

Scottish Criminal Cases  
Review Commission

Annual Report



**2017-18**

## Overview

### **2017-18**

- 160 New applications received
- 31 Applications accepted for full review
- 181 Applications concluded overall
- 45 Cases concluded after full review

### **1 April 1999 to 31 March 2018**

- 133 Cases referred to the High Court
- 121 Cases determined by the High Court
- 79 Convictions quashed/sentences reduced
- 42 Appeals unsuccessful
- 11 Appeals abandoned

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Chairman's Foreword

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## Chairman's Report

I am delighted to be able to report on another successful year for the Scottish Criminal Cases Review Commission in this, my first full year, as Chair.

Our annual report provides a comprehensive summary of the Commission's performance over the 2017/18 financial year, and reflects the quality and effort of our Chief Executive, Gerry Sinclair, and his team. In simple numerical terms, this year we received 160 cases for review and concluded 181, with an average review time of 6.2 months. We met or exceeded all 5 of our key performance targets and managed our controllable expenditure effectively.

We engaged with stakeholders throughout the year, and were very pleased to host a visit by Lady Dorrian, the Lord Justice Clerk, and Lord Turnbull during which we discussed a variety of matters relevant to the work of the Commission. Our international engagement continued via a tri-partite meeting with the Criminal Cases Review Commission and the Norwegian Criminal Cases Review Commission, and in early 2018 we were visited by the Minister of Justice of the New Zealand Government as part of his consultation on the creation of a New Zealand Commission.

During the year we said goodbye to Doctor Raj Darjee, whose contribution over 2½ years as a Board Member has been hugely appreciated, particularly given his



**BILL MATTHEWS**

professional life as a Clinical Psychiatrist - we wish him well in his new life in Australia.

Later this year we will begin a recruitment campaign to restore the Commission to full strength for what looks like another interesting and challenging year ahead.

A handwritten signature in black ink, appearing to read 'Bill Matthews', with a stylized flourish at the end.

BILL MATTHEWS  
Chairman  
21 June 2018

The Commission

Our Purpose

**To review potential miscarriages of justice in criminal cases in Scotland and refer appropriate cases to the High Court for an appeal.**

## **The Commission**

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 convictions and/or sentences 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.

As at 31 March 2018, the Commission's staff complement was as follows: a Chief Executive, a Director of Corporate Services, a Head of Casework, 2 Senior Legal Officers, 6 Legal Officers and 3 Administration Staff.

The Commission's Legal Officers investigate cases under the direction of the Chief Executive and Board Members. The Board is responsible for deciding whether or not cases should be referred to the High Court.

The Commission operates under statutory non-disclosure provisions, whereby it is a criminal offence for any Member or staff of the Commission to disclose information obtained by the Commission in the exercise of any of its functions, except under certain statutory exemptions.

Details of the Commission's remit, specific powers of investigation and case review procedures can be found on our website, [www.sccrc.org.uk](http://www.sccrc.org.uk), or by request from the Commission's office.

Case Statistics

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## Case Statistics

Between 1 April 1999 and 31 March 2018, the Commission received a total of 2476 cases, completed the review of 2445 cases and referred 133 cases to the High Court for determination.

Within this section of the Annual Report some of the Commission’s key case statistics relating to both case volumes and case related performance in 2017-18 are detailed. Where appropriate, these statistics are set within the context of comparative data from previous years.

**Table 1** – shows a simple comparison of case related statistics over the Commission’s last 5 reporting years, as at the end of each reporting year, including cumulative figures to 31 March 2014.

**Table 2** – shows the comparison of solemn/summary and conviction/sentence-only cases received by the Commission over the past 5 reporting years.

**Table 3** – provides information on the nature of offences committed by applicants. The top 14 categories of offence are detailed separately with the remainder of offences classified as “other.”

**Table 4** – provides information on the main grounds of review lodged by applicants. The top 12 grounds of review are detailed separately with the remainder of grounds classified as “other.”

**Table 5** – provides information on the grounds upon which the Commission has referred the 76 conviction cases to the High Court.

**Table 6** – provides information on the grounds upon which the Commission has referred the 57 sentence-only cases to the High Court.

The more detailed classification in tables 5 and 6 is that used in the 2008-09 Commission research project on referrals. Within these tables all grounds of referral are identified in each case and not just the “main” ground.

