



Scottish Criminal Cases
Review Commission

BUSINESS PLAN

2018-19

May 2018

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 2018 we have received a total of 2476 applications and completed the review of 2445 cases. As at 31 March 2018, a total of 133 cases were referred to the High Court for an appeal. Therefore our overall rate of referral was 5.4% of cases reviewed.

Of the 133 cases referred, 132 cases have been decided, with 79 appeals being granted, and 42 appeals being refused. There was 1 outstanding referral at 31 March 2018 and a total of 11 cases were abandoned. Therefore 65% of cases referred and decided at appeal were successfully appealed by the applicant, when the case was not abandoned following referral.

Structure

We currently operate with a Board of 8 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. There is currently 1 vacancy on the Board for a Lay Member. We are staffed by a Chief Executive, a Director of Corporate Services, a Head of Casework & Information Governance, 2 Senior Legal Officers, 6 Legal Officers and 3 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: 2017-18

As at 31 March 2018 we had received a total of 160 new applications and concluded 181 cases, 45 of which were after full review. A total of 3 cases were referred to the High Court. This is a slight increase on the number of applications received in 2016-17 although is considered to be within the average range from the past 5 years. Performance against case related targets is set out below:

Target	31 March 2018
1. To allocate cases within an average of 1 week from the date of receipt.	Achieved 1 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 1.7 month average
3. To conclude sentence-only reviews within an average of 4 months of the date of stage 2 allocation.	Achieved 2.7 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 6.7 month average
5. 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

The Commission successfully achieved all 5 of its key targets for 2017-18 despite the slight increase in new applications received. Of particular note is the continued good performance in respect of average review times which reflects the ongoing enhancements to case handling procedures and the ongoing commitment and hard work of the Commission's staff and the Board. The overall average review time for cases involving a review of conviction or sentence or both, was at a record low of 6.2 months.

Case Related Statistics

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

The Commission's budget for 2017-18 was set at £1,018,995, the same as in 2016-17. As in the previous year, the Commission experienced a significant increase in legal costs during the year which amounted to £60,000 compared to a budget of £10,000. In previous years the Commission had always managed to meet such additional costs from within existing budgets. Given the level of increase in 2017-18 Scottish Government agreed additional funding mid-year of £40,000.

Net operating cost for the year was £1,078,039 including depreciation and notional costs. The capital budget for the year was initially set at £4,000. There was however no capital expenditure incurred during the year.

Our fully audited accounts for the year 2017-18 will be published in June 2018.

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 2017-18, year 2 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.org.uk

Strategic Aim 1:

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

National Outcome 3 applies

We are better educated, more skilled and more successful, renowned for our research and innovation.

National Outcome 15 applies

Our services are high quality, continually improving, efficient and responsive to local people’s needs.

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 2018-19

The one objective carried forward to 2018-19 related to the development and completion of an independent staff survey. It was agreed that this would be best undertaken in two parts, pre and post completion of the refurbishment project and therefore carried forward into 2018-19.

Strategic Aim 2:

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

National Outcome 14 applies

We reduce the local and global environmental impact of our consumption and production.

National Outcome 15 applies

Our services are high quality, continually improving, efficient and responsive to local people’s needs.

Of the 5 business plan objectives set in relation to Strategic Aim 2, the Commission achieved the following:

- 5 objectives fully achieved

Strategic Aim 3:

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

National Outcome 7 applies

We have tackled the significant inequalities in Scottish Society

Of the 4 business plan objectives set in relation to Strategic Aim 3, the Commission achieved the following:

- 3 objectives fully achieved
- 1 objective carried forward to 2018-19

The one objective carried forward to 2018-19 related to the evaluation of the Commission’s Easy Read Information Leaflets. It was agreed that more meaningful evaluation would be possible after additional time post-implementation.

Strategic Aim 4:

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

National Outcome 9 applies

We live our lives safe from crime disorder and danger.

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

- 4 objectives fully achieved

Indicators of Performance & Success

Within the National Performance Framework a number of national indicators were established by the Scottish Government as part of the “Scotland Performs” initiative in order to demonstrate progress towards the achievement of the National Outcomes. Where possible, we have adopted relevant national indicators as well as Commission indicators in order to demonstrate performance and success.

