

SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 30 MAY 2014
10.00 AM, PORTLAND HOUSE

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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.

Present:

Mrs Jean Couper CBE, Chairman
Mr Stewart Campbell
Professor Brian Caddy
Professor George Irving CBE
Mr Peter Ferguson Q.C.
Miss Frances McMenamin Q.C.

Also Present:

Mr Gerard Sinclair, Chief Executive
Mr Chris Reddick, Director of Corporate Services (minutes)

Section 1: Governance Matters (names deleted)

1.1 Apologies

Mr Bann, Mr McClay and Sir Gerald Gordon Q.C. had submitted their apologies.

1.2 Conflicts of Interest/Declarations of Interest/Gifts & Hospitality

1.2.1 Members were asked to declare any known conflicts of interests or gifts and hospitality.

- Mrs Couper confirmed that she had attended the NCCRC 10th Anniversary event in Oslo on 28 to 30 April 2014 with Mr McClay and Mr Walker.

1.2.2 Mr Bann had previously declared a conflict in one case; Miss McMenamin Q.C. had previously declared a conflict in one case

1.3 Minutes of Board meeting held on 25 April 2014

The Board approved the minutes of the Board meeting held on 25 April 2014. The Board also approved the version of the minutes for the Publication Scheme.

1.4 Matters Arising

There were no matters arising.

1.5 Chairman's Report

Mrs Couper confirmed that Mr Walker had prepared a report on the recent trip to the NCCRC 10th Anniversary Conference in Oslo which would be discussed later. She noted that this had been an excellent event with many topics of mutual interest discussed.

1.6 Chief Executive's Report

1.6.1 Mr Sinclair provided the Board with updates on the following matters:

- Mr Sinclair reported that staff had received interview training from Detective Inspector Lannigan of Police Scotland on 9 May 2014.
- Mr Sinclair reported that he had met with Mr Michael White, a Cambridge Fellowship journalist, on 29 May 2014 to discuss the role of the Commission.
- Mr Sinclair confirmed that Scottish Government had agreed with the Commission's initial proposals to re-grade one of the senior legal officer posts and that he would take this forward with Mr Reddick.

1.6.2 Mr Sinclair confirmed that the draft 2013-14 Annual Report had been included on the agenda and provided a brief outline of issues that would be flagged up including some of the Commission's key statistics for the year. He also confirmed that he planned for more analysis of Commission referrals and High Court decisions to be undertaken on an ongoing basis with the aim of identifying key themes and lessons to be learnt. Mrs Couper agreed that this would be useful, particularly from a reflective perspective in identifying where the Commission had added value and where referrals had given rise to new authorities.

1.6.3 Mr Sinclair provided a full update on outstanding referrals confirming that as at 30 May 2014 a total of 6 were still to be decided by the High Court. He provided an update on procedural and appeal hearing dates.

1.7 SCCRC Appeal Court Decisions

Mr Sinclair referred Members to the recently issued decision in the case of Ashok Kalyanjee which had been circulated for information.

1.8 Correspondence (edited)

1.8.1 Mr Walker provided the Board with an update on further enquiries in one case the Commission had reviewed.

1.8.2 Mrs Couper confirmed that she was undertaking a review of comments in that regard raised by a solicitor advocate and that she would write to him separately on these matters. In addition, she confirmed that Mr Reddick was undertaking a separate review of a complaint lodged by the solicitor advocate in respect of the handling of the further enquiries and that he was due to issue a formal response next week.

Section 2: Management Issues

2.1 Notification by Members of non-case related work

Mrs Couper confirmed that both she and Mr McClay had attended the NCCRC 10th Anniversary Conference in Oslo from 28 to 30 April 2014.

2.2 Training & Development

The following staff training and development had been undertaken since the last meeting of the Board:

- Miss Anderson had attended the SASO Annual Conference on 8 May 2014.
- Staff had attended an internal training event on interview techniques by DI Lannigan on 9 May 2014.
- Mr Fenn and Mrs Govan had given a talk to HMP Dumfries staff and prisoners on the role of the Commission on 20 May 2014.
- Staff had attended an internal training event on Autism and the Scottish criminal justice system led by the Autism Network Scotland on 27 May 2014.

2.3 NCCRC 10th Anniversary Conference

Mr Walker provided the Board with a summary of his paper on the NCCRC 10th Anniversary Conference. In particular, he confirmed that a tripartite meeting, comprising representatives from the NCCRC, the CCRC and the SCCRC, had taken place on 28 April 2014 and that the main topic of conversation had been repeat applications. Mrs Couper also reported that the Commission's stage 1 and stage 2 procedures had been discussed as they were of interest to both the NCCRC and the CCRC given the Commission's success at dealing with increased case volumes within target.