TABLE 1 – Cumulative case related statistics (as at 31 March each year)

	Cumulative to 31 March 2013	2013-14	2014-15	2015-16	2016-17	2017-18	Cumulative Total
Cases Received	1689	155	174	148	150	160	2476
Pre-acceptance Cases (Stage 1)	n/a	16	17	10	23	15	n/a
Cases under review (Stage 2)	n/a	22	22	19	29	19	n/a
Cases Concluded	1626	179	172	159	128	181	2445

TABLE 2 – All cases received from 1 April 2013 to 31 March 2018

	2013-14 %	2014-15 %	2015-16 %	2016-17 %	2017-18 %	% Cumulative: 1 April 1999 to 31 March 2018
Solemn	67	74	68	74	68	78
Summary	33	26	32	26	32	22
Sentence- only review	18	16	16	9	7	20
Review involving conviction	82	84	84	91	93	80

**TABLE 3 – Nature of principal offence committed by applicants**  
(applications received from 1 April 1999 to 31 March 2018)

Principal Offence	Number of Cases	%
Murder	492	20
Sexual Offences other than Rape	372	15
Rape	335	13
Other Assault	200	8
Drug Related Offences	182	7
Aggravated Assault	142	6
Other Statutory Offences	134	5
Breach of the Peace	124	5
Road Traffic Offences	118	5
Attempted Murder	91	4
Other Crimes of Dishonesty	71	3
Theft	47	2
Robbery	47	2
Culpable Homicide	27	1
Other	89	4

\*Please note that a further five applications (0.25%) have been recorded as “unknown” as no details of the offence were included in the application.

**TABLE 4 – Main ground of review lodged by applicants**  
(applications received from 1 April 1999 to 31 March 2018)

Main Ground of Review	Number of Cases	%
Defective Representation	470	19.14
Excessive Sentence	346	14.09
Credibility or Reliability of Evidence	311	12.67
Unfair Trial	227	9.25
New Evidence	167	6.80
Misdirection by Trial Judge	134	5.46
Credibility or Reliability of Witness	122	4.97
Human Rights Issue	86	3.50
Wrong Sentence Imposed	56	2.28
Wrongful Conviction	56	2.28
Police Misconduct/Wrong Procedure	51	2.08
Perjury	26	1.06
Other	403	16.42

**TABLE 5 – Main ground of referral in conviction cases**  
(for cases referred from 1 April 1999 to 31 March 2018)

Main Ground of Referral	Frequency of Ground	% of Referred Cases
<b>Error in Law:</b>	<b>18</b>	<b>24%</b>
Insufficient Evidence	12	16%
Evidence: Wrongful Admission	3	4%
Evidence: Wrongful Exclusion	2	3%
Refusal of No Case to Answer Submission	2	3%
Miscellaneous	3	4%
<b>Irregular Proceedings:</b>	<b>9</b>	<b>12%</b>
Conduct of Judge	2	3%
Conduct of Jury	3	4%
Conduct of Prosecutor	1	1%
Other	3	4%

**TABLE 5 – Main ground of referral in conviction cases**  
(for cases referred from 1 April 1999 to 31 March 2018) *cont.*

Main Ground of Referral	Frequency of Ground	% of Referred Cases
<b>Misdirection:</b>	<b>12</b>	<b>16%</b>
On Evidence: Omission, Value, Weight	8	11%
On Law: Corroboration	2	3%
On Law: Other	4	5%
<b>Other:</b>	<b>37</b>	<b>49%</b>
Evidence Not Heard at Original Proceedings	27	36%
Failure to Disclose	11	15%
Defective Representation	11	15%
Unreasonable Verdict	3	4%
Lurking Doubt	1	1%

It should be noted that the sub totals in each of the four main categories of referral ground may not add up to the heading total as there may be some cases referred on more than one of the grounds contained in the sub categories, e.g. under misdirection a case may have been referred on evidence and on law etc. This will have the same effect on the percentage figures.

