



Scottish Criminal Cases  
Review Commission

# BUSINESS PLAN

## 2016-17

June 2016

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 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.

## Contents

03	Our Strategic Aims
03	Background
05	Performance: 2015-16
12	Business Plan Objectives: 2016-17
16	Case Review Targets & Statistics
17	Financial Resources: 2016-17

## 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 8 to 11.

## 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 2016 we have received a total of 2166 applications and completed the review of 2136 cases. As at 31 March 2016, a total of 127 cases were referred to the High Court for an appeal. Therefore our overall rate of referral was 5.9% of cases reviewed.

Of the 127 cases referred, the High Court determined 116 cases, with 76 appeals being granted, and 40 appeals being refused. There are no outstanding referrals to be determined and a total of 11 cases were abandoned. Therefore 65.5% of cases referred and decided at appeal were successfully appealed by the applicant.

### **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. We are currently 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](http://www.sccrc.org.uk), provides detailed information about the Commission, our governance arrangements and key publications including Annual Reports, core policies and procedures.

## Performance: 2015-16

As at 31 March 2016 we had received a total of 148 new applications and concluded 159 cases, 43 of which were after full review. A total of 2 cases were referred to the High Court. Although this represents a small reduction in applications received on the previous year it is still higher than the previous expectation of approximately 100 cases per annum. The Commission did however conclude more cases than last year after full review with performance against our case related targets at 31 March 2016 set out below:

Target	31 March 2016
1. To allocate cases within an average of 1 week from the date of receipt.	<b>Achieved</b> 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.	<b>Achieved</b> 1.8 month average
3. To conclude sentence-only reviews within an average of 4 months of the date of stage 2 allocation.	<b>Achieved</b> 3.9 month average
4. To conclude cases involving a review of conviction within an average of 8 months of the date of stage 2 allocation.	<b>Achieved</b> 6.5 month average
5. To complete the review of 98 % of the cases received before 31 March 2015, so that by the beginning of the 2016-17 reporting year no more than 3 of the Commission's cases are more than 12 months old.	<b>Achieved</b> 1 cases over 12 months

The Commission successfully achieved all 5 of its key targets for 2015-16 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.

## Case Related Statistics

	2011-12	2012-13	2013-14	2014-15	2015-16
Number of cases received	139	196	155	174	148
Number of concluded cases	159	190	179	172	159
Average time taken from date of acceptance to date of conclusion	7.8 months	7.7 months	7.3 months	7.5 months	6.3 months
Number of cases where initial decision not to refer is changed to a decision to refer following submission of further representations	0	4	1	0	0
Referrals per year	6	11	4	3	2
Outcome of referrals decided in year	5 granted 4 refused	9 granted 0 refused	3 granted 2 refused	3 granted 3 refused	3 granted 1 refused
Cases abandoned following referral	0	0	0	0	0
*Cumulative % referral success rate					65%
**Number of formal complaints received	4	1	2	4	2
Number of cases subject to judicial review	0	3	0	0	1

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

**\*\*Of the 2 formal complaints registered in 2015-16: both were not upheld following investigation and resolved at that stage. In addition, a further 3 complaints were submitted but not registered as they did not fall within the remit of the Complaints Procedure and related to case decisions.**

## Financial Performance

The Commission's budget for 2015-16 was set at £1,018,995, the same as in 2014-15. Scottish Government also made available additional funding of £125,850 in order to meet any costs associated with the second application in respect of Mr Abdelbaset Ali Mohamed Al-Megrahi. This application was concluded at stage 1 in November 2015 and the case was not accepted for full review. Although costs were incurred as part of the stage 1 review of this case it was agreed with Scottish Government that these would subsequently be met within the ordinary budget.

It was also agreed that a reduced level of funding would be drawn down for the year in order to address a previous audit recommendation and reduce the level of cash and cash equivalents held. Net operating cost for the year was £1,066,752 including depreciation and notional costs.

2015-16 Budget:	£1,018,995
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	Quarter 1	Quarter 2	Quarter 3	Quarter 4	
				February 2016	March 2016
2015-16 Draw Downs	£255,000	£238,000	£260,000	£118,000	£118,000

Total Funding Draw Down	£989,000
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The capital budget for the year was initially set at £4,000. Capital expenditure for 2015-16 was £2,376.

