

SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE POLICY MEETING ON FRIDAY 10 AUGUST 2018
10:00, 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.

Members Present:

Mr Raymond McMenemy (Chair)
Professor Jim Fraser
Mrs Elaine Noad
Mr Colin Dunipace
Mr Peter Ferguson Q.C.
Miss Frances McMenemy Q.C.

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

Policy Items Only:

Mrs Fiona Govan, Senior Legal Officer
Mr Daniel Fenn, Senior Legal Officer
Miss Mary Frances Ralston, Legal Officer
Mr Eamon Keane, Legal Officer
Mr David Fitzpatrick, Legal Officer

Section 1: Governance Matters

1.1 Apologies

Mr Matthews 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 declarations of conflicts, gifts or hospitality.

1.3 Minutes of Policy meeting held on 8 December 2017

The minutes of the Policy meeting held on 8 December 2017 were noted having previously been approved by the Board on 26 January 2018. The Board also noted the version of the minutes for the Publication Scheme.

1.4 Matters Arising

There were no matters arising.

Section 2: Policy Matters (edited)

2.1 Job Evaluations & Grading Review (JEGS)

2.1.1–

2.1.4 Mr Reddick provided an update on the recently completed JEGS review which had been undertaken in respect of all of the Commission's legal grades. The Board noted the ongoing proposals and thanked Mr Reddick for his update.

2.2 Accommodation Review

2.2.1–

2.2.4 Mr Reddick confirmed that the accommodation review had been discussed at the last Policy meeting but provided the Board with a summary of the background to this review. He confirmed that the Commission had been working with HAA Design regarding the development of a costed plan and feasibility study. The Board noted the content of the feasibility study and thanked Mr Reddick for his input in the review thus far which overall they were very content with. Mr Reddick confirmed that he would provide a further update once feedback had been received from Estate Services.

2.3 Environmental Policies

2.3.1 Mr Keane confirmed that he had recently been appointed as environmental officer for the Commission and as part of his first task he had undertaken a review of the Commission's Environmental Policy and Action Plan with the assistance of Mr Reddick. He noted that the policy documents were somewhat out of date and his proposed changes made the policy much more focused and the action plan/environmental officer duties more in line with current thinking, including a review of greener energy and the use of electric hire cars.

2.3.2 Mr Keane also set out the Commission's obligation to complete and publish a Biodiversity Statement, which he had drafted and circulated. After full discussion the Board approved all of the proposed changes and updates.

2.3.3 Mrs Noad asked if the Commission's contractors had to comply with the Commission's Environmental Policy as part of their dealings with the Commission. Mr Reddick confirmed that any environmental impact of contractors was considered and where appropriate the Commission would request copies of contractors' Environmental Policies to ensure that they have appropriately considered environmental matters and impact.

2.4 Cyber Resilience Update

- 2.4.1 Mr Walker provided an overview of the current Cyber Resilience work being driven forward by Scottish Government and confirmed that he had attended a Cyber Resilience Workshop with Mr Sinclair in May 2018 where they considered scenario planning, much of which was covered within the Business Continuity Plan.
- 2.4.2 Mr Walker confirmed that he had just completed the Commission's Cyber Resilience Questionnaire, confirming that the Commission is going through the Cyber Essentials Accreditation process and had identified a number of additional steps to take forward in order to enhance its resilience and comply with Scottish Government requirements. He confirmed that these included accreditation with Cyber Essentials Plus and the development of a further staff awareness programme.
- 2.4.3 The Board discussed this in full and noted the work which had been undertaken and was still planned. They also discussed protection for the Commission's website and it was agreed that further advice on this would be obtained.
- 2.4.4 Mr Sinclair thanked Mr Walker for his update and used the opportunity to raise with the Board the more general point in respect of this type of additional policy work, which was currently being driven from the centre, and the impact that it had on a small organisation such as the Commission in terms of resources. He highlighted the level of time and effort required to comply with these initiatives and to date these had all been taken forward within existing resource levels through the hard work and dedication of staff. The Board acknowledged this point and agreed that this was something that should be monitored closely and discussed further with the sponsor team.

2.5 Case Management System Review

- 2.5.1–
- 2.5.2 Mr Reddick provided the Board with an update on the review of the Commission's case management system and the proposed upgrade to Visualfiles. Following discussion it was agreed that Mr Reddick should provide further feedback to the suppliers.

2.6 Persistent & Repeated Applications Policy

(Mr Sinclair left the meeting for this discussion having recommended the initial registration)

- 2.6.1 Mr Reddick confirmed that an appeal against a registration on the Persistent & Repeated Applications Register from June 2018 had been received and it was the Board's responsibility to undertake a review of the appeal and advise the applicant of the outcome of their review. He provided copies of the appeal and confirmed the timescales for the review, suggesting that they consider this fully at the Board meeting in August 2018. The Board agreed this course of action.

Section 3: Position Papers

3.1 Position Papers:

- Defective Representation
- Fresh Evidence
- Moorov
- Oppression
- Sentencing
- Unreasonable Verdict

3.1.1 Mr Fenn provided a summary of the proposed changes and updates to the listed position papers, confirming that these were all relatively minor. After full discussion the Board approved all of the suggested updates and requested that the revised versions be published.

Section 4: High Court Decisions

1 December 2017 – 31 July 2018

There were no High Court Decisions issued since the date of the last Policy Meeting which had not been provided to the Board within their monthly papers.

Section 5: Concluding Matters

5.1 Any Other Competent Business

Legal Actions Briefing Sheet

Mr Fenn confirmed that at the last Policy meeting in December 2017 it had been agreed that the Legal Actions Briefing sheet, prepared and considered at monthly management team meetings, should be put on Policy meeting agendas for information. He provided a summary of the up to date version circulated which was noted by the Board.

5.2 Date of Next Meeting

Policy Meeting – tbc

Chris Reddick
22 August 2018