**TABLE 6** – Main ground of referral in sentence-only cases  
(for cases referred from 1 April 1999 to 31 March 2018)

Main Ground of Referral	Frequency of Ground	% of Referred Cases
Improper Punishment Part Calculation	24	42 %
Sentence Inconsistent with Precedent	16	28 %
Incompetent Sentence	9	16 %
Relevant Factor Not Taken Into Account	5	9 %
Sentence Calculated on Inaccurate Factual Basis	1	2 %
Inappropriate Weighting of Certain Factors	4	7 %

The percentage figures in table 6 do not add up to 100 % as some referrals have more than one ground of referral.

Referrals

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## Referrals

Under section 194B of the Criminal Procedure (Scotland) Act 1995, the Commission has the discretionary power to refer to the High Court any conviction or sentence passed on a person convicted on indictment or complaint whether or not an appeal against the conviction or sentence has been heard and determined by the High Court.

Full details of the applicable legislation and the Commission's two tier test for making referrals (i.e. whether the Commission believes there may have been a miscarriage of justice and that it is in the interests of justice that a referral is made) are available on the website, [www.sccrc.org.uk](http://www.sccrc.org.uk), or within the Commission's information leaflets; available upon request.

### High Court Referrals

From 1 April 1999 to 31 March 2018, the overall average time from referral to judgment was 17.24 months. This timescale has been reducing annually and it should be noted that over the past 5 years this period from referral to determination has been substantially shorter and there is currently only 1 Commission referral waiting to be determined.

Of the 121 cases decided, 79 appeals have been granted and 42 appeals have been refused. In addition, 11 appeals were abandoned by appellants following referral by the Commission.

### Referral Rates

As at 31 March 2018 the Commission's overall rate of referral to the High Court was 5.4%, based on a total of 2445 concluded cases and 133 referrals. The overall rate of referral in relation to conviction is 3.9%, based on a total of 2006 conviction cases concluded and 76 conviction referrals.

During 2017-18, the overall rate of referral was 1.7%, based on a total of 181 cases concluded and 3 referrals. The annual rate of referral in relation to conviction is 1.8%, based on 168 conviction cases concluded and 3 conviction referrals.

### Case Referral Details

**Table 7** – shows a summary of cases referred by the Commission and cases determined by the High Court in each reporting year. The last five reporting years are detailed separately. Cases are not necessarily determined by the High Court in the same year that they are referred by the Commission.

**Table 8** – provides details of all cases referred by the Commission which have been determined by the High Court during 2017-18. A full listing of all cases referred by the Commission and determined by the High Court since 1 April 1999 is available on the website, [www.sccrc.org.uk](http://www.sccrc.org.uk). This information is broken down by conviction and sentence-only cases, and includes details of appeals which were abandoned. Where a written judgment has been issued by the High Court, the appropriate hyperlink to the Scottish Court Service is provided.

**Table 9** – provides details of all cases referred by the Commission during 2017-18 which have yet to be determined by the High Court.

**TABLE 7 – Summary of cases referred by the Commission and determined by the High Court**

	Cumulative to 31 March 2013	2013-14	2014-15	2015-16	2016-17	2017-18	Cumulative Total 31 March 2018
Cases Referred	118	4	3	2	3	3	133
Cases Determined	99	5	8	4	1	4	121
Cases Abandoned	11	0	0	0	0	0	11

TABLE 8 – Cases referred to the High Court and determined 2017-18

**Conviction: 3 Cases**

Name:	Stephen Rodger
Date Referred to Court:	26 May 2017
Offence:	Fire Arms Charges
Date of Conviction:	12 September 2013
Appeal Outcome:	Unsuccessful
Date of Appeal Outcome:	24th August 2017
Judgment:	<a href="https://www.scotcourts.gov.uk/docs/default-source/cos-general-docs/pdf-docs-for-opinions/2017hcjac65.pdf?sfvrsn=0">https://www.scotcourts.gov.uk/docs/default-source/cos-general-docs/pdf-docs-for-opinions/2017hcjac65.pdf?sfvrsn=0</a>
Name:	Duncan Stewart
Date Referred to Court:	28 July 2017
Offence:	Road Traffic Offence (Causing Death by Driving)
Date of Conviction:	19 December 2012
Appeal Outcome:	Successful
Date of Appeal Outcome:	15 December 2017
Judgment:	<a href="https://www.scotcourts.gov.uk/docs/default-source/cos-general-docs/pdf-docs-for-opinions/2017hcjac90.pdf?sfvrsn=0">https://www.scotcourts.gov.uk/docs/default-source/cos-general-docs/pdf-docs-for-opinions/2017hcjac90.pdf?sfvrsn=0</a>