2.4 2014-15 Draft Business Plan

2.4.1 Mr Reddick provided Members with a summary of the draft 2014-15 Business Plan, setting out the key performance messages for 2013-14 and the proposed targets for 2014-15. He also confirmed that the 2014-15 Business Plan Objectives had been drafted with reference to the recently agreed Best Value Action Plan in order to provide for a more co-ordinated approach to objective setting.

2.4.2 After full discussion, the Board approved the 2014-15 Business Plan, subject to minor amendment. Mr Reddick confirmed that this would also be discussed at the next quarterly meeting with Justice Directorate.

2.5 Best Value Review Update

2.5.1 Mr Reddick confirmed that the Board had considered the draft Best Value Review at their meeting on 25 April 2014 when a number of updates had been suggested. He confirmed that these had now been taken forward and invited further comment on the report. Mrs Couper noted that the review was extremely detailed and provided a lot of information for an organisation of the Commission's size and that this should perhaps be reduced in future years.

2.5.2 After further discussion, the Board approved the Best Value Review and Action Plan, subject to minor amendment.

2.6 2013-14 Draft Annual Report & Accounts

- 2.6.1 Mr Reddick circulated draft copies of the Commission's 2013-14 Annual Report & Accounts and provided a brief summary of the intended format and content. With respect to the Annual Report, Mr Reddick asked Members if they could review the content and provide any feedback and amendments over the course of the following week in order to meet print deadlines. Mr Reddick also confirmed that there was currently a section for Research & Development and that he would insert a summary of the 2013-14 internal research on ethnicity.
- 2.6.2 Referring to the draft 2013-14 Annual Accounts, Mr Reddick confirmed that these would be fully considered by the Audit Committee on 5 June 2014, when it was hoped the accounts would be signed. He confirmed that there had been some issues regarding the receipt of completed pension information from the DWP and that this was holding up the production of the Remuneration Report which is subject to audit. Mr Reddick also provided Members with a summary of the new Strategic Report format, confirming that this was now included in the Annual Report as well.

Section 3: Case Matters (edited)

3.1 Monthly Case Summary

Mr Sinclair confirmed that a total of 11 new cases had been received in May 2014 to date.

3.2 Notification of cases where final decisions have been issued since the last meeting of the Board, following the 28 days for submission of further representations expiring:

There was 1 case in this category.

3.3 Notification of decision cases agreed at previous meetings of the Board but not yet issued:

There were no cases in this category.

3.4 Referral press releases issued since last meeting of the Board:

- 14 May 2014 – Craig Boath Referral

3.5 Requests for extensions of time to submit further representations:

There were no cases in this category.

3.6 Want of Insistence Cases:

There were no cases in this category.

3.7 Discussion Cases:

Mr Sinclair confirmed that a paper had been issued to the Board for information in anticipation of the receipt of a further application in one case. Mr Sinclair agreed to keep the Board informed of any further developments.

Section 4: Stage 1 Pre Acceptance Cases (edited)

4.1-4.12 A total of 12 new applications were considered and the following decisions were made:

1 case	Accepted for a review of sentence
2 cases	Continued for 1 month in order to obtain further information
1 case	Rejected: the applicant had not appealed against conviction
1 case	Rejected: the applicant had not appealed against conviction and sentence
3 cases	Rejected: the grounds of review were a repeat of the appeal grounds
1 case	Rejected: there were no new grounds of review.
1 case	Rejected: the applicant had abandoned his appeal and there were no stateable grounds of review.
2 cases	Rejected: it was not in the interests of justice to review the case.

Miss McMenamin Q.C. left the meeting for one case having previously declared a conflict of interest and therefore took no part in its consideration.

Section 5: Proposed Referral Cases

There were no cases in this category.

Section 6: Proposed Interim Cases (edited)

6.1-6 The Board considered 6 statements of reasons. After full discussion it agreed not to refer those cases to the High Court.

Mr Ferguson left the meeting for one case having previously declared a conflict of interest and therefore took no part in its consideration.

Section 7: Proposed Supplementary Cases (edited)

7.1-5 The Board considered 5 supplementary statements of reasons. It agreed that a final refusal letter should be issued in each of those cases.

Section 8: Concluding Matters

8.1 Any Other Competent Business

There was no other competent business.

8.2 Date of Next Meeting

- Board Meeting – 27 June 2014 @ 10:00

Chris Reddick
17 June 2014