

SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE POLICY MEETING ON FRIDAY 8 DECEMBER 2017
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 Bill Matthews, Chairman
Mr Peter Ferguson Q.C.
Miss Frances McMenamin Q.C.
Mr Raymond McMenamin
Professor Jim Fraser
Doctor Rajan Darjee
Mrs Elaine Noad
Mr Colin Dunipace

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

Cases & Policy Items Only:

Mrs Fiona Govan, Senior Legal Officer
Mr Daniel Fenn, Senior Legal Officer
Miss Mary Frances Ralston, Legal Officer
Mr McShane, Legal Officer
Miss Mairi Claire Anderson, Legal Officer
Mr Stephen Lynn, Trainee Legal Officer
Mr Eamon Keane, Legal Officer
Mr David Fitzpatrick, Legal Officer

Section 1: Governance Matters

1.1 Apologies

There were no 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 11 August 2017

The minutes of the Policy meeting held on 11 August 2017 were noted having previously been approved by the Board on 25 August 2017. The Board also noted the version of the minutes for the Publication Scheme.

1.4 Matters Arising

There were no matters arising.

Section 2: Proposed Interim Cases (edited)

2.1 The Board considered 1 statement of reasons. After full discussion it agreed not to refer the case to the High Court.

Mr Ferguson Q.C. left the meeting for this discussion having previously declared a conflict of interest and therefore took no part in its consideration.

Section 3: Proposed Supplementary Cases (edited)

3.1 The Board considered 1 supplementary statement of reasons. After full discussion it agreed finally not to refer the case to the High Court.

Section 4: Stage 1 Pre Acceptance Cases (edited)

4.1–4.11 A total of 11 new applications were considered and the following decisions were made:

1 case	Accepted for a review of conviction and sentence
2 cases	Accepted for a review of sentence
1 case	Rejected: the applicant had not appealed against conviction and there were no stateable grounds of review
1 case	Rejected: the applicant had not appealed against conviction or sentence, there were no plausible grounds of review (defective representation) and there were no stateable grounds of review
1 case	Rejected on conviction as the applicant had not appealed against conviction and there were no stateable grounds of review; rejected on sentence as the grounds of review were a repeat of the grounds of appeal and there were no stateable grounds of review
2 cases	Rejected: the grounds of review were a repeat of the grounds of appeal
1 case	Rejected: the grounds of review were a repeat of the grounds of

	appeal and there were no stateable grounds of review
1 case	Rejected: there were no plausible grounds of review (fresh evidence)
1 case	Rejected on conviction as there were no plausible grounds of review (fresh evidence) and it was not in the interests of justice to accept the case for full review; rejected on sentence as the applicant had not appealed and there were no stateable grounds of review

Mr Reddick 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 5: Policy Matters (edited)

5.1 Accommodation Update

5.1.1 Mr Reddick provided an update on the ongoing accommodation review. He confirmed that he would provide a further update at the next Board meeting.

5.2 Cyber Resilience Update

5.2.1-2 Mr Reddick provided an update about cyber essentials assessment and accreditation. The Board agreed with Mr Reddick's proposed course of action.

5.3 Equality Impact Assessments

5.3.1-2 Mr Reddick confirmed that the Board had considered various options for undertaking more detailed equality impact assessments at the last Policy meeting in August 2017 and since then an agreed assessment schedule for all of the Commission's policies, procedures and practices had been agreed with the Equality & Human Rights Commission.

5.4 Legal Actions Briefing

5.4.1 Mr Fenn circulated a copy of his legal actions spreadsheet, confirming that this was now a standing item on management team agendas. He provided Members with a summary of all current actions which were noted.

5.5 Management of Submissions

5.5.1-2 Mr Fenn introduced his paper on the management of submissions. After full discussion it was agreed that Mr Fenn should produce draft guidance for both applicants and legal representatives on making submissions to the Commission and that this could be considered further at the next Board meeting in January 2018.

5.6 Data Protection Update

5.6.1 Mr Walker confirmed the annual internal audit review in 2016-17 had recommended that Members and staff receive update training on at least an annual basis in respect of Data Protection. He therefore provided all in attendance

with some update and refresher training which included information in relation to the new General Data Protection Regulation.

5.7 Case Management System Review

5.7.1 Mr Reddick confirmed that he had organised a demonstration for staff of the newer version of the Commission's case management system, Visualfiles. He confirmed that he would produce a business case for replacing the existing system if it was felt that replacing the system was appropriate.

Section 6: Position Papers

6.1 Position Papers:

- Disclosure
- Misdirection
- Sufficiency
- Commission's Statutory Test
- Interviewing Jurors
- Guilty Pleas

6.1.1 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 7: High Court Decisions

5 August 2017 – 30 November 2017

There were no High Court Decisions issued since the date of the last Policy Meeting.

Section 8: Concluding Matters

8.1 Any Other Competent Business

There was no other competent business.

8.2 Date of Next Meeting

Policy Meeting – tbc

Chris Reddick
16 January 2018