TABLE 8 – Cases referred to the High Court and determined 2017-18 *cont.***Conviction: 3 Cases**

Name:	Carol Kirk
Date Referred to Court:	28 July 2017
Offence:	Assault
Date of Conviction:	11 May 2015
Appeal Outcome:	Unsuccessful
Date of Appeal Outcome:	29 August 2017
Judgment:	<a href="http://www.scotcourts.gov.uk/docs/default-source/cos-general-docs/pdf-docs-for-opinions/2017hcjac66.pdf?sfvrsn=0">http://www.scotcourts.gov.uk/docs/default-source/cos-general-docs/pdf-docs-for-opinions/2017hcjac66.pdf?sfvrsn=0</a>

**Sentence: 1 Case**

Name:	A.S.
Date Referred to Court:	15 December 2016
Offence:	Section 127(1)(C) Communication Act 2003
Date of Conviction:	21 January 2016
Appeal Outcome:	Successful
Date of Appeal Outcome:	12 April 2017
Judgment:	<a href="http://www.scotcourts.gov.uk/search-judgments/judgment?id=f5db2fa7-8980-69d2-b500-ff0000d74aa7">http://www.scotcourts.gov.uk/search-judgments/judgment?id=f5db2fa7-8980-69d2-b500-ff0000d74aa7</a>

**TABLE 9 – Referrals to the High Court in 2017-18 to be determined****Conviction: 1 Case**

Name: Wendy Graham

Offence: Murder

Date of Conviction: 15 December 2008

Date Referred to Court: 30 June 2017

Main Referrals Grounds: Mental Health Issues

**Sentence-only: 0 Cases**

Accountability

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## **Accountability**

The Commission strives to maintain the highest levels of accountability with regard to how it undertakes its core function and delivery of its service to all stakeholders. The Commission has in place a number of governance related structures and processes which are outlined below.

### **Stakeholders Engagement**

The Commission continues to focus on stakeholder engagement as a key priority within its 2017-18 Business Plan and has undertaken further work during 2017-18 to strengthen existing arrangements.

During 2017-18 the Commission reviewed its User Group Forum and agreed, in order to get the best value from this engagement with member stakeholders, that the group would be replaced by issue specific meetings and groups.

We will still continue to engage regularly with member stakeholders (including the Criminal Cases Review Commission, Judiciary Office, Scottish Government, Police Scotland, HMP Shotts, Faculty of Advocates, Miscarriage of Justice Organisation (MOJO), SACRO, the Presumed Innocent Network and private practice). This will just be taken forward in a much more focused manner.

During 2017-18 the Commission's internal auditors also reviewed the Commission's stakeholder engagement arrangements and provided a positive assessment of both current and proposed engagement procedures. In addition some good practice and improvement opportunities were identified and this will be taken forward during 2018-19.

The Commission works closely with legal practitioners, particularly where they represent applicants and support their applications to the Commission. During 2017-18, the solicitor, Robbie Burnett retired from practice. Mr Burnett has been, by any measure, a significant figure in the history of the first two decades of the SCCRC, preparing and vigorously supporting more than 20 applications to the Commission. These include the seminal successful referrals in the cases of George McPhee and Iain Murray. The Commission always knew that when it received an application from him that it would be well-prepared and cogent and, most importantly, that the applicant would have a strong advocate for his cause. The Commission is indebted to him for his contribution to the correcting of miscarriages of justice, where he often carried out work on a pro-bono basis, in the best traditions of the law. We wish him well in his retirement.

### **Complaints Procedure**

The Commission has in place a formal complaints procedure which is available on the website and upon request from the Commission. The complaints

procedure is limited to administrative matters and does not cover complaints about decisions issued by the Commission in respect of cases.

The number of formal complaints continued to be low with only one being received in 2017-18. This complaint was dealt with in accordance with the complaints procedure and corresponding review timescales and after full review the complaint was not upheld.

