

Scottish Criminal Cases
Review Commission

Annual Report and Accounts 2007 > 08

Overview

2007-08:	99	New Applications received
	73	Applications accepted for full review
	98	Applications concluded overall
	68	Cases concluded after full review
1 April 1999 to	75	Cases referred to the High Court
31 March 2008:	53	Cases determined by the High Court
	37	Convictions quashed/sentences reduced
	11	Appeals unsuccessful
	5	Appeals abandoned

Contents



Chairman's Foreword	2
The Commission	4
Case Statistics	5
Making Decisions	12
Administration of the Lockerbie Review	16
Performance	18
The Team	24
The Year Ahead	26
Annual Accounts	28

Scottish Criminal Cases Review Commission

Annual Report and Accounts from 1st April 2007 to 31st March 2008

Chairman's Foreword



The Very Revd Dr Graham Forbes CBE

Introduction

It gives me great pleasure to present the ninth Annual Report of the Scottish Criminal Cases Review Commission, which sets out the work and achievements of the Commission in 2007-08. The Commission's role is to investigate alleged miscarriages of justice. It has the power to refer to the High Court for determination any case in which it believes that there may have been a miscarriage of justice and it is in the interests of justice for such a referral to be made

In June we issued our decision to refer the case of Mr Abdelbaset Ali Mohmed Al Megrahi back to the High Court. This has been the most difficult and complex case we have had to review. The Commission's enquiry team worked tirelessly for over three years. Some of what we discovered may imply innocence; some of what we

discovered may imply guilt. However, such matters are for a court to decide The Commission formed the view. based upon our lengthy investigations, the new evidence we found and other evidence which was not before the trial court, that the applicant may have suffered a miscarriage of justice. The place for that matter to be determined is in the High Court.

Our role in "Lockerbie" is now complete. Our Parliament can be reassured that we carried out our investigations without fear or favour; we travelled where we needed to go, including Malta and Libya; we sought and obtained the documents we believed we needed to reach our decision; the Scottish Government, as did the previous administration, funded us to do what we believed we needed to do. It is a sign of a mature democracy and of our country's commitment to justice

that the State gives the Commission such powers and such access. I gladly pay tribute to the commitment of our Lockerbie team (Senior Legal Officer Robin Johnston, and Legal Officers Andrew Beadsworth, Gordon Newall and Michael Walker, supported by our Chief Executive and administration staff) and to my fellow Board Members who oversaw the investigation from start to finish, scrutinised, challenged, argued and decided.

Not every case may be as complex or as long lasting as Lockerbie, nor have potential national or international ramifications but this case was but one of many cases completed in the course of the year. To each and every case, from the worst terrorist outrage on UK soil to what might seem to others as a minor neighbourhood dispute ending up with someone being found guilty of a breach of the peace, we bring the

same determination to investigate fully and impartially.

Case Outcomes

The Commission concluded a total of 98 cases during the reporting year, which is down on the previous year. This is in part due to the Commission accepting a higher number of cases received for full investigation, 74 % of received applications in 2007-08 compared with 61% in 2006-07. This increase in the rate of cases progressing to full review highlights the success of work undertaken by Commission staff in enhancing the level of knowledge of the Commission and the application process with applicants and their legal representatives.

The overall total of concluded cases since the Commission was established has subsequently risen to 986, 75 of which have resulted in referrals to the High

Court. As at 31 March 2008, the High Court had determined 53 of these cases.

In 37 cases the conviction and/or sentences were quashed or reduced; in 11 cases the High Court refused the appeal; and 5 appeals were abandoned.

The continued high level of case conclusion and referral success highlights the effectiveness and diligence of the review team, both staff and Commission Members. Co-operation from external bodies and key stakeholders is essential in ensuring the expedient review of cases and for such, the Commission is very grateful. The Commission also continues to benefit greatly from its links to other relevant organisations, in particular the Criminal Cases Review Commission and Norwegian Criminal Cases Review Commission.

Case Targets

During the reporting period the Commission successfully achieved the first two of its annual targets. The second two, relating to the average review timescales for sentence-only and conviction cases, were slightly over target, by 0.2 and 0.1 months respectively. The Commission has reviewed in detail the reasons for this small increase in average review times, as highlighted within the Performance Section of this report, and will endeavour both to enhance the case review procedures and to work more closely with stakeholders in order to ensure future achievement of these targets. Our key targets for the year ahead have

been set to reflect anticipated case volumes and resource constraints, as well as the Commission's commitment to continuous improvement and enhancing the level of service to its applicants. To this end, we have increased our first target from 95 % to 100 %, confirming our commitment to continuous improvement.

Our 2008-09 targets are:

- to complete the review of 100% of the cases received before 31 March 2008, so that by the beginning of the 2009-10 reporting year none of the Commission's cases is more than 12 months old.
- to allocate all cases to a Legal Officer for full review within 1 month of the date of acceptance.
- to conclude sentence-only reviews within an average of 4 months from the date of allocation.
- to conclude cases involving a review of conviction within an average of 9 months from the date of allocation.

Commission Staff

It is clear that we are continuing to investigate cases in an efficient and effective manner without sacrificing the thoroughness of our investigations. We are also identifying areas for improvement and ways in which the review process can be enhanced. For the last 3 years, where we accept an application for full review, its investigation begins almost straight away: within an average of 5 days during 2007-08. This achievement is possible only because of the skill and dedication of our team of Legal Officers

and administration staff under the excellent direction of our Chief Executive.

Board Membership

This year has seen the Board say farewell to 4 of its Members. James Mackay, former DCC of Tayside Police, brought to the Commission years of experience as a senior detective and investigator, combined with knowledge of police procedures. Pete Duff, Professor of Criminal Justice at the University of Aberdeen, brought his sharp intellect and challenging guestions to all our cases and discussions. Ruth Anderson Q.C. and Robert Anthony Q.C. were appointed to the shrieval bench: both take with them our congratulations and gratitude for the legal wisdom they brought to our deliberations.

Our new Members bring many gifts to the Board and our work. Professor Brian Caddy is a highly respected Professor of Forensic Science; Stewart Campbell was the Health & Safety Executive Director in Scotland; and Gerard McClay has his own legal practice and was a previous President of the Glasgow Bar Association. Their full biographies and lists of achievement are detailed more fully at pages 24 and 25.

10 Years Old

In the autumn of 1998 the fledgling Commission began to explore how this new body might investigate alleged miscarriages of justice in Scotland. Two of us (Sir Gerald Gordon Q.C. CBE and I) were there at the beginning, and we both will have completed the statutory maximum term of 10 years in December this year. The Commission has been immensely privileged to have had Sir Gerald on its Board, and Scotland and its criminal justice system have been enriched by having someone of his standing and legal pedigree at the Commission.

We may be a relatively young organisation, but with our 10th birthday approaching it is time for us to reflect critically on these 10 years and learn from them. With this in mind, we plan to undertake a research project during the course of 2008-09, which is intended not only to help enhance the Commission's performance, but also to provide the criminal justice system with the benefits of our experience in terms of identifying wider trends which need to be addressed

As in previous years virtually all of what we do would not be possible without the on-going support of those working in criminal justice. I thank them all. I assure Scottish Ministers, our Parliament and the wider public that the Commission will continue to investigate alleged miscarriages of justice impartially, thoroughly, independently and without fear or favour. Our nation deserves nothing less.

Gabon Goldes

The Very Revd Dr **Graham Forbes** CBE Chairman
4 June 2008

SCCRC Annual Report 2007 > 08

The Commission



Background

The Scottish Criminal Cases Review Commission was established as an independent public body in 1999 to review possible 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.

Those convicted of a criminal offence in Scotland can apply to the Commission to have their convictions or sentences reviewed. The Commission has a statutory obligation to provide a statement of reasons for making a referral or for deciding not to refer a case.

The Commission operates under statutory non-disclosure provisions, whereby it is a criminal offence for any Member or staff of the Commission to

disclose information obtained by the Commission in the exercise of any of its functions, except where permitted by statute.

As at 31 March 2008, the Commission was staffed by a Chief Executive, a Director of Corporate Services, 2 Senior Legal Officers, 7 Legal Officers (including 1 vacancy) and 3 Administration Staff

Our Function

The Commission's function is to review and investigate cases where it is alleged that a miscarriage of justice may have occurred and to consider whether or not a case should be referred to the High Court. The Commission aims to ensure that all cases are processed in a timely manner and that cases are investigated fully and consistently.

Reviewing Cases

The Commission's Legal Officers investigate cases under the strategic direction of the Chief Executive and Board Members. The Board of the Commission is responsible for deciding whether or not cases should be referred to the High Court. All applications received by the Commission are initially considered by the Chief Executive before a recommendation is made to the Board on whether or not to accept, reject or continue the case for further information

If accepted for full review, the case is allocated to a Legal Officer and the investigation process commences in accordance with the Commission's documented Case Handling Procedures. The procedures are set out in full on the Commission's website, www.sccrc.org.uk, under the 'Stakeholder Information' section.

Specific Powers

Under this legislation, the Commission has various powers to obtain documents and statements from relevant parties.

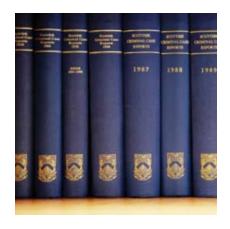
During 2007-08 the Commission did not require to use its powers to apply to the High Court in terms of section 194I (power to obtain documents etc).

During 2007-08 the Commission did not require to use its powers to apply to the sheriff in terms of section 194H (power to request precognition on oath).

The Commission's governing legislation is posted on its website, www.sccrc.org.uk

The Commission

Case Statistics



The Commission has received a total of 986 cases since its establishment in April 1999. As at 31 March 2008, the Commission had completed the review of 939 cases, of which 75 were referred to the High Court.

2007-08 Trends

The Commission continually seeks to identify trends from submitted application forms and cases subject to full review. This is undertaken to enhance both internal procedures and alert stakeholder organisations to any issues that the Commission feels need addressed elsewhere in the criminal justice system.

During 2006-07 the Commission noted a decrease in the number of applications from female applicants and it was agreed that a visit should be made to Cornton Vale prison in order to enhance awareness of

the Commission amongst female prisoners. The number of female applicants rose from 1.9 % in 2006-07 to 5.1 % in 2007-08.

During 2006-07 the Commission also undertook to review the ethnicity of applicants in order to ensure ongoing compliance with equality legislation and good practice. The review of applications received in 2007-08 identified that 25% of applicants did not complete the standard equal opportunities monitoring form which is issued with their application form. In addition, not all of the equalities questions were answered on the returned forms, making the production and analysis of statistics less meaningful. The Commission recognises that the supply of this information is voluntary; however, as part of the review of the Commission's application form in 2008-09, specific

attention will be given both to the equal opportunities monitoring form and the appropriateness of the non English languages made available to applicants by the Commission. Given that the Commission received 99 applications during the year, the low return rate greatly impacts on the ability to produce and analyse meaningful statistics.

