr Reddick provided the Board with an overview of the draft Business Plan for the period 2019-20. In particular he drew Member's attention to the proposed business plan objectives for the year ahead and also the new executive summary at the front end of the document. After full discussion the Board approved the Business Plan subject to minor changes in respect of the introduction to the executive summary.

## 2.6 Draft Annual Report: 2018-19

Mr Reddick confirmed that the 2018-19 Annual Report was nearing completion of the drafting stage and agreed that he would circulate an electronic copy to all Members for review and comment. He requested that any updates be provided by 13 June 2019 when it was proposed that the 2018-19 Annual Accounts would be signed off.

## Section 3: Case Matters (edited)

### 3.1 Monthly Case Summary

Mr Sinclair confirmed that a total of 8 new applications had been received to date in May 2019.

### 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 three 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:

There were no cases in this category.

### 3.5 Requests for extensions of time to submit further representations:

The Board granted a two-month extension, a 2<sup>nd</sup> extension, in one case.

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

There were no cases in this category.

#### Section 6: Proposed Supplementary Cases (edited)

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

#### Section 7: Stage 1 Pre Acceptance Cases

**7.1–7.14** A total of 14 new applications were considered and the following decisions were made:

1 case	Accepted on conviction and sentence
4 cases	Accepted on conviction
1 case	Accepted on sentence
2 cases	Rejected as the applicant had not appealed against conviction and/or sentence
1 case	Rejected on conviction as the applicant had not appealed and there were no plausible or stateable grounds of review; rejected on sentence as the grounds of review were a repeat of the grounds of appeal
1 case	Rejected: the grounds of review were a repeat of the appeal grounds
3 cases	Rejected: there were no plausible or stateable grounds of review
1 case	Case continued for 1 month in order to obtain further information

Mr McMenemy and Dr Quinn each left the meeting for the discussion in one (different) 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.

### 2.2 Date of Next Meeting

- Audit Committee Meeting – Thursday 13 June 2019 @ 10:30
- Board Meeting – Friday 28 June 2019 @ 10:00

**Chris Reddick**  
19 June 2019