### **Code of Conduct**

The Commission has in place a documented Code of Conduct for both Board Members and staff. As part of the Code of Conduct all Members and staff must declare any known conflicts of interest, e.g. where they have had previous involvement with an applicant or witness in a case. Conflicts of interest are recorded and the person involved is precluded from any involvement in the respective case. The Code of Conduct for both Board Members and staff was updated and reissued during 2017-18.

A Declarations of Interest Register is maintained and is available on the website or for inspection at the office.

## Promoting Public Understanding of the Commission's Role

In accordance with its broad aims, the Commission continues to promote public understanding of its role. This work takes the form of targeting various interest groups as well as more general information events and talks. The programme for 2017-18 was extensive and varied and included:

- *Scottish Prisons Talks – a new programme of talks to prisoners and staff was agreed in November 2017 whereby talks would be delivered to prisons on a 2-year rolling programme. During 2017-18 talks were delivered to HMP Grampian, HMP Shotts and HMP Cornton Vale.*
- *Scottish Prison Information – SCCRC Information Folders were distributed to all prisons during the year in order to make available to prisoners information currently on the SCCRC website.*
- *Scottish Prison Service Training – an information video was produced at the SPS college for inclusion within the induction programme for new officers.*
- *Presumed Innocence Network – Ongoing dialogue with Miscarriages of Justice Organisation Scotland on investigating cases and framing applications on behalf of their clients.*
- *Student Awareness Day – A chance for students to attend the offices, meet the Chief Executive and legal officers and received talks about the Commission and its work.*

- *Tripartite Meeting – as part of the ongoing information exchange programme with the CCRC and NCCRC, a tripartite meeting was held in London in November 2017.*
- *CCRC 20th Anniversary Conference – a delegation of staff and Members from the Commission attended the CCRC 20th Anniversary Conference in London in November 2017.*
- *New Zealand Ministry of Justice – we hosted a visit from the NZ Justice Minister and his delegation in March 2018 so that they could find out more about the Commission and how it operates.*
- *Japanese Law Professor – we hosted a visit from Professor Mari Hirayama, a Law Professor from Japan, in March 2018 to facilitate her research programme into miscarriages of justice.*
- *Talk to delegates of the CLT (Central Law Training) Scots Criminal Law Conference.*
- *We participated in the Strathclyde University Innocence Seminar “Say I’m Innocent” in October 2017 – Chief Executive was on the panel answering audience questions following the personal testimony of exonerated individuals.*

## Freedom of Information

The Commission has in place a publication scheme, established in January 2005 in accordance with the Freedom of Information (Scotland) Act 2002 (FOISA).

The guide to the publication scheme can be found at

**<http://www.sccrc.org.uk/publication-scheme>**.

26 FOI requests were received during 2017-18 and responses were issued in respect of all 26 FOI requests.

The responses issued were dealt with as follows:

- *full disclosure of information – 16 cases;*
- *partial disclosure of information – 6 cases;*
- *non-disclosure of any of the information requested – 3 cases;*  
and
- *refused because request vexatious – 1 case.*

*In the 9 cases in which information was partially disclosed, or not disclosed at all, the Commission did not disclose the information, or some of the information, for one of the following reasons:*

- *disclosure of the information requested was prohibited under another enactment – 5 cases;*
- *the information requested was due to be published within 12 weeks of the request – 1 case;*
- *the information requested was not held by the SCCRC – 3 cases.*

One decision of the SCCRC taken in 2016-17, in connection with a request for information, was appealed to the Scottish Information Commissioner (SIC) and the SIC found that the SCCRC's decision was in line with FOISA regulation.

### **Data Protection**

The Data Protection Act 1998 (DPA) provides for an individual's right to access any of his or her personal data that the Commission holds, subject to certain exemptions. A request to access such data under DPA is called a 'subject access request' (SAR).

10 subject access requests were received during 2017-18 and responses were issued in respect of 7 requests.

Of those 7 requests, the Commission disclosed, or was of the view that it had already disclosed, the information to the applicant in all 7 cases.

One decision of the SCCRC taken in 2016-17, in connection with a SAR, was appealed to the Information Commissioner's Office (ICO) and the ICO found that the SCCRC's decision was in line with DPA regulations.

### **Persistent & Repeated Applications Policy**

The Commission has in place a Persistent & Repeated Applications Policy, which was approved in April 2013 and subsequently reviewed and updated in December 2016. The policy was developed in response to the increasing number of repeat applications being received from a small number of applicants where there continued to be no new grounds of review or any significantly different matters being raised.