Forensic Evidence

In its review of cases the Commission has become increasingly aware of the role played by the application of scientific methods to the investigation of crime. In particular the impact of DNA analyses on biological material often recovered from clothing but also from other matrices and surfaces has had a profound affect on the investigation of crime and the identification of the person(s) responsible through searches of the

national DNA database. Clearly DNA analysis has become a powerful tool in any investigation and along with fingerprint analyses often directs an investigation. For the Commission problems can arise when a reasonable explanation is advanced for the presence of biological material, usually found on clothing, which has been identified by DNA and there is no additional supportive forensic science evidence. For example, this can be the case where contact evidence such as fibre transfer, would be of value in establishing contact between two persons involved in a particular activity. Because DNA evidence is so powerful there seems to be an increasing reluctance, in some cases, for other forensic science processes to be implemented. There may be many reasons for this including the time and cost of such processes. The Commission would however

identified within the statistics produced by the Commission over the last few years has been the high number of applications which cite "defective representation" as the main ground of review (19.27 % of all applications received from 1 April 1999 to 31 March 2008), compared with the small number of cases which are actually referred by the Commission on that ground (5 % of the referred applications over the same period). Any appeal based upon defective representation is commonly known as an "Anderson Appeal", after the leading case of Anderson v HMA 1996 SCCR 114

The main reason for this apparent disparity is the exacting test applied by the High Court in considering whether the conduct of solicitors or counsel falls to be considered as "defective representation".

In the case of Anderson v HMA and subsequent decisions the High Court has made it clear that to succeed in an appeal based on allegations of defective representation, it must be established that the conduct of the defence resulted in a miscarriage of justice. That can be said to have occurred only if the appellant's

defence was not properly presented to the court, because counsel disregarded his instructions or because of other conduct which resulted in him being denied a fair trail. An Anderson ground cannot rest upon a criticism of tactical decisions reasonably and responsibly made by trial counsel. These are matters considered to be within the scope of counsel's legitimate judgment. An appeal will not be successful if all that is alleaed is that the defence would have had better prospects of success if the defending counsel had pursued a certain line of evidence or argument, or pursued a different strategy (Ditta v HMA 2002 SCCR 891).

This position was recently re-affirmed in the case of Grant v HMA 2006 SCCR 365, where the High Court also stated that any such allegations of defective representation should not be based merely upon the speculation or criticisms of the appellant himself of any decisions which are prima facie within the legitimate scope of counsel's discretion. In Grant, the High Court outlined the proper basis for establishing the ground of defective representation in any proposed appeal, being:-

- by setting out a prima facie case, that on the information available to trial counsel the defence was not put before the court, resulting in a miscarriage of justice;
- by specifying the allegations on all material points; and

 by providing objective support for the allegations.

Accordingly, in addressing any claim of defective representation, the Commission applies the following principles, derived from the previous decisions of the High Court:

- The conduct of an accused's defence can be said to amount to a miscarriage of justice only where it has deprived him of a fair trial (Anderson v HMA 1996 SCCR 114; E v HMA 2002 SCCR 341; Jeffrey v HMA 2002 SCCR 822).
- A fair trial is denied to an accused where his defence was not presented at all (Anderson v HMA; McIntyre v HMA 1998 SCCR 379) or was not presented properly (E v HMA; McBrearty v HMA 2004 SCCR 337; Grant v HMA 2006 SCCR 365); a fair trial may also be denied where counsel's exercise of discretion in conducting an accused's defence was "contrary to the promptings of good reason and sense" (McIntyre v HMA).
- The accused's right to a fair trial should not be viewed as involving a right to a retrial simply because things might have been done differently by counsel: there can be no miscarriage of justice if counsel conducts the defence within the instructions given to him according to his own professional judgment as to what is in the best interests of his client (Anderson v HMA; Grant v HMA); and there can be no

miscarriage of justice where all that is suggested is that with the benefit of hindsight it can been seen that the defence could have been stronger or that better judgments could have been made on tactical matters (Ditta v HMA 2002 SCCR 891).

In the vast majority of applications received by the Commission which cite "defective representation" as the main ground of review, the applicant fails to set out any proper basis for establishing that ground and/or the Commission establishes no such basis following its own enquiries. Applicants also frequently refer to matters such as the short time spent with legal representatives before trial; or the "failure" of legal representatives to ask certain questions which the applicant would have liked to have asked but which would have had no real bearing on his defence; or to challenge certain witnesses more forcibly in crossexamination. Such matters do not normally, in the view of the Commission. meet the required test for defective representation as outlined above.

If an applicant (or his or her representatives) wishes to persuade the Commission of the merits of a proposed referral based upon defective representation he or she must identify how the application meets the tests set out in the various cases discussed in this section.

Table 1 – shows a simple comparison between the Commission's last five reporting years, as at the end of each reporting year, including cumulative figures to 31 March 2003.

Table 2 – provides more detailed information on case statistics for 2007-08.



Table 1 (as at 31 March each year)

	Cumulative to 31 March 2003	2003-04	2004-05	2005-06	2006-07	2007-08	Cumulative Total
Cases received	403	98	118	165	103	99	986
Cases under consideration	n/a	59	58	71	44	47	n/a
Cases awaiting review	n/a	19	0	13	1	0	n/a
Cases concluded	280	140	130	146	145	98	939

Table 2 Case Statistics 1 April 2007 to 31 March 2008

	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Totals
Cases received at Commission	5	13	13	10	9	8	8	8	4	5	10	6	99
Cases allocated to Legal Officers	4	9	7	9	7	7	4	7	2	5	6	6	
Cases with Legal Officers (cumulative)	42	44	46	50	52	50	49	42	43	42	42	47	-
Cases in backlog at month end (less allocations)	0	0	0	0	0	0	0	0	0	0	0	0	-
Referrals agreed	0	1	1	1	1	2	1	0	0	1	0	0	8
Interim decisions not to refer agreed	6	6	4	4	4	6	4	13	1	5	6	1	60
Cases concluded after full Legal Officer review	6	7	5	5	5	8	5	13	1	6	6	1	68
Cases closed for want of insistence	0	0	0	0	0	1	0	0	0	0	1	0	2
Cases closed – appeal outstanding	1	0	0	0	0	0	2	0	0	0	0	0	3
Cases closed — applicant has not appealed	0	2	0	2	0	0	1	2	0	0	2	0	9
Cases closed — no investigation by Legal Officer required	0	0	0	0	0	0	2	0	0	0	0	0	2
Cases closed – no stateable grounds for review	0	2	1	1	1	2	1	1	1	1	1	1	13
Cases closed – incompetent application	0	0	0	1	0	0	0	0	0	0	0	0	0
Total Cases Concluded	7	12	6	8	6	11	11	16	2	7	10	2	98

^{*} There were no Board meetings held in the Month of December 2007.

Case Type Statistics

Over the past 3 reporting years the Commission has produced comparative statistics on the following:

- Split between Solemn and Summary cases received
- Split between Conviction and Sentence-only cases received
- Breakdown of offences committed by applicants
- Breakdown of main grounds of review of conviction lodged by applicants

This approach has been continued during 2007-08 with the comparative data set out in detail below.

Table 3 – shows the comparison of solemn/summary and conviction/ sentence-only cases received by the Commission over the past 5 reporting years.

Table 4 – provides information on the nature of offences committed by applicants. The top 14 categories of offence are separately detailed with the remainder of offences classified as 'other' **Table 5** – provides information on the main grounds of review of conviction lodged by applicants. The top 10 grounds of review are separately detailed with the remainder of grounds classified as 'other.' A total of 38 applications have also been received with no grounds of review and these are not included in the table.

Table 6 – provides information on the grounds upon which the Commission has referred cases to the High Court.

Table 3 All cases received from 1 April 2003 to 31 March 2008

	2003-04	2004-05	2005-06	2006-07	2007-08	Cumulative 1 April 1999 to 31 March 2008
Solemn	80 %	83%	83 %	78 %	86 %	82 %
Summary	20 %	17%	17 %	22 %	14%	18%
Sentence-only review	15 %	31%	26 %	21 %	26%	22%
Review involving conviction	85 %	69 %	74%	79 %	74%	78%

Table 4 Nature of principal offence committed by applicants (applications received from 1 April 1999 to 31 March 2008)

Principal Offence	Number of Cases	%
Murder	205	20.79 %
Rape	113	11.46 %
Drug Related Offences	98	9.94%
Attempted Murder	45	4.56 %
Breach of the Peace	39	3.96 %
Road Traffic Offences	25	2.54%
Robbery	26	2.64 %
Theft	19	1.93 %
Culpable Homicide	14	1.42 %
Other Assault	79	8.01 %
Sexual Offences other than Rape	143	14.50%
Other Crimes of Dishonesty	21	2.12 %
Aggravated Assault	70	7.09 %
Other Statutory Offences	67	6.79 %
Other	17	1.72 %
	981	0.99 %

Please note that a further five applications (0.51 %) have been recorded as unknown as no grounds were ever noted.

Table 5 Main ground of review lodged by applicants (applications received from 1 April 1999 to 31 March 2008)

Main Ground of Review	Number of Cases	%
Defective Representation	190	19.27 %
Excessive Sentence	146	14.81%
Credibility or Reliability of Evidence	106	10.75 %
New Evidence	98	9.94%
Unfair Trial	93	9.43 %
Misdirection by Trial Judge	44	4.46 %
Police Misconduct/Wrong Procedure	27	2.74%
Perjury	25	2.54 %
Credability or Reliability of Witness	22	2.23 %
Lack of Corroboration	20	2.03 %
Wrong Sentence Imposed	20	2.03 %
Other	195	19.77 %

Table 6 Main grounds of referral in conviction cases (for cases referred from 1 April 1999 to 31 March 2008)

Ground of Referral	Number of Cases	%
New Evidence	17	40 %
Change in the Law	3	7 %
Defective Representation	2	5 %
Reasonable Doubt as to the Applicant's Guilt	2	5 %
Multiple referral grounds	8	19 %

The remaining 24% of referral grounds comprised: change of witness testimony, disclosure of evidence, insufficiency of evidence, jury impropriety, misdirection by a trial judge, procedural irregularity, unreasonable verdict and unfair trial.

Making Decisions

The Legislation

Under section 194B of the 1995 Act, the Commission has the power to refer any conviction or sentence passed on a person convicted on indictment or complaint to the High Court whether or not an appeal against the conviction or sentence has been heard and determined by the High Court.

The Commission is however subject to the Human Rights Act 1998 and in particular section 6, which provides that it is unlawful for a public authority to act in a way which is incompatible with a convention right, and accordingly the Commission is conscious that when it exercises any discretion available under the 1995 Act it must act in a way that is compliant with convention rights.

Section 194C of the Act gives the Commission a discretion on whether

to refer a case "... the Commission may refer a case...", and provides the grounds upon which such a reference may be made.

