

BUSINESS PLAN

2015-16

June 2015



Purpose

To review potential miscarriages of justice from criminal courts 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

- 02 Our Strategic Aims
- 02 Background
- 04 Performance: 2014-15
- 09 Business Plan Objectives: 2015-16
- 13 Case Review Targets & Statistics
- 14 Financial Resources: 2015-16



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 9 to 12.

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 2015 we have received a total of 2018 applications and completed the review of 1977 cases. As at 31 March 2015, a total of 125 cases were referred to the High Court for an appeal. Therefore our overall rate of referral was 6.3 % of cases reviewed.

Of the 125 cases referred, the High Court determined 112 cases, with 73 appeals being granted, and 39 appeals being refused. A total of 2 cases are still to be determined and 11 cases were abandoned. Therefore 65.2% 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, 5 Legal Officers (includes 1 vacancy) 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. Biographies of the Board and management team are also published.



Performance: 2014-15

As at 31 March 2015 we had received a total of 174 new applications and concluded 172 cases, 42 of which were after full review. A total of 3 cases were referred to the High Court. This is the Commission's second highest volume of new applications received with the highest being 196 in 2012-13. Despite this volume of new cases the Commission managed to maintain the level of concluded cases after full review. Performance against our case related targets at 31 March 2015 was as follows:

Target	31 March 2015
1. To allocate cases within an average of 1 month 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 1.6 month average
3. To conclude sentence-only reviews within an average of 4 months of the date of stage 2 allocation.	Achieved 4.0 month average
4. To conclude cases involving a review of conviction within an average of 8 months of the date of stage 2 allocation.	Not Achieved 8.2* month average
5. To complete the review of 98% of the cases received before 31 March 2014, so that by the beginning of the 2015-16 reporting year no more than 3 of the Commission's cases are more than 12 months old.	Achieved 0 cases over 12 months

* An additional case which had been suspended for a considerable period of time and had been classified as exceptional in its nature has been removed from these statistics.

Case Related Statistics

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

*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 4 formal complaints registered in 2014-15: 3 were not upheld following investigation and resolved at that stage; and 1 was not upheld with the decision being subsequently appealed. The appeal in this case was not upheld.



Financial Performance

The Commission’s budget for 2014-15 was set at £1,018,995. This represents a 3% reduction on the 2013-14 budget of £1,050,500. During the course of the year the Commission submitted an additional funding request to the Scottish Government to cover immediate costs arising from case investigation expenditure and those associated with the receipt of a second application in respect of Mr Abdelbaset Ali Mohamed Al-Megrahi. Additional funding of £60,746 was approved and the Commission drew down £57,132 of this additional funding.

2014-15 Budget:	£1,018,995
2014-15 Additional Funding:	£60,746

	Quarter 1	Quarter 2	Quarter 3	Quarter 4		
				January 2015	February 2015	March 2015
2014-15 Draw Downs	£285,750	£246,000	£257,000	£79,500	£93,000	£114,877

Total Funding Draw Down	£1,076,127
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Net operating cost for the year was £1,085,079 including depreciation and notional costs.

Our fully audited accounts for the year 2014-15 will be published in June 2015.



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 19 separate business plan objectives were agreed for 2014-15, 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:

- 4 objectives fully achieved

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:

- 4 objectives fully achieved
- 1 objective no longer applicable

The one objective classified as being no longer applicable relates to the development of new service standards. The Commission's existing service standards and its approach to obtaining feedback from stakeholders were considered in detail by the Commission's User Group Forum in March 2015. Management subsequently agreed that these standards were no longer relevant, particularly given the enhancements made within the case handling procedures in respect of how the Commission provides a quality service to applicants and their representatives.

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 partially complete

The one objective classified as partially complete relates to the promotion of the Commission's role with convicted persons whose first language is not English. Further work with groups supporting these convicted persons has been agreed for 2015-16.



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

- 5 objectives fully achieved
- 1 objective not achieved

The one objective classified as not achieved relates to the development of the new Commission website. Given the financial pressures on the Commission’s budget during 2014-15 it was agreed that the development of a new website would be carried forward into 2015-16.

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 2015-16

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 comprehensive review of the Commission’s electronic case management system by 31 March 2016 in order to ensure it meets our continued needs, taking into account potential system upgrades.	Management Team
1.2	By 30 June 2015 develop a new comprehensive Board induction and training programme to coincide with new appointments to the Board with the aim of enhancing the effectiveness of the overall training and induction process.	Management Team
1.3	Undertake a full review of the Case Handling Procedures by 31 March 2016 in order to identify opportunities to further improve the case review process and timescales.	Chief Executive/Senior Legal Officers
1.4	By 30 December 2015 undertake further research in respect of Commission referrals to the High Court.	Management Team



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	In line with the Commission’s Best Value and environmental commitments, undertake a comprehensive review of the impact of the digital agenda within the Commission by 31 March 2016 with the aim of assessing the success of previous initiatives and identifying further enhancements.	Director of Corporate Services
2.2	Work with the National Induction Centre at HMP Shotts to develop a local, tailored programme of prison talks by 30 June 2015.	Senior Legal Officer – Training and R&D
2.3	Continue to develop the ongoing exchange and peer review work with CCRC and NCCRC by 31 March 2016.	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	Continue to enhance the Commission’s visibility and accessibility to minority groups throughout Scotland and in particular with those for whom English is not their first language and those with literacy issues.	Management Team
3.2	Redevelop and implement a comprehensive new Communications Strategy by 30 September 2015 setting out the Commission’s plans for promoting understanding of its role and engaging with all stakeholders.	Management Team
3.3	Roll out a new Commission website by 31 March 2016 with enhanced accessibility, functionality and interactivity.	Management/Admin Teams
3.4	Update the Commission’s previous research on the volume of applicants who are legally represented by 31 March 2016 and consider the wider issues surrounding support available to potential applicants in the submission of an application to the Commission. Also establish an internal single point of contact to provide further guidance and support to these potential applicants.	Management Team
3.5	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	2014-15 Annual Report & Accounts be laid in Parliament by 30 June 2015.	Chief Executive/Director of Corporate Services
4.4	In accordance with the requirements of the Public Services Reform (Scotland) Act 2010, all relevant 2013-14 public reporting information be published on the website by 30 June 2015.	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 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.

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 2015-16

	2014-15 Budget	2015-16 Budget
Members Fees & Expenses	£96,000	£95,000
Staff Costs	£657,995	£660,000
Accommodation	£120,000	£124,000
System Support	£30,000	£40,000
Investigations	£8,000	£8,000
Legal Costs	£8,000	£8,000
Travel & Subsistence	£8,000	£6,000
Training	£8,000	£6,000
Capital	£5,000	£4,000
Non Pay Costs	£78,000	£67,995
Total	£1,018,995	£1,018,995

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.