The policy includes an appeals process and all registrations on the Persistent & Repeated Applications Register are reviewed on an annual basis.

Three applicants were placed on the Persistent & Repeated Applications Register during 2017-18. The total number of registrations increased from 6 to 9.

### **Enhance Public Confidence**

The Commission believes that achieving its objectives and targets and ensuring that all cases are reviewed thoroughly, without undue delay and to a consistently high standard will enhance public confidence in the ability of the Scottish criminal justice system to rectify miscarriages of justice. The Commission is firmly of the view that its independence from Scottish Government and the prosecution service is of paramount importance in enhancing such public confidence.

The Commission will continue to maintain total independence in its investigation and review of cases.

Performance Analysis

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## Corporate Planning

The Commission has in place a Corporate Plan covering the period 1 April 2016 to 31 March 2019. The Corporate Plan sets out the Commission's strategic aims and priorities for the 3-year period and how it intends to deliver these. It also identifies how the Commission will align itself to the Scottish Government's National Performance Framework and contains a 3-year financial forecast.

In support of the Corporate Plan the Commission produces an annual Business Plan. The Business Plan details the operational objectives for the year ahead as well as providing a full performance assessment for the preceding year. The Business Plan also sets out the Commission's agreed budgetary provision for the year ahead.

Both the Corporate Plan and Business Plan are available on the Commission's website, [www.sccrc.org.uk](http://www.sccrc.org.uk) or from the Commission.

## Performance Against Key Targets

To 31 March 2018, the Commission's strategic aims, as set by the Scottish Ministers, were:

- *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; and*
- *to strengthen public confidence in the ability of the Scottish criminal justice system to address miscarriages of justice*

The Commission sets specific objectives and targets to meet its broad aims as well as demonstrating its commitment to the National Performance Framework. The Corporate Plan and corresponding Business Plan identify these objectives and targets for 2017-18.

Performance against the Commission's key targets for 2017-18 is set out below:

Target	Outcome	Performance
(i) to allocate cases received within an average of 1 week from the date of receipt.	Achieved	1 day
(ii) to complete the stage 1 pre-acceptance procedure within an average of 2 months from the date of stage 1 allocation.	Achieved	1.7
(iii) to conclude sentence-only reviews within an average of 4 months of the date of stage 2 allocation.	Achieved	2.7
(iv) to conclude cases involving a review of conviction within an average of 8 months of the date of stage 2 allocation.	Achieved	6.7
(v) to complete the review of 98% of the cases received before 31 March 2017, so that by the beginning of the 2018-19 reporting year no more than 3 of the Commission's cases are more than 12 months old.	Achieved	2 cases over 12 months old

Full details of performance against these targets and objectives are available on the Commission's website, [www.sccrc.org.uk](http://www.sccrc.org.uk).

The Commission successfully achieved all 5 of its key targets for 2017-18 despite the continued high level of new applications received. This level of performance reflects positively on the Commission's ongoing review of case handling procedures in order to enhance efficiency in the review process. It is also testament to the ongoing effectiveness and hard work of the Commission's staff and the Board.

### **Performance Indicators**

The Commission has set itself a number of key performance indicators, as identified within the 2016-19 Corporate Plan, and reports on these within each Annual Report. The table below sets out performance against these indicators over the past 5 reporting years:

Performance Indicator	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18
Number of cases received	196	155	174	148	150	160
Number of concluded cases	190	179	172	159	128	181
Average time taken from date of acceptance to date of conclusion	7.7 mths	7.3 mths	7.5 mths	6.3 mths	6.6 mths	6.2 mths
Number of cases where initial decision not to refer is changed to a decision to refer following submission of further representations	4	1	0	0	0	0
Referrals per year	11	4	3	2	3	3
Outcome of referrals decided in year	9 granted 0 refused	3 granted 2 refused	3 granted 3 refused	3 granted 1 refused	1 granted 0 refused	2 granted 2 refused
Cases abandoned following referral	0	0	0	0	0	0
*Cumulative % referral success rate						65%
**Number of formal complaints received	1	2	4	2	0	1
Number of cases subject to judicial review	3	0	0	1	1	3

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

\*\*One formal complaint was registered in 2017-18 although this was not upheld.