The section provides two tests to be satisfied before the Commission may decide to refer a case, which are:

- a) that a miscarriage of justice may have occurred; and
- b) that it is in the interests of justice that a reference should be made.

Details of these tests and how they are applied can be found on the Commission's website, www.sccrc.org.uk

High Court Referrals

As at 31 March 2008, the Commission had referred a total of 75 cases to the High Court, 53 of which have been determined so far. From 1 April 1999 to 31 March 2008, the overall average time from referral to judgment was 23.5 months.

Of the 53 cases decided, 37 appeals have been granted, 11 appeals have been refused and 5 appeals were abandoned

Referral Rates

Based on the total number of cases concluded by the Commission since 1 April 1999 (939 cases), the overall rate of referral to the High Court is 8%. Of the 75 cases referred, 43 have been in relation to conviction and 32 in relation to sentence-only. The overall rate of referral in relation to conviction cases is 5.8% (based on a total of 741 conviction cases concluded).

During 2007-08 the overall rate of referral was 8.2% (98 cases concluded, of which 8 were referrals). Of the 8 cases referred, 3 were in relation to conviction and 5 were in relation to sentence-only. The rate of referral in relation to conviction cases during 2007-08 was 3.0%.

Case Referral Details

Table 7 – shows a summary of cases referred by the Commission and cases determined by the High Court in each reporting year. The last five reporting years are detailed separately. Cases are not necessarily determined by the High Court in the same year that they are referred by the Commission

Table 8 – provides details of all cases referred by the Commission which have been determined by the High Court during 2007-08. A full breakdown of all cases referred by the Commission and determined by the High Court since 1 April 1999 can be found on the Commission's website, www.sccrc.org.uk This information is broken down by conviction and sentence-only cases, and includes details of appeals which were abandoned Where a written judgment has been issued by the High Court, the appropriate Scottish Court Service link is provided for reference, www.scotcourts.gov.uk

Table 9 – provides details of all cases referred by the Commission during 2007-08 which have yet to be determined by the High Court.

Table 10 – provides a breakdown of both conviction and sentence-only cases referred by the Commission in previous years which have yet to be determined by the High Court at 31 March 2008.

All information relating to referrals can be found on the Commission's website, which is updated on a monthly basis.

Table 7

	Cumulative to 31 March 2003	2003-04	2004-05	2005-06	2006-07	2007-08	Cumulative Total 31 March 2008
Cases referred	29	5	13	10	10	8	75
Cases determined	6	4	11	17	9	6	53

Table 8 Cases determined by the High Court during 2007-08

Conviction Cases: 2 cases

Name:	Raymond Gilmour	Name:	James Smith
Date Referred to Court:	13 July 2001	Date Referred to Court:	31 July 2002
Offence:	Murder	Offence:	Attempted Abduction
Date of Conviction:	7 June 1982	Date of Conviction:	30 September 1998
Appeal Outcome:	Successful	Appeal Outcome:	Appeal abandoned
Date of Appeal Outcome:	30 August 2007	Date of Appeal Outcome:	30 October 2007
Judgment:	http://www.scotcourts.gov.uk/opinions/2007hcjac48.html	Judgment:	n/a

Sentence-only Cases: 4 cases

Name:	John Angus	Name:	William Watson
Date Referred to Court:	26 January 2007	Date Referred to Court:	4 September 2006
Offence:	Possession of offensive weapon & assault	Offence:	Murder
Date of Conviction:	20 November 2005	Date of Conviction:	29 April 1999
Appeal Outcome:	Successful	Appeal Outcome:	Successful
Date of Appeal Outcome:	20 July 2007	Date of Appeal Outcome:	13 September 2007
Judgment:	No written judgment available	Judgment:	No written judgment available

Name: James Mark Robertson

Date Referred to Court: 26 June 2003

Offence: Assault to danger of life

Date of Conviction: 11 March 1997
Appeal Outcome: Appeal abandoned

Name: John Andrew Skidmore

Date Referred to Court: 25 May 2007

Offence: Murder

Date of Conviction: 18 May 1999

Appeal Outcome: Quashed the punishment part

sentence of 13 years imprisonment and substituted a punishment part of 10 years imprisonment to run from 27

January 1999

Date of Appeal Outcome: 25 July 2007 Date of Appeal Outcome: 5 December 2007

Judgment: No written judgment available

Of the 6 cases detailed above as being decided in 2007-08, in 2 cases the appeal was abandoned.

Table 9 Referrals to the High Court in 2007-08

Conviction Cases: 3 cases

Name: Thomas Ross Young Name: David Ballingham

Offence: Murder Offence: Assault

Date of Conviction:25 October 1977Date of Conviction:19 May 2005Date Referred to Court:9 November 2007Date Referred to Court:14 August 2007

Main ground of referral: New evidence Main ground of referral: Unreasonable verdict and failure to

disclose evidence

Name: Abdelbaset Ali Mohmed Al Megrahi

Offence: Murder

Date of Conviction:31 January 2001Date Referred to Court:28 June 2007Main ground of referral:Multiple grounds

Sentence-only Cases: 5 cases

Name: Offence: Date of Conviction:	Brian Logue Murder 1 October 1997
Date Referred to Court: Main ground of referral:	4 February 2008 Excessive sentence
	EXCESSIVE SCITCETICS
Name:	Floyd Docherty
Offence:	Lewd and Libidinous Conduct
Date of Conviction: Date Referred to Court: Main ground of referral:	12 April 2006 4 October 2007 Incompetent sentence
Name:	John Andrew Skidmore
Offence:	Murder
Date of Conviction:	18 May 1999
Date Referred to Court:	25 May 2007
Main ground of referral:	Excessive sentence

Name:	Colin Richard Forsyth Adam
Offence:	Drugs Offences
Date of Conviction:	20 January 2006
Date Referred to Court:	11 October 2007
Main ground of referral:	Excessive sentence
Name:	Jason Alexander Jordan
Offence:	Contravention of section 52 (1)(α) of
	the Civic Government (S) Act 1982
Date of Conviction:	8 February 2006

20 September 2007

Incompetent sentence

$\textbf{Table 10} \ \text{Referrals to be determined by the High Court}$

Referrals in relation to conviction:

Graham Gordon	Referred 30 March 2007
Justin Hay	Referred 13 March 2007
Stuart Hunt	Referred 27 November 2006
Francis O'Donnell	Referred 16 November 2006
Thomas Thomson	Referred 10 October 2006
Alan Falconer	Referred 9 October 2006
Barry Campbell	Referred 3 April 2006
Paul McInnes	Referred 14 September 2005

Richard Coubrough	Referred 1 April 2005
Stephen Maguire	Referred 21 March 2005
Iain Murray	Referred 28 June 2004
Brian Wilson	Referred 28 June 2004
David Swankie	Referred 11 March 2003
George Beattie	Referred 13 July 2001

Referrals in relation to sentence-only:

Date Referred to Court:

Main ground of referral:

			J		
,	Andrew Mc\	William	Referre	d 26 June 2003	

Administration of the Lockerbie Review

Gerard Sinclair Chief Executive

The Case

On 31 January 2001, following a trial at the High Court of Justiciary sitting in the Netherlands, Abdelbaset Ali Mohmed Al Megrahi ("the applicant"), a Libyan national, was convicted by three judges of murdering those who died following the bombing of Pan Am flight 103 over Lockerbie. A co-accused, Al Amin Khalifa Fhimah, also a Libyan, was acquitted. The applicant's appeal against conviction was rejected by the High Court on 14 March 2002.

The Review

The applicant applied to the Commission on 23 September 2003 seeking review of his conviction. The application, which comprised 16 separate volumes of submissions and supporting materials, contained numerous grounds on which it was argued the case should be referred to

the High Court. In February 2004 the Commission allocated the case to an investigative team consisting of Senior Legal Officer Robin Johnston and two Legal Officers, Andrew Beadsworth and Gordon Newall. Another Legal Officer, Michael Walker, was involved in the case on a part time basis.

Throughout 2004 the firm of solicitors representing the applicant at that time lodged with the Commission a further five sets of submissions, the contents of which significantly broadened the scope of the initial application. The Commission also received and considered numerous submissions from other parties. Correspondence was also received from the relatives of some of the victims who enquired mainly as to progress in the investigation.

During its investigation the Commission had access to a wide range of materials including the following:

- the transcript of the evidence and submissions at trial:
- the Crown and defence productions at trial:
- all witness statements obtained by the police during its investigation including an electronic database of over 15.000 such statements:
- copies of all Crown precognitions;
- the correspondence files prepared by the firm of solicitors which acted for the applicant at trial and in his appeal against conviction, and copies of all defence precognitions obtained from witnesses based in the United Kingdom;
- an electronic database consisting of all information held on the case by the firm of solicitors which acted for co-accused at trial

As the custodians of much of the evidence in the case. Dumfries & Galloway Police were the Commission's principal source of additional information, receiving over 200 separate written requests for information from the Commission In addition numerous visits were made to Dumfries police office where members of the enquiry team were given access to material. The Commission's enquiry team was also given access to materials held by the Forensic Explosives Laboratory at Fort Halstead, Kent, which dealt with the forensic examination of items during the police investigation. A substantial amount of information was also obtained from other agencies including Crown Office and the Security Service.

The Commission's enquiries were wide-ranging and took place in the United Kingdom, Malta, Libya and

Italy from 2004 onwards. As well as examining the information provided to it, the Commission interviewed a further 45 witnesses, including the applicant and his former co-accused, Mr Fhimah. Many of the interviews were conducted over several days and a number of the witnesses required to be seen on more than one occasion. Enquiries in Malta and Italy also involved the recovery of official records from various bodies

As the Commission's statutory powers do not extend beyond Scotland, difficulties were encountered where witnesses living in other countries declined to be interviewed. In the majority of cases these difficulties were resolved through discussions with the individuals concerned. but in respect of several witnesses living in Malta this was not possible. Accordingly at an early stage of the review an approach was made to the Attorney General of Malta to establish whether the Commission could make use of the provisions of Maltese law to obtain statements from the witnesses concerned. The Commission was advised by the Attorney General that in order to do so a written agreement between the United Kingdom and Malta would be required. Following a meeting with the Foreign and Commonwealth Office ("FCO"), in July 2005 the Commission drafted such a agreement. After lengthy negotiations involving the Commission, the FCO and the Attorney General the agreement was

signed by the United Kingdom and Maltese authorities in June 2006. The witnesses in question were interviewed by the Commission's enquiry team in August of that year.

The Outcome

The Commission referred the applicant's case to the High Court on 28 June 2007. The reference was based on six grounds mainly relating to evidence which, for one reason or another, was not heard at trial and which indicated that a miscarriage of justice may have occurred. Of the six grounds of reference, four were the result of the Commission's own enquiries rather than the submissions made on behalf of the applicant. The applicant's appeal against conviction is ongoing.