Our fully audited accounts for the year 2015-16 will be published in June 2016.

## 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 16 separate business plan objectives were agreed for 2015-16, year 3 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](http://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 partially complete

The one objective classified as partially complete relates to the review of the Commission's case management system to ensure that it meets our continued needs. Initial work was undertaken which identified a number of potential enhancements. These were not taken forward during the year primarily as a result of resource requirements and will therefore be taken forward during 2016-17.

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

- 3 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 5 business plan objectives set in relation to Strategic Aim 3, the Commission achieved the following:

- 4 objectives fully achieved
- 1 partially complete

The one objective classified as partially complete relates to the updating of previous internal research into legally represented applicants. The completion of this objective has been delayed whilst data has been requested and collated from external organisations. This research will be completed early in 2016-17.

#### 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](http://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 2016-17

### 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	Undertake a full workforce planning review by 31 March 2017 which specifically sets out to identify the Commission’s current skills base across staff and Members, and identifies any potential gaps which need to be addressed through recruitment, training and development.	Management Team
1.2	Undertake a comprehensive review of the Commission’s electronic case management system, including all stakeholder correspondence, by 31 March 2017, ensuring it continues to meet our needs.	Management Team
1.3	Undertake a full review of the Case Handling Procedures by 31 March 2017 in order to identify areas within the case review process where effectiveness can be enhanced.	Chief Executive/Senior Legal Officers
1.4	Complete a full review of the Commission’s accommodation requirements by 31 December 2016 in order to produce an appropriate Estates Strategy in line with existing lease arrangements.	Director of Corporate Services

## 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	Undertake a full Best Value Review by 31 March 2017 and implement an appropriate action plan to realise any identified efficiency and effectiveness measures.	Director of Corporate Services
2.2	Complete a review of the Commission’s conferencing facilities by 30 September 2016, considering issues such as interoperability, in order to roll out an effective system which can be used to interact with as many stakeholders as possible in the most efficient manner. The review will include considering all technology requirements and upgrades.	Director of Corporate Services
2.3	Undertake a review of the Commission’s User Group Forum by 31 December 2016 in order to identify and implement appropriate changes to make this stakeholder engagement more effective and maximise the potential benefit to the Commission.	Head of Casework
2.4	Continue to develop the ongoing exchange and peer review work with CCRC and NCCRC by 31 March 2017 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	Devise a new easy read information leaflet aimed at applicants with learning difficulties by 30 September 2016 and undertake a pilot exercise at a Scottish prison in order to identify its effectiveness.	Management Team
3.2	Update the Commission’s previous research on the volume of applicants who are legally represented by 30 September 2016 and consider the wider issues surrounding support available to potential applicants in the submission of an application to the Commission.	Management Team
3.3	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	2015-16 Annual Report & Accounts be laid in Parliament by 30 June 2016.	Chief Executive/Director of Corporate Services
4.4	In accordance with the requirements of the Public Services Reform (Scotland) Act 2010, all relevant 2015-16 public reporting information be published on the website by 30 June 2016.	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 2016, so that by the beginning of the 2017-18 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 2016-17

	2015-16 Budget	2016-17 Budget
Members Fees & Expenses	£95,000	£91,000
Staff Costs	£660,000	£675,000
Accommodation	£124,000	£120,000
System Support	£40,000	£36,000
Investigations	£8,000	£4,000
Legal Costs	£8,000	£10,000
Travel & Subsistence	£6,000	£5,000
Training	£6,000	£6,000
Capital	£4,000	£4,000
Non Pay Costs	£67,995	£67,995
<b>Total</b>	<b>£1,018,995</b>	<b>£1,018,995</b>

Financial resources continue to be under pressure following the last Comprehensive Spending Review and our subsequent requirement to operate within ongoing and significant budget cuts. Grant-in-aid funding for 2015-16 has remained unchanged from 2014-15 although this represents a further real term cut. Given the financial pressures experienced over the past 2-years as a result of increased investigation and legal costs and the receipt of the second application on behalf of Mr Megrahi we will be working closely with the Scottish Government to ensure that any funding gaps in essential service related expenditure can be met.