We continue to adopt 6 of the national indicators as well as 19 of our own indicators. The 6 national indicators are detailed below and further information on contribution towards these indicators as a result of achievement of business plan objectives is provided on our website www.sccrc.org.uk

National Indicators Adopted:

1. Improve people’s perceptions of the quality of public services delivered.
2. Improve the skills profile of the population.
3. Improve the responsiveness of public services.
4. Reduce Scotland’s carbon footprint.
5. Increase the proportion of journeys to work made by public or active transport.
6. Reduce waste generated.

Business Plan Objectives 2018-19

Strategic Aim 1:

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

National Outcome 3 applies

We are better educated, more skilled and more successful, renowned for our research and innovation.

National Outcome 15 applies

Our services are high quality, continually improving, efficient and responsive to local people’s needs.

	Objective	Responsibility
1.1	By 30 June 2018 complete the full refurbishment project feasibility study and put in place plans to take forward upgrade work over the course of the following quarter.	Chief Executive/Director of Corporate Services
1.2	By 30 June 2018 undertake a full infrastructure review, incorporating IT, telecoms and conferencing facilities, which can be incorporated within the agreed office refurbishment plans.	Director of Corporate Services
1.3	By 31 March 2019 to undertake a comprehensive staff survey, to be managed independently, in order to obtain feedback from all levels of Commission staff.	Director of Corporate Service
1.4	Undertake a full review of the Case Handling Procedures by 31 December 2018 in order to identify areas within the case review process where effectiveness can be enhanced and improvements identified from Equality Impact Assessments can be incorporated.	Chief Executive/Senior Legal Officers

Strategic Aim 2:

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

National Outcome 14 applies

We reduce the local and global environmental impact of our consumption and production.

National Outcome 15 applies

Our services are high quality, continually improving, efficient and responsive to local people’s needs.

	Objective	Responsibility
2.1	By 31 December 2018 to complete the update of all documented policies and procedures where enhancements were identified as part of the Equality Impact Assessment process in 2017-18 and publish these on the Commission’s website.	Management Team
2.2	By 31 December 2018 to have implemented an upgraded case management system which will provide better consistency of approach, enhanced user experience and create a more robust platform for effective information management.	Management Team
2.3	By 31 March 2019 to develop a new Communications Strategy for the Commission which takes into account stakeholder opinion gathered as part of the Commission’s ongoing engagement activities.	Management Team
2.4	Continue to develop the ongoing exchange and peer review work with CCRC and NCCRC by 31 March 2019 with emphasis on the effectiveness of such organisations within the criminal justice system.	Management Team

Strategic Aim 3:

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

National Outcome 7 applies

We have tackled the significant inequalities in Scottish Society

	Objective	Responsibility
3.1	By 31 March 2019 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 31 March 2019 to evaluate the impact of the Commission’s information talks and information folders for prisons in order to assess their effectiveness and identify suitable improvements.	Senior Legal Officers
3.3	By 31 December 2018 to undertake further internal research in respect of the Stage 1 process and acceptance for Stage 2, and in particular how internal case handling procedures can impact on these outcomes.	Senior Legal Officers
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 experience are taken into account in a wider context.	Board/Chief Executive/ Senior Legal Officers

Strategic Aim 4:

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

National Outcome 9 applies

We live our lives safe from crime disorder and danger.

	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	2017-18 Annual Report & Accounts be laid in Parliament by 30 June 2018.	Chief Executive/Director of Corporate Services
4.4	In accordance with the requirements of the Public Services Reform (Scotland) Act 2010, all relevant 2017-18 public reporting information be published on the website by 30 June 2018.	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 2018, so that by the beginning of the 2019-20 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 2018-19

	2017-18 Budget	2018-19 Budget
Members Fees & Expenses	£91,000	£96,000
Staff Costs	£685,000	£700,000
Accommodation	£105,000	£105,000
System Support	£36,000	£36,000
Investigations	£4,000	£4,000
Legal Costs	£10,000	£10,000
Travel & Subsistence	£5,000	£5,000
Training	£6,000	£6,000
Capital	£4,000	£4,000
Non Pay Costs	£72,995	£72,995
Total	£1,018,995	£1,038,995

The Commission's budget has now been frozen since 2014-15. As a result of this real term reduction, combined with increasing operating and staff costs, the impact is now becoming significant, particularly in respect of the Commission's ability to invest fully in how it delivers its services.

In recognition of this, Scottish Government have made available an additional £20,000 funding from the start of 2018-19 and have continued to express their support for additional costs which may arise as a result of increased legal and investigation costs and the current review of the case of Mr Abdelbaset Ali Mohamed Al Megrahi.