The Cost

The total cost of reviewing the case was £1,195,827, broken down annually as follows:

Year	Cost
2003-04	£41,000
2004-05	€274,892
2005-06	£361,562
2006-07	£369,785
2007-08	€148,588
Total	£1,195,827

As the Chairman identified in his introduction to the annual report, the review of this case has been the most difficult and complex in the Commission's relatively short history, raising a number of unique and novel

problems and challenges which the Commission had to address during an exhaustive review, some of which are detailed above. It is a credit to the small number of people who worked so diligently on this case that we were able to navigate our way through the many challenges, and issue such a comprehensive decision, and I add my own personal thanks and appreciation to all of them.

Gerard Sinclair
Chief Executive

Performance

The Commission's broad aims, as set by the Scottish Ministers, are:

- to ensure that all cases are dealt with efficiently and expeditiously;
- to deliver its services in ways appropriate to stakeholders' needs;
- to promote public understanding of the Commission's role; and
- to enhance public confidence in the ability of the Scottish criminal justice system to cure miscarriages of justice.

The Commission has set specific objectives and targets to meet the broad aims which are set out in the Corporate Plan which covers the period from 1 April 2007 to 31 March 2010. The Corporate Plan is reviewed annually and updates agreed in relation to key targets and annual budgetary allocations.

Within this section of the annual report, performance against the Commission's key targets and achievements in relation to our core aims is summarised.

Efficient and Expeditious Review of Cases

Table 11 Key Targets

Target	Outcome	Performance
(i) to complete the review of 95% of the cases received before 31 March 2007, so that by the beginning of the 2008-09 reporting year no more than 5% or 5 of the Commission's cases are more than 12 months old.	Achieved	2 cases more than 12 months old
(ii) to allocate all cases to a Legal Officer for full review within 1 month of the date of acceptance.	Achieved	5 day average
(iii) to conclude sentence-only reviews within an average of 4 months of the date of allocation.	Not Achieved	4.2 month average
(iv) to conclude cases involving a review of conviction within an average of 9 months of the date of allocation.	Not Achieved	9.1 month average*

^{*}The average figures do not include the case of Abdelbaset Ali Mohamed Al Megrahi, which took 40.9 months to conclude.

This year the Commission was slightly over target with regard to the review timescales for both sentence and conviction reviews. Ironically, one of the factors for this has been the improved timescales in allocating cases, which was reduced from 12

days to 5 days this year. It is likely that had this reduction not taken place, the extra time available in that category would have allowed all targets to be met. Notwithstanding this, whilst the additional time involved may be only a matter of days, the Commission

remains conscious at all times of the importance of dealing with the review of cases as expeditiously as circumstances allow, and has sought to identify the main reasons why these targets weren't met this year. In 2007-08, there were a small number of more complex cases dealt with by the Commission which took longer to review, and this fact, coupled with the reduction in number of applications received during the year, did have an impact on the overall average.

However, the Commission identified that one of the main reasons why cases were not being completed within target was due to delays in recovering papers from third parties involved in the review, and in particular Crown Office. The Commission and Crown Office have a working protocol which requires Crown Office to provide the Commission with papers requested within a time period of 3 weeks up to a maximum time of 6 weeks, depending on the location of the papers. The Commission reviewed the response times taken by Crown Office in respect of all of the cases accepted by the Commission during 2007. The average time taken by Crown Office to provide papers to the Commission was 11 weeks. Had the papers been provided within the agreed timescales of 3-6 weeks the Commission would have been able to achieve its target for review timescales. The Commission highlighted this ongoing issue in correspondence with Crown Office during the year, and the Chief Executive of the Commission met with the Crown Agent on the 28 February 2008 to resolve the difficulties occasioned by these delays. It is hoped that the new arrangements which have been implemented as a result of this meeting will allow the Commission to meet all of its targets in the coming year.

Delivering Services for Stakeholders' Needs

The Commission recognises its stakeholders as:

- Applicants and potential applicants
- Applicants' representatives
- The High Court
- The Scottish criminal justice system and agencies within it
- Scottish Ministers and the Scottish Government
- The Scottish Parliament
- Commission Members and Staff
- Members of the public

The Commission continues to operate with a strong stakeholder focus, with an emphasis on meeting stakeholders' needs through excellence in service provision. Throughout the course of 2007-08 all outstanding suggested actions from the Commission's Charter Mark re-assessment in April 2006 were addressed The Commission's current Charter Mark award expired at the end of 2007-08. As detailed later in the annual report, the decision was taken to seek further accreditation under the existing scheme, whilst at the same time identifying additional areas for improvement within the new Customer Service Standard, the award which will eventually replace Charter Mark.

Service Level Standards

The service levels that applicants and their representatives can expect from the Commission are set out within the documented service standards, which cover all aspects of the Commission's interaction with applicants and their representatives throughout the case review process. The Commission actively encourages feedback from applicants and their representatives in order to ascertain whether the level of service is appropriate and if it can be improved. All new applicants are issued with a copy of the Commission's Service Standards Leaflet which sets out the level of service which can be expected. Upon conclusion of every full review, a questionnaire is issued to the applicant and their legal representative. The results of returned questionnaires are reviewed on an ongoing basis with updates to the service level figures made on a quarterly basis. These updates are posted on the Commission's website and are issued with subsequent auestionnaires. Table 12 details the results from this process as at 31 March 2008, and compares these to the previous 3 reporting years.

During the course of 2007-08 a total of 32 completed questionnaires were received from applicants and their representatives. In previous years the Commission reported the response rate collectively across applicants and their representatives. In order to enhance the Commission's reporting arrangements and identify ways of improving response rates and levels of feedback, these statistics have been separated for 2007-08. Of the 68 cases completed after full review, where satisfaction questionnaires were issued, a response was received from 28% of applicants and 20% of legal representatives.

The Commission analyses closely the results of these questionnaires and additional comments made by respondents which can be used to improve the overall service provided. A sample of comments received during 2007-08 is detailed below:

"The service was very good but the words you use may make people think positively about getting time off."

"The service is very efficient and doesn't need any improvements."

"Overall I was very impressed with the level of service and the very prompt handling of the referral."

"Make awareness of the Commission's existence more widespread – I only heard about them through total chance"

"Communicate with applicants more."

"I would have thought that someone would have come to see me."

"I am very happy with the service I received from you."

"I expected a visit from your office in July 2006 and had no personal contact until a video link in December – a prison officer was present which I found alien."

The comments made in 2007-08 have shown less of a pattern than those in previous years, although some applicants still commented that they did not receive any or enough face to face contact. The Commission has produced a new Information Pack, which more clearly sets out what applicants should expect from the Commission during the course of a review, including levels and types of contact. The other feedback received is also useful in targeting future Commission awareness talks and staff training in relation to customer service and equalities etc.

The overall ratings continue to be encouraging, particularly as applicants return a higher number of questionnaires to the Commission than their legal representatives. In future, the Commission will investigate issuing legal representative questionnaires electronically to encourage greater response.

Table 12 Performance against Service Standards

Standard	2004-05	2005-06	2006-07	2007-08
A. Review Time	2	2	2	2
B. Application form, layout & clarity	2	2	2	2
C. Frequency of progress letters	2	2	2	2
D. Time to respond to letters	1	2	2	2
E. Time to answer telephone calls	2	2	2	2
F. Time to see people on visit to office	1	1	1	2
G. Levels of reliability & punctuality	1	2	2	2
H. Levels of courtesy & respect	1	2	2	1
I. Levels of fairness & sensitivity	2	2	2	2
J. Views on service standards	2	2	2	2

Scale: 1 – Very Good, 2 – Good, 3 – Average, 4 - Poor

User Group Forum

The Commission continues to obtain feedback from stakeholders through the User Group Forum, which last met in February 2008. During the course of the year a number of new Members were invited onto the group in order to make it more representative and provide the Commission with further sources of feedback. The User Group Forum now comprises representatives from the Commission, Justiciary Office, Strathclyde Police, HMP Shotts, Private Practice, Miscarriage of Justice Organisation (MOJO), Frazer Consulting — Private Equalities Practice, Scottish Legal Aid Board (SLAB) and Scottish Government's Criminal Justice Directorate (CJD).

At the last meeting of the group, topics under consideration included:

- Commission's Application Pack and Information Leaflets
- Service Level Standards
- Charter Mark
- Annual Reporting 2007-08
- Key Targets 2008-09

At the meeting the group also considered ways of enhancing the ways in which they could interact with the Commission and provide feedback on a variety of issues that impact on stakeholders. It was agreed that the Commission would investigate virtual meetings, i.e. using video conferencing or web based technologies, and creating a Member's private forum board, where comments can be posted via the website.

Complaints Procedure

One formal complaint was received by the Commission during 2007-08. This was the first formal complaint received by the Commission in over three years. In this instance the Commission's Complaints Procedure was followed and a review of the complaint undertaken within the designated timescales. A response was issued to the complainer in accordance with the approved procedure. No subsequent response was received from the complainer which resulted in the complaint being classified as satisfactorily addressed.

Promoting Public Understanding of the Commission's Role

One of the Commission's broad aims is to promote public understanding of its role. This is an ongoing task and during the course of 2007-08 the following activities have been undertaken:

- Talk and presentations to Edinburgh and Dundee University Law Schools;
- Meeting with the Scottish Prison Service to update and agree working protocols;
- Meeting with Scottish
 Government's Press Department to
 discuss ways of promoting public
 understanding of the Commission's
 role and enhancing the format of
 the Commission's press releases;
- Talk and presentation to the Faculty of Advocates;
- Meeting with Strathclyde Police to review Freedom of Information procedures;
- Meetings with Crown Office to discuss and agree working protocols;
- Ongoing presentations to Scottish Prisons by Legal Officers on the role of the Commission;
- Talk and presentation to Central Law Training on the role of the Commission.

Freedom of Information

The Commission has in place a Publication Scheme, which was established in January 2005 in accordance with Freedom of Information legislation. During the course of the year the Commission received a total of five requests for information under the Freedom of Information (S) Act 2002.

All requests were dealt with and completed within set timescales. This has been facilitated by the use of a separate module within the Commission's electronic case management system, specifically used for logging and tracking FOI requests. This approach ensures that all requests are closely monitored and handled within the required timescales.

Full details of the Commission's Publication Scheme can be found on the website, www.sccrc.org.uk

Enhance Public Confidence in the Scottish Criminal Justice System to cure Miscarriages of Justice

The Commission believes that achieving its objectives and targets, and ensuring that all cases are reviewed thoroughly and expeditiously, will enhance public confidence in the Scottish criminal justice system to rectify miscarriages of justice. The Commission is firmly of the view that its independence from Government and the prosecution service is of paramount importance in enhancing public confidence. The Commission will continue to maintain total independence in its investigation and review of cases.

The Commission has continued to work conscientiously to ensure the integrity, impartiality, objectivity and independence of its work.