## Financial Results

In accordance with paragraph 9(1)(b) of Schedule 9A to the Act, the Commission's statement of accounts covers the period 1 April 2017 to 31 March 2018. The Commission's statement of accounts is prepared in accordance with the Accounts Direction issued to the Commission by the Scottish Ministers and is available separately on the Commission's website, [www.sccrc.org.uk](http://www.sccrc.org.uk)

The Commission's budget for 2017-18 was set at £1,018,995, the same as in 2016-17. During the course of the year the Commission continued to experience a high level of legal costs as a result of a number of ongoing court actions. This resulted in total expenditure of £60,142 compared to a budget of £10,000. Scottish Government agreed to provide additional funding of £40,000 during the course of the year to assist in meeting these additional costs. Comprehensive net expenditure for the year was £1,078,039 including depreciation and notional costs.



## Payment Performance

In line with Scottish Government directions, the Commission's policy for the payment of invoices, not in dispute, is within 10 days of receipt (or the agreed contractual terms if otherwise specified). The Commission aims to pay 100% of invoices, including disputed invoices once the dispute has been settled, within these terms.

The Commission's average time taken to pay invoices during 2017-18 was 6 days from the date of receipt. A total of 95.7% of invoices received were paid within the terms of the payment policy, compared with 97.5% in the previous year. A total of 2.6% of invoices (11 invoices in total) not paid within the 10 day target were either as a result of SEAS system issues or delays in receiving updated supplier account details which were outside of the Commission's control. The remaining 1.9% of invoices (8 invoices in total) not paid within the 10 day target were a result of internal delays.

This very slight reduction in payment performance was also in part due to a number of staff changes during the course of the year, although overall a high level of continuity was maintained during this period of change.

As at 31 March 2018 the value of supplier payments outstanding at year end was nil.

The Commission applies the principles of the Better Payment Procedure Code.

Our People

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## The Board

The Board has corporate responsibility for ensuring that the Commission fulfils the aims and objectives set by Scottish Ministers and for promoting the efficient and effective use of staff and other resources in accordance with the principles of Best Value. The Board also has a specific executive responsibility with regard to discharging its statutory role in making decisions in respect of all cases received by the Commission. The Board is supported by 3 Case Committees, the Audit Committee and the Remuneration Committee. In addition, the full Board sits twice a year as the Policy Group.

**Chairman:**

Mr Bill Matthews

**Board Members:**

Professor Jim Fraser\*

Miss Frances McMenamin Q.C.

Mr Peter Ferguson Q.C.

Mrs Elaine Noad\*

Mr Raymond McMenamin

Mr Colin Dunipace\*

Doctor Rajan Darjee (to 31 January 2018)

\*Audit Committee Members

	Male	Female
Chairman	1	-
Board Members	5	2

The Register of Interests for Commission Members can be found on the Commission's website [www.sccrc.org.uk](http://www.sccrc.org.uk) and is also available from the Commission. All Members are required to review and update their registration on at least an annual basis.

## Staffing

The Commission's Chief Executive, Mr Gerard Sinclair, is also the Accountable Officer and was supported by the following staff complement as at 31 March 2018:

Job Title:	Male	Female
Director of Corporate Services	1	-
Head of Casework & Information Governance	1	-
Senior Legal Officer	1	1
Legal Officer	3	2
Trainee Legal Officer	1	-
Senior Administration Officer	-	1
Administration Officer	1	1

All staff are based at the Commission's office in Glasgow.

The Commission has monitoring arrangements to review staffing performance issues such as rates of absence. The average number of sick days per employee in post increased from 1.2 days in 2016-17 to 2.9 days in 2017-18. There were two members of staff off on long term sickness during the course of the year which has not been included within these statistics.

The Commission is committed to ensuring that staff are adequately trained and staff are encouraged to identify and attend suitable training seminars and courses. All Commission staff have direct access to the Chief Executive and to the Members of the Board of the Commission and are encouraged to express their views on, and to make suggestions to enhance, the efficiency and the effectiveness of the Commission.

The Commission's equal opportunities policy aims to ensure that there is no employment discrimination on the grounds of disability and that access to employment and career development within the Commission is based solely on ability, qualifications and suitability for the work.

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