The Commission has in place a documented Disclosure Policy, which is available on the website. In all cases subject to a full review, the Commission produces a detailed statement of reasons, which is issued to the applicant and his legal representative. Where the Commission refers a case, a copy of the statement of reasons is provided to the High Court and the Crown Office. In addition, the Commission will also issue a brief press release for all referred cases, and lists the referrals on the Commission's website.

Performance Indicators

The agreed performance indicators for the Commission are:

- Number of cases concluded each vear.
- Unit cost per concluded case calculation of total expenditure divided by number of concluded cases.
- Average time taken from date of receipt to date of conclusion of a case.
- Number of formal complaints against the Commission, Members and staff
- Percentage of successful appeals following referral.
- Number of cases where the Board's interim decision not to refer a case is changed due to issues being

- identified which the Commission missed or misinterpreted during its initial review.
- Number of cases subject to judicial review.

Table 13 – shows the performance indicator results over the past 5 reporting years.

The average time taken from the date of acceptance to the date of conclusion increased marginally in 2007-08 to 7.8 months. The main. reasons for the increase in average review times include the review of a number of particularly complex and time consuming cases during the period, which resulted in these cases being over target and the overall average time increasing. The Commission has also identified a bottleneck in the review process relating to the length of time taken from the date of request to the date of receipt of case papers from Crown Office. The impact of this delay is a shortening of the review period within the Commission if the target review dates are to be met. Clearly, the Commission continues to review each case in a thorough and professional manner, which in turn will result in cases running over target. This point is dealt with separately within the annual report, although it is hoped that this issue can be resolved through the agreement of more effective working protocols with Crown Office in the future

The unit cost per concluded case also increased in 2007-08. This is primarily a result of the reduction in received cases from the previous year and the subsequent impact on the average figure as well as an extensive capital programme undertaken by the Commission during 2007-08, the costs of which are included within the unit cost figure. The main areas of capital expenditure were in relation to the office refurbishment, required under the terms of the lease, and the investment in the Commission's IT systems and hardware, which will promote efficiencies in future years.

Table 13 – Performance Indicators

	2003-04	2004-05	2005-06	2006-07	2007-08
Number of concluded cases	140	130	146	145	98
Unit cost per concluded case	*£5,950	*£6,877	*£5,649	*£6,213	*£9,813
Average time taken from date of acceptance to date of conclusion	14 mths	11 mths	7 mths	7 mths	7.8 mths
Number of formal complaints received	1	0	0	0	1
Successful appeals following referral	5 referrals	13 referrals	10 referrals	10 referrals	8 referrals
	3 granted	4 granted	15 granted	8 granted	4 granted
	2 refused	6 refused	2 abandoned	1 refused	2 abandoned
		1 abandoned			
Cumulative % referral success rate					70 %
Number of cases where interim decision not to refer is changed to a decision to refer	0	1	1	0	0
Number of cases subject to judicial review	0	0	1	0	2

^{*} These figures do not include the costs to the Commission of reviewing the case of Mr Abdelbasset Ali Mohamed Al Megrahi. Inclusion of the costs of reviewing this unique case would distort the overall unit cost figures and would not produce a fair comparison. The total costs associated with the review of this case are set out on page 17. During 2007-08, the expenditure on this case amounted to £148,588, which in the main related to accommodation, investigation and staff costs.

The Team

The achievement of the Commission's organisational goals and objectives is largely dependent on the dedication, experience and integrity of its staff and Members. Although bound by Scottish Government Pay Policy guidance with regard to remuneration, the Commission endeavours to recognise the commitment of staff and Members through other reward mechanisms, such as its favourable terms and conditions of employment, training and development opportunities and flexible working arrangements.

Board Members

The Commission currently operates with seven Members, one of whom is the Chair, appointed by Royal Warrant on the advice of the Scottish Ministers. Board Members appointments are made in line with the Code of Practice issued by the Commissioner for Public Appointments in Scotland.

The Chair of the Commission is the Very Reverend Dr Graham Forbes CBE, Provost of St Mary's Cathedral, Edinburgh. Board Membership currently comprises: Sir Gerald Gordon Q.C. CBE; Mr David Belfall; Mr Graham Bell Q.C.; Professor Brian Caddy; Mr Stewart Campbell, and Mr Gerard McClay.

In July 2007 both Sheriff Anderson Q.C. and Professor Peter Duff resigned their positions as a result of other competing commitments. In January 2008 Mr Robert Anthony Q.C. resigned his position following his appointment as a full time sheriff.

Three new Members were appointed on 1 July 2007. A short biography for each of these appointees is detailed below:

Professor Brian Caddy



Professor Caddy took a degree in chemistry from Sheffield University in 1960 and a PhD in 1963 before taking up an MRC Fellowship at Strathclyde University. He was appointed lecturer in forensic science in 1966 and eventually became Professor of Forensic Science in 1993 He was a founder member of the European Network of Forensic Science Institutes and the European Academy of Forensic Sciences, was President of the Forensic Science Society, editor of its journal "Science and Justice" a member of the executive committee and now external verifier for the Council for the Registration of Forensic Practitioners.

Professor Caddy has lectured on various aspects of forensic sciences all over the world. He has also undertaken reports for the Home Secretary in relation to Laboratory contamination and also the Damilola Taylor case. His research interests extend from toxicology and drugs of abuse to firearms discharge residues and trace explosives analysis. A main interest is in raising and maintaining standards in forensic science practice, arising from his investigations into the "Birmingham 6" and other high profile bombing cases.

Mr Stewart Campbell



Stewart Campbell was the Health & Safety Executive (HSE) Director, Scotland, based in Edinburgh, until he retired on 8 April 2008. He continues to work for HSE on two projects. He was an HSE inspector for almost 35 years and worked in Aberdeen, Glasgow, London, Bootle and Kent where he was HSE's Principal Inspector during the construction of the Channel Tunnel. He has extensive investigation experience and has prosecuted in both Scotland and England; he has also led on the implementation of a major European Directive. Mr Campbell was awarded a Nuffield and Leverhulme Travelling Fellowship in 1983 and has continued to have a strong interest and involvement in European approaches and comparisons. He is a Trustee of the Psoriasis Association.

Mr Gerard McClay



Mr McClay has been a solicitor in private practice for over 20 years, working solely in criminal court work and having extensive experience of all types of criminal cases. He was an assistant with two firms before being appointed as a partner in 1990. In 1995 he set up his own firm and has worked as a sole practitioner ever since.

Until 2007, Mr McClay was a member of the Glasgow Drug Court Management Team, which deals with offenders with drug problems and tries, through the use of varied treatment orders, to reduce their offending." Mr McClay was a member of the Glasgow Bar Association (GBA) Executive Committee for 7 years, holding the post of President from 2005-2006 and had previously held the posts of Secretary and Vice President. Mr McClay is now an Honorary Member of the Association.

Staffing

At 31 March 2008 the Commission's staff consisted of a Chief Executive. a Director of Corporate Services, 2 Senior Legal Officers, 7 Legal Officers (including 1 vacancy) and 3 Administrative Support Staff. The Commission experienced turnover of 28.5% during 2007-08, with 2 legal officers and an administration assistant resigning from their posts. A further Legal Officer completed his secondment period with the Commission in June 2007. During the course of the year a second Senior Legal Officer was appointed by internal promotion to replace a vacancy that had arisen in 2006-07. The seconded Legal Officer position has not been refilled to date as the Commission reviews its resourcing plans in line with case volumes and other business

The Commission had continued to maintain a high level of business continuity despite the level of turnover, which is in part due to the continued hard work of existing staff, and has benefited from the new appointments.

Training & Development

After its successful Investors in People (IIP) re-accreditation in March 2007, the Commission continues to allocate significant resource and commitment to ongoing staff training and development in recognition of the direct correlation with organisational success. The Commission has in place a formal process for training needs identification and analysis, which is used to focus staff training. Staff are also encouraged to pursue additional training and development throughout the course of their employment with the Commission as a means of enhancing their effectiveness in their current roles and their long term careers. Over the course of 2007-08 a total of 4 staff had completed or were undertaking further education courses.

The Commission's training and development arrangements also extend to Board Members, who are subject to annual appraisal and are included within the training needs assessment process. Over the course of 2007-08 4 Board Members undertook extensive in-house induction training as well as attending 'On Board' training programmes designed for new Board Members. The Commission utilises a number of different training resources including

induction/mentor training, on line training packages, conference and seminar attendance, as well as tailored training events from external facilitators. Over the course of 2007-08 the Commission has introduced a series of regular in-house talks, inviting external speakers to present to staff and Members. To date, these talks have covered areas such as DNA and forensic pathology. A delegation from the Commission also attended the Criminal Cases Review Commission's 10th Anniversary Conference in May 2007, where there was an international list of renowned speakers and delegates in the field of criminal justice and miscarriages of justice.

The Commission is always eager to enhance working practices with its stakeholders. In November 2007 a joint staff training day was organised between the Commission and Strathclyde Police Service in order to provide staff with background information on the operation of both organisations and their points of interaction. This was found to be very helpful for all staff involved and the Commission plans to adopt this approach in future with other stakeholder organisations.

SCCRC Annual Report 2007 > 08

The Year Ahead

Moving into its 10th year of operation, 2008-09 is an opportune milestone for reflection and evaluation in addition to building on the Commission's commitment to continuously improve and enhance its service quality and delivery. The Commission has allocated resources in 2008-09 to undertake a number of projects which will contribute greatly to the achievement of its corporate aims and objectives as well as delivering service improvements. Some of these projects are explored below.

Kev Taraets

In accordance with the Commission's 3-year Corporate Plan, the following key targets have been set for 2007-08:

(i) to complete the review of 100 % of the cases received before 31 March 2008, so that by the beginning of the 2009-10 reporting year none of the

Commission's cases is more than 12 months old.

- (ii) to allocate all cases to a Legal Officer for full review within 1 month of the date of acceptance.
- (iii) to conclude sentence-only reviews within an average of 4 months from the date of allocation.
- (iv) to conclude cases involving a review of conviction within an average of 9 months from the date of allocation

The key targets have been updated from those set in 2007-08 at (i) increasing the target from 95 % to 100 %. The other targets have remained the same as in 2007-08. These targets are still considered challenging particularly as the Commission's reliance on other parties in the review process makes it difficult to reduce review timescales further. This will however be an area for future

development with the Commission investing further resources into the development of enhanced electronic information delivery, which will in turn facilitate greater efficiencies in the case review process. The key targets have been agreed with Criminal Justice Directorate and have been updated within the Commission's Corporate Plan.

Corporate Plan

The Commission has in place a 3-year Corporate Plan which was approved by the Board and the then Scottish Executive Justice Department in January 2007. The Corporate Plan is for the period April 2007 to 31 March 2010 and covers the following main areas in accordance with the Commission's Management Statement & Financial Memorandum, current legislation and good practice:

- Mission
- Key Objectives
- Performance Review
- Performance Strategy
- Factors Affecting Plan
- Performance Indicators
- Financial Estimates
- Summary of Key Targets

The Corporate Plan is reviewed annually and updated to provide a summary of performance during the previous reporting year as well as any updates in agreed targets and financial estimates. The Commission's Corporate Risk Register, which forms part of the Corporate Plan, is also updated on an ongoing basis following formal review by the Audit Committee and the Board. An updated Corporate Plan, detailing the outcomes from 2007-08 as well as future targets and planned developments, is available on the Commission's website www.sccrc.org.uk

Best Value

Following the completion of its second full Best Value Review, based on the latest guidelines and Scottish Executive toolkit, the Commission's Board approved the Best Value Review and Action Plan in April 2007. The Best Value Review and Action Plan is now a standing item on the Commission's Audit Committee agenda and is subject to review by both internal and external audit. Progress reports on the implementation of agreed actions within the Action Plan are subsequently presented to the Board.

Over the course of 2008-09 the Commission will continue to work towards the implementation of agreed best value actions and provide update reports via the Commission's website. Implementation of agreed actions over the coming year will help to ensure that the Commission fully meets the key principles of Best Value.

Charter Mark

The Commission's first period of accreditation by Charter Mark for excellence in public service delivery expired at the end of 2007-08. Following careful consideration, the Commission has decided to seek re-accreditation under the existing Charter Mark scheme and as a result is due to be assessed against the core criteria by an independent assessor in June 2008. The outcome of this assessment should be known by July 2008 and details will be posted on the Commission's website

Over the course of 2008-09 the Commission will also seek to ensure that it complies fully with the additional criteria set within the new Customer Service Standard, which will eventually replace Charter Mark. By doing so the Commission will be in a position to transfer any new accreditation onto the new scheme which further demonstrates its commitment to customer service excellence

Research & Development

During 2008-09 the Commission plans to take forward a research project for the first time since it was established on 1 April 1999. Since its inception, the Commission has received 986 cases, 75 of which have been referred to the High Court on the basis that a miscarriage of justice may have occurred. As a result of the volume of cases received and the subsequent level of investigations undertaken by the Commission it is now possible to carry out some detailed analysis, the outcome of which will not only help to enhance the Commission's internal procedures, but also provide useful and meaningful feedback to the Scottish criminal justice system and its stakeholders. It is hoped that this approach will demonstrate the Commission's commitment to openness and transparency as well as facilitating the achievement of its broad aim to enhance public confidence in the ability of the Scottish criminal justice system to cure miscarriages of justice.

The scope of the research project will be agreed early in 2008-09 and it is anticipated that the results of the project will be available for publication in April 2009 to coincide with the Commission's 10th anniversary. The Commission will also use the initial scoping exercise to identify other possible future research projects which could lead to enhancements both internally within the Commission and with its external stakeholders

Information Technology Developments

Over the past 4 years the Commission has realised significant benefits as a result of its implementation and continued development of internal IT systems such as the electronic case management system. These benefits have led to greater efficiency in the case review process and enhanced the level of procedural compliance and consistency. During 2007-08 the Commission committed capital resources to the upgrade of the internal network, hardware and security systems in order to provide an up to date platform for future development.

Over the course of 2008-09 the Commission will drive forward a number of IT enhancements which will include the upgrade of its current case management system. This exercise will help to streamline the case review process further and facilitate more extensive use of electronic communication and information exchange with key stakeholders. By doing so the Commission hopes to reduce case review timescales further and realise further efficiencies in order to offset the capital investment.

Information Pack

Since the publication of the 2005-06 annual report, the Commission has continued with the roll out if its new corporate identity, which has included the update of the website, completed in 2007-08, and the review and update of a number of the Commission's

publications. An internal review of the Commission's information leaflets for applicants, legal representatives and witnesses has just been completed. As a result, a new information pack has been developed, which has been drafted using the Plain English ethos, and should make the process of dealing with the Commission much more user-friendly. The information packs will come into use early in 2008-09. The Commission will also review and update its application form in 2008-09

Conclusion

As with previous years, the Commission maintains its commitment to continuous improvement in order to meet the challenges of its key targets, objectives and stakeholder expectation. A number of areas have been identified for development and improvement, whilst the commencement of the research project highlights the Commission's wider commitment with regard to the criminal justice system. Achievement of these goals and aims in 2008-09 can be done only with continued hard work and dedication from staff and Members.

Accounts for year ended 31 March 2008

Management Commentary

Introduction

This statement of accounts reports the results of the Scottish Criminal Cases Review Commission (the Commission) for the year 1 April 2007 to 31 March 2008. It has been prepared in accordance with the Accounts Direction given by the Scottish Ministers in accordance with paragraph 9(2) of Schedule 9A to the Criminal Procedure (Scotland) Act 1995.

History of the Commission

Following the recommendation of the Committee on Appeals Criteria and Alleged Miscarriages of Justice in 1996, the then Secretary of State agreed to create a non-departmental public body to review alleged miscarriages of justice in Scotland. The Scottish Criminal Cases Review Commission was created by Section 194A of the Criminal Procedure (Scotland) Act 1995, as inserted by Section 25 of the Crime and Punishment (Scotland) Act 1997. The Commission was established in 1999.

The Act provides that there shall be no fewer than 3 Members. As at 31 March 2008 there were 7 Members serving on the Commission, one of whom is Chairman. All appointments to the Commission are made by Her Majesty The Queen on the recommendation of the Scottish Ministers.

Chairman:

The Very Reverend Dr Graham Forbes, CBE

Board Members: Mr David Belfall

Sir Gerald Gordon Q.C. Mr Graham Bell Q.C. Professor Brian Caddy Mr Gerard McClay Mr Stewart Campbell The Register of Interests for Commission Members can be found on the Commission's website www. sccrc.org.uk and is also available from the Commission.

The Commission currently employs a Chief Executive who is the Accountable Officer, a Director of Corporate Services, 2 Senior Legal Officers, 7 Legal Officers and 3 administrative support staff. The Commission's offices are based in Glasgow.

Principal Activities

The Commission has statutory power to refer solemn and summary cases to the High Court for determination. Its powers of referral arise:

- in relation to conviction, sentence or both:
- even where an appeal has not previously been heard;

- whether or not there has been a petition for the exercise of the Royal Prerogative of mercy;
- where a person charged with the commission of an offence has been found to be insane:
- where a court has found that an accused person who is insane has committed the act or omission as charged;
- even where the person or persons convicted are dead.

If the Commission believes, after proper investigation, (i) that a miscarriage of justice may have occurred, and (ii) that it is in the interests of justice that a reference should be made, it may refer the case to the High Court, where the case will be heard as if it were a normal appeal. The Commission requires to provide a statement containing its reasons for making a referral, or for deciding not to refer a case

The Commission may consider applications by a convicted person personally or by others on his or her behalf. The Commission may refer a case to the High Court even where no application for a reference has been made.

In carrying out its statutory function, the Commission is committed to ensuring that all cases are dealt with efficiently and expeditiously while also ensuring the proper and thorough investigation of each case it receives. The Commission is financed 100 % by Grant-in-Aid from the Scottish Government. The Scottish Ministers are answerable to the Scottish Parliament for the Commission and are responsible for making financial provision to meet the Commission's needs.

Performance

Details of the Commission's performance against its key targets during the reporting year are detailed in the Performance Section of the Annual Report. The key targets for 2008-09, as agreed with the Criminal Justice Directorate are set out in the Year Ahead Section of the Annual Report.

In summary, 2007-08 performance against key targets was as follows:

- To complete the review of 95% of the cases received before 31 March 2007, so that by the beginning of the 2008-09 reporting year no more than 5% or 5 of the Commission's cases is more than 12 months old. Achieved 2 cases more than twelve months old.
- To allocate all cases to Legal Officers for review within 1 month of the date of acceptance.

 Achieved 5 day average.
- To conclude sentence-only reviews within an average of 4 months from the date of allocation.
 Not Achieved – 4.2 month average

 To conclude cases involving a review of conviction within an average of 9 months from the date of allocation.
 Not Achieved – 9.1 month average

This year the Commission was slightly over target with regard to the review timescales for both sentence and conviction reviews. Whilst these targets are challenging, and the additional time involved may be only a matter of days, the Commission remains conscious at all times of the importance of dealing with the review of cases as expeditiously as circumstances allow, and has sought to identify the main reasons why these targets weren't met this year. This issue is detailed more fully within the Performance Section of the Annual Report.

Future Developments

The 2007-08 Annual Report includes a section on The Year Ahead, which sets out in detail the Commission's future plans regarding targets, performance and continuous improvement. The key targets for the year ahead are:

- To complete the review of 100% of the cases received before 31 March 2008, so that by the beginning of the 2009-10 reporting year none of the Commission's cases is more than 12 months old
- To allocate all cases to a Legal Officer for full review within 1 month of the date of acceptance.

- To conclude sentence-only reviews within an average of 4 months from the date of allocation.
- To conclude cases involving a review of conviction within an average of 9 months from the date of allocation.

These targets have been agreed with the Criminal Justice Directorate and reflect anticipated case volumes in 2008-09 and other factors which impact on the case review process such as the Commission's reliance on 3rd parties for the timely supply of requested case related documentation.

This section of the Annual Report also looks at key issues arising over the course of 2008-09.

Environmental Matters

In accordance with existing guidance and legislation on environmental and sustainability issues, the Commission has in place a detailed Environmental Policy which will be subject to full review and update during 2008-09. The following specific activities have been taken forward during 2007-08 in accordance with the Commission's Environmental Action Plan, as coordinated by the Environmental Officer:

 Quarterly walkabouts to monitor staff compliance with energy usage guidance. Details of these inspections have been reported to the Chief Executive and Director of Corporate Services as part of the quarterly H&S/ environmental meetings.

- Usage of electricity and paper, and the production of waste are monitored quarterly to identify and implement appropriate methods of reducing these levels. New performance measures have been put in place in order to monitor usage more closely and help identify areas for improvement.
- Staff travel on Commission business continues to be an area of particular focus where the use of video conferencing has had a positive effect on reducing both costs and environmental impact. Travel methods are also continuously reviewed in order to meet environmental good practice.
- The use of email and electronic document delivery continues to be encouraged in order to reduce the level of paper usage both internally and within stakeholder organisations. This has been facilitated further by the upgrade to the Commission's IT/email systems.
- New recycling contracts have been put in place, which cover confidential waste, paper, cardboard, plastic, cans, glass, batteries and toner cartridges.

The Commission will continue to observe its responsibilities with regard to environmental issues and actively seek to operate in a more efficient and environmentally aware manner.

Financial Results

In accordance with Schedule 9A, paragraph 9(1)(b) to the Act, the Commission's statement of accounts covers the period 1 April 2007 to 31 March 2008. The Commission's statement of accounts is prepared in accordance with the Accounts Direction issued to the Commission by the Scottish Ministers.

The accounts for the year ended 31 March 2008 are set out in pages 37 to 38. The Notes to the Accounts on pages 39 to 42 form part of the accounts.

All expenditure during 2007-08 was within agreed budgetary provision. The Commission's budget for 2007-08 was set at 1.293.486 at the start of the year. This represents a small decrease on the 2006-07 budget of £1,300,000. The reduction in budget was a result of the Commission entering the final stages of its review of the case of Abdelbaset Ali Mohmed Al Megrahi and the subsequent impact on expenditure. Operating expenditure for the year was £1,110,965. The difference between revenue budget and expenditure was in the main due to a reduced level of expenditure in relation to staff costs, legal costs and investigations during the course of the year. The capital budget for the year was £30,000 and capital expenditure for 2007-08 was £26 750

Principal Risks

The Commission put in place a new Risk Management Policy and Procedure document during 2007-08 to complement the existing risk management arrangements and incorporate the new Corporate Risk Register. Risks associated with the achievement of corporate objectives continue to be identified, prioritised and considered on an ongoing basis to take account of external factors and changes in the control environment. The following key risks are covered within the Commission's current Corporate Risk Register:

- Case management system failure
- Inadequate staffing levels
- Staff turnover
- Inadequate funding
- Receipt of exceptional cases
- Staff personal security
- IT Security
- Inefficient use of resources
- Negative or inaccurate media coverage
- Ineffective controls and procedures to ensure clarity, consistency and presentation of decision documents
- Unsuccessful defence of judicial reviews
- Misunderstanding of the Commission's work by interested public
- Ineffective communication of referral outcomes

Changes in Fixed Assets

The Commission spent £26,570 on acquisition of fixed assets during the year.

Post Balance Sheet Date Events

There are no post balance sheet date events to report for the year ended 31 March 2008.

Public Interest Reporting

Charitable Donations

No charitable donations were made in the year ended 31 March 2008.

Payment Performance

The Commission's policy is to pay all invoices, not in dispute, within 30 days or the agreed contractual terms if otherwise specified. The Commission aims to pay 100% of invoices, including disputed invoices once the dispute has been settled, on time in these terms. For the year ended 31 March 2008 the Commission paid 94% of all invoices received within the terms of its payment policy. However, of this 6 %, the delayed payment in 4.6 % of these invoices was beyond the Commission's control due to technical difficulties with the Scottish Government's payment system. These issues continue to be investigated and resolved in order to enhance performance in future.

The Commission observes the principles of the Better Payment Procedure Code

Equal Opportunities

The Commission is committed to ensuring equal opportunities for all employees and potential employees. The Commission has an equal opportunities policy in place.

People with Disabilities

The Commission's equal opportunities policy aims to ensure that there is no employment discrimination on the grounds of disability and that access to employment and career development within the Commission is based solely on ability, qualifications and suitability for the work.

Staff Involvement and Development

The Commission is committed to ensuring that staff are adequately trained and staff are encouraged to identify and attend suitable training seminars and courses. All Commission staff have direct access to the Chief Executive and to the Members of the Board of the Commission and are encouraged to express their views on, and to make suggestions to enhance, the efficiency and the effectiveness of the Commission.

Pension Costs

All staff are eligible to become members of the civil service pension arrangements. Further details are provided in the Remuneration Report below.

Auditors

The accounts of the Commission are audited by an auditor appointed by the Auditor General for Scotland in accordance with paragraph 9 of the Criminal Procedure (Scotland) Act 1995.

External audit services for the 2007-08 accounts were at a cost of £6,967

Disclosure of information to auditors

As Accountable Officer, as far as I am aware, there is no relevant audit information of which the Commission's auditors are unaware. I have taken all reasonable steps that ought to have been taken to make myself aware of any relevant audit information and to establish that the Commission's auditors were aware of that information.

Gerard Sinclair Chief Executive 4 June 2008

Remuneration Report

The Commission's Chief Executive was appointed on 30 June 2003. The Board of the Commission agreed a salary range for the Chief Executive and agreed a starting salary within that range. The Board further agreed that the Chief Executive's pay would be reviewed annually and any pay award for the Chief Executive would be dependent on performance. The Chief Executive's performance is assessed by the Chairman using a system of annual appraisal and the performance conditions are based on achievement of the Commission's corporate plan objectives.

The Commission has in place a
Remuneration Committee, comprising
all Board Members, who meet on at
least an annual basis. The Committee's
function is to make recommendations
to the Board of the Commission and
the Scottish Ministers on the level
of annual pay award for the Chief
Executive in accordance with the
relevant Scottish Government Pay
Policy guidance. The Committee
also agrees any recommendations
for payment of staff bonuses as set
out within the Commission's Staff
Appraisal and Performance Policy.

The analysis of Board Members Fees and Expenses, and the tables providing a breakdown of Chief Executive's remuneration and pension benefits in 2006-07 and 2007-08 has been subject to audit by the Commission's auditors.

Analysis of Board Members Fees and Expenses

Board Member	Age	Fees	Expenses	Travel Time Allowance & Tax
		£	£	£
The Very Rev Dr Graham Forbes	56	17,980	888	3,369
Prof Peter Duff	53	1,456	121	365
Sir Gerald Gordon Q.C.	78	10,815	18	0
Mr David Belfall	60	8,012	723	1,846
Sheriff Ruth Anderson Q.C.	60	0	102	29
Mr James Mackay	62	9,336	1,317	1,648
Mr Graham Bell Q.C.	70	7,056	612	1,352
Sheriff Robert Anthony Q.C.	45	6,582	376	1,189
Professor Brian Caddy	71	4,268	4	0
Mr Gerard McClay	45	6,086	0	0
Mr Stewart Campbell	59	4,612	15	0

Of the £4,612 fees in respect of Mr Campbell, £2,655 was paid directly to his then employer, the Health & Safety Executive, to compensate them for his time spent at the Commission prior to his retirement.

Chief Executive's contract

The Chief Executive's contract of employment was signed on 1 July 2003. This is a permanent appointment with a 3 month notice period. There are no early termination payment clauses within the contract. No benefits in kind were made to the Chief Executive.

Remuneration

	2007-08	2006-07
	Salary -£'000	Salary -£'000
Mr Gerard Sinclair	65-70	65-70

The Chief Executive's post is pensionable under the civil service pensions arrangements details of which are given below.

Pension Benefits

	Accrued pension at age 60 as at 31/3/08 and related lump sum	Real increase in pension and related lump sum at age 60	CETV at 31/3/08	CETV at 31/3/07	Real increase in CETV
	£k	£k	£'000	£'000	€'000
Gerard Sinclair	0-5k	0-2.5k	82	57	12
	0-5k	0-2.5k			
	(lump sum)	(lump sum)			

Salary

'Salary' includes gross salary; performance pay or bonuses; overtime; reserved rights to London weighting or London allowances; recruitment and retention allowances; private office allowances and any other allowance to the extent that it is subject to UK taxation.

Benefits in kind

The monetary value of benefits in kind covers any benefits provided by the employer and treated by the HM Revenue & Customs as a taxable emolument.

Pensions

Pension benefits are provided through the Civil Service Pension arrangements. Employees of the Commission may be in one of four statutory based 'final salary' defined benefit schemes (classic, premium, classic plus and nuvos) The Schemes are unfunded with the cost of benefits met by monies voted by Parliament each year. Pensions payable under classic, premium, classic plus and nuvos are increased annually in line with changes in the Retail Prices Index. From 31 July 2007, new Employees of the Commission can choose between membership of nuvos or joining a good quality 'money purchase' stakeholder arrangement with a significant employer contribution (partnership pension account).

Employee contributions are set at the rate of 1.5 % of pensionable earnings

for classic and 3.5% for premium, classic plus and novos. Benefits in classic accrue at the rate of 1/80th of pensionable salary for each year of service. In addition, a lump sum equivalent to three years' pension is payable on retirement. For premium, benefits accrue at the rate of 1/60th of final pensionable earnings for each year of service. Unlike classic, there is no automatic lump sum (but members may give up (commute) some of their pension to provide a lump sum). Classic plus is essentially a variation of premium, but with benefits in respect of service before 1 October 2002 calculated broadly as per classic. Nuvos was introduced to new members from 31 July 2007. It is a defined benefit scheme (3.5 %) based on career average earnings

Further details about the Civil Service Pension arrangements can be found at the website www.civilservice-pensions. gov.uk

Cash Equivalent Transfer Values

A Cash Equivalent Transfer Value (CETV) is the actuarially assessed capitalised value of the pension scheme benefits accrued by a member at a particular point in time. The benefits valued are the member's accrued benefits and any contingent spouse's pension payable from the scheme. A CETV is a payment made by a pension scheme or arrangement to secure pension benefits in another pension scheme or arrangement when the member leaves a scheme

and chooses to transfer the benefits accrued in their former scheme. The pension figures shown relate to the benefits that the individual has accrued as a consequence of their total membership of the pension scheme, not just their service in a senior capacity to which disclosure applies. The CETV figures and the other pension details, include the value of any pension benefit in another scheme or arrangement which the individual has transferred to the Civil Service Pension arrangements and for which the CS Vote has received a transfer payment commensurate to the additional pension liabilities being assumed. They also include any additional pension benefit accrued to the member as a result of their purchasing additional years of pension service in the scheme at their own cost. CETVs are calculated within the guidelines and framework prescribed by the Institute and Faculty of Actuaries.

Please note that the factors used to calculate the CETV were revised on 1 April 2005 on the advice of the Scheme Actuary. The CETV figure for 31 March 2005 has been restated using the new factors so that it is calculated on the same basis as the CETV figure for 31 March 2006.

Real increase in CETV

This reflects the increase in CETV effectively funded by the employer. It takes account of the increase in accrued pension due to inflation,

contributions paid by the employee (including the value of any benefits transferred from another pension scheme or arrangement) and uses common market valuation factors for the start and end of the period.

Gerard Sinclair Chief Executive 4 June 2008

Statement of Commission's and Accountable Officer's Responsibilities

Under paragraph 9 of Schedule 9A to the Criminal Procedure (Scotland) Act 1995, the Scottish Criminal Cases Review Commission is required to prepare a statement of accounts in the form and on the basis determined by the Scottish Ministers. The accounts are prepared on an accruals basis and must give a true and fair view of the Commission's state of affairs at the year end and of its income and expenditure and cash flows for the financial year.

In preparing the accounts, the Accountable Officer is required to comply with the requirements of the Government Financial Reporting Manual and in particular to:

- observe the accounts direction issued by the Scottish Ministers, including the relevant accounting and disclosure requirements, and apply suitable accounting policies on a consistent basis:
- make judgments and estimates on a reasonable basis;
- state whether applicable accounting standards as set out in the Government Financial Reporting Manual have been followed, and disclose and explain any material departures there from in the financial statements; and

 prepare the financial statements on a going concern basis, unless it is inappropriate to presume that the Commission will continue in operation.

The Director-General Accountable Officer for the Scottish Government Criminal Justice Directorate designated the Commission's Chief Executive, Mr Gerard Sinclair, as the Accountable Officer for the Scottish Criminal Cases Review Commission His relevant responsibilities as Accountable Officer, including his responsibility for the propriety and regularity of the public finances and for the keeping of proper records and safeguarding the Commission's assets, are set out in the Scottish Government Memorandum to Accountable Officers of Other Public Bodies

Statment of Internal Control

Scope of responsibility

As Accountable Officer, I have responsibility for maintaining a sound system of internal control which supports the achievement of the Scottish Criminal Cases Review Commission's policies, aims and objectives, whilst safeguarding the public funds and Commission's assets for which I am personally responsible, in accordance with the responsibilities assigned to me in the Management Statement and Financial Memorandum.

As Accountable Officer I have specific responsibility in relation to:

- planning, performance management and monitoring;
- advising the Commission;
- managing risk and resources;
- and accounting for the Commission's activities.

The purpose of the system of internal control

The system of internal control is designed to manage rather than eliminate the risk of failure to achieve policies, aims and objectives; it can therefore only provide reasonable and not absolute assurance of effectiveness.

The system of internal control is based on an ongoing process designed to identify the principal risks to the achievement of the Commission's policies, aims and objectives, to evaluate the nature and extent of those risks and to manage them efficiently, effectively and economically. This process has been in place for the year ended 31 March 2008 and up to the date of approval of the annual report and accounts and accords with Scottish Government guidance. Balances transferred into the accounts of the Commission have been agreed with the Sponsor Department.

Risk and control framework

All bodies subject to the requirements of the SPFM must operate a risk

management strategy in accordance with relevant guidance issued by the Scottish Ministers. The general principles for a successful risk management strategy are set out in the SPFM.

The Commission's risk management strategy specifies the roles of the Board, the Audit Committee and the Chief Executive and details the process of risk identification in relation to the Commission's objectives. The strategy also details the process of risk categorisation and the approval and review structure for the Risk Register by the Audit Committee and Board.

Review of effectiveness

As Accountable Officer, I also have responsibility for reviewing the effectiveness of the system of internal control. This review is informed by the following key processes:

- monthly meetings of the Board of the Commission to consider, inter alia, policies and plans and the strategic direction of the Commission:
- regular discussions with all staff when staff are encouraged to identify new issues with a view to updating the record of areas of potential risks facing the organisation;
- half yearly meetings of Board members and staff to inter alia identify and discuss potential areas of risk and, where necessary, initiate work on action and policies to address such issues:

Annual Accounts

- half yearly meetings of the Commission's Audit Committee;
- training on issues which may give rise to potential risk situations made available for staff and Members if necessary;
- a system of key performance and risk indicators;
- a risk register for the Commission;
- reporting arrangements from Director of Corporate Services to Chief Executive on systems of internal control.

The Commission has internal auditors. who operate to Government Internal Audit Standards. The work of the internal auditors is informed by an analysis of the risk to which the body is exposed and annual internal audit plans are based on this analysis. The analysis of risk and internal audit plans are endorsed by the Commission's Audit Committee and approved by me. I receive at least annually a report from the internal auditors which includes the internal auditors' independent opinion on the adequacy and effectiveness of the Commission's system of internal control together with recommendations for improvement.

My review of the effectiveness of the system of internal control is informed by the half yearly meetings of the Commission's Audit Committee, by the work and recommendations of the Commission's internal auditors and by comments made by the external auditors in their management letter and other reports.

Appropriate measures are in place to address any weaknesses identified and to ensure the continuous improvement of the system.

Gerard Screlan

Gerard Sinclair Chief Executive 4 June 2008

Independent auditors' report to the members of the Scottish Criminal Cases Review Commission, the Auditor General for Scotland and the Scottish Parliament

We have audited the financial statements of the Scottish Criminal Cases Review Commission for the vear ended 31 March 2008 under the Criminal Procedure (Scotland) Act 1995. These comprise the Operating Cost Statement and Statement of Recognised Gains and Losses, the Balance Sheet, the Cash Flow Statement, and the related notes. These financial statements have been prepared under the accounting policies set out within them. We have also audited the information in the Remuneration Report that is described in that report as having been audited.

This report is made solely to the Scottish Criminal Cases Review Commission and to the Auditor General for Scotland in accordance with sections 21 and 22 of the Public Finance and Accountability (Scotland) Act 2000. Our audit work has been undertaken so that we might state to those two parties those matters we are required to state to them in an auditor's report and for no other purpose. In accordance with the Code of Audit Practice approved by the Auditor General for Scotland, this report is also made to the Scottish Parliament, as a body. To the fullest extent permitted by law, we do not

accept or assume responsibility to anyone other than the Scottish Criminal Cases Review Commission and the Auditor General for Scotland, for this report, or the opinions we have formed.

Respective responsibilities of the Commission, Accountable Officer and auditors

The Commission and Accountable Officer are responsible for preparing the Annual Report, which includes the Remuneration Report, and the financial statements in accordance with the Criminal Procedure (Scotland) Act 1995 and directions made thereunder by the Scottish Ministers. The Accountable Officer is also responsible for ensuring the regularity of expenditure and receipts. These responsibilities are set out in the Statement of Commission's and Accountable Officer's Responsibilities.

Our responsibility is to audit the financial statements and the part of the Remuneration Report to be audited in accordance with relevant legal and regulatory requirements and with International Standards on Auditing (UK and Ireland) as required by the Code of Audit Practice approved by the Auditor General for Scotland.

(continued over)

Independent auditors' report to the members of the Scottish Criminal Cases Review Commission, the Auditor General for Scotland and the Scottish Parliament (continued)

We report to you our opinion as to whether the financial statements give a true and fair view and whether the financial statements and the part of the Remuneration Report to be audited have been properly prepared in accordance with the Criminal Procedure (Scotland) Act 1995 and directions made thereunder by the Scottish Ministers. We report to you whether, in our opinion, the information which comprises the Management Commentary, and the Performance and The Year Ahead sections included in the Annual Report, is consistent with the financial statements. We also report whether in all material respects the expenditure and receipts shown in the financial statements were incurred or applied in accordance with any applicable enactments and guidance issued by the Scottish Ministers.

In addition, we report to you if, in our opinion, the body has not kept proper accounting records, if we have not received all the information and explanations we require for our audit, or if information specified by relevant authorities regarding remuneration and other transactions is not disclosed.

We review whether the Statement on Internal Control reflects the

body's compliance with the Scottish Government's guidance, and we report if, in our opinion, it does not. We are not required to consider whether this statement covers all risks and controls, or form an opinion on the effectiveness of the body's corporate governance procedures or its risk and control procedures.

We read the other information contained in the Annual Report and consider whether it is consistent with the audited financial statements This other information comprises the Chairman's Foreword, The Commision, Case Statistics, Making Decisions, Administration of the Lockerbie Review, The Team, and the part of the Remuneration Report which is not audited. We consider the implications for our report if we become aware of any apparent misstatements or material inconsistencies with the financial statements. Our responsibilities do not extend to any other information.

Basis of audit opinion

We conducted our audit in accordance with the Public Finance and Accountability (Scotland) Act 2000 and International Standards on Auditing (UK and Ireland) issued by the Auditing Practices Board as required by the Code of Audit Practice approved by the Auditor General for Scotland. An audit includes examination, on a test basis, of evidence relevant to the amounts, disclosures and regularity

of expenditure and receipts included in the financial statements and the part of the Remuneration Report to be audited. It also includes an assessment of the significant estimates and judgments made by the Commission and Accountable Officer in the preparation of the financial statements, and of whether the accounting policies are most appropriate to the body's circumstances, consistently applied and adequately disclosed.

We planned and performed our audit so as to obtain all the information and explanations which we considered necessary in order to provide us with sufficient evidence to give reasonable assurance that the financial statements and the part of the Remuneration Report to be audited are free from material misstatement whether caused by fraud or error, and that in all material respects the expenditure and receipts shown in the financial statements were incurred or applied in accordance with any applicable enactments and guidance issued by the Scottish Ministers. In forming our opinion we also evaluated the overall adequacy of the presentation of information in the financial statements and the part of the Remuneration Report to be audited.

Opinions

Financial statements

In our opinion

- the financial statements give a true and fair view, in accordance with Criminal Procedure (Scotland) Act 1995 and directions made thereunder by the Scottish Ministers, of the state of affairs of the body as at 31 March 2008 and of its net operating cost, recognised gains and losses and cash flows for the year then ended;
- the financial statements and the part of the Remuneration Report to be audited have been properly prepared in accordance with the Criminal Procedure (Scotland) Act 1995 and directions made thereunder by the Scottish Ministers; and
- information which comprises the Management Commentary and the Performance and The Year Ahead sections included within the Annual Report is consistent with the financial statements

Regularity

In our opinion in all material respects the expenditure and receipts shown in the financial statements were incurred or applied in accordance with any applicable enactments and guidance issued by the Scottish Ministers.

Krme up

KPMG LLP, Chartered Accountants Registered Auditor 191 West George Street Glasgow, G2 2LF 12 June 2008

Operating Cost Statement

for the year ended **31 March 2008**

	Notes	2007- 2008	2006-2007
			restated
		(₤)	(₤)
Staff Costs	3	(680,780)	(710,354)
Depreciation	6	(27,572)	(26,575)
Revaluation charge		-	-
Loss on disposal		(2,273)	-
Other Operating Costs	4	(399,600)	(487,623)
Notional Costs	5	(740)	2,941
Net Operating Costs		(1,110,965)	(1,221,611)

Statement of Recognised Gains and Losses

for the year ended **31 March 2008**

	Notes	2007-2008 (£)	2006-2007 restated (£)
Surplus on revaluation of fixed assets		-	-
Recognised gains and losses for the year		-	-

The results for the year derive from the ordinary activities of SCCRC, all of which are continuing.

Balance Sheet

As at **31 March 2008**

	Notes	31 March 2008	31 March 2007 restated
		£	£
Fixed Assets			
Tangible Fixed Assets	6	71,904	67,284
Intangible Fixed Assets	6	6,370	14,085
		78,274	81,369
Current Assets			
Debtors and prepayments	7	18,948	42,784
Cash and Bank	8	234,076	238,493
		253,024	281,277
Creditors: Amounts falling due within one year			
Creditors	9	(171,262)	(175,142)
Net current assets/ (liabilities)		81,762	106,135
Total assets less current liabilities		160,036	187,504
Financed By:			
Capital Reserve	10	4,705	10,565
General Fund	10	155,331	176,939
		160,036	187,504

Signed on behalf of the Commission

Gerard Penelan

Gerard Sinclair, Chief Executive, 4 June 2008

Cash Flow Statement

for the year ended **31 March 2008**

	Notes	2007-2008	2006-2007 restated
		£	£
Cash Flow Statement			
Net cash (outflow)/inflow from operating activities		22,333	(145,649)
Capital Expenditure			
Payments to acquire tangible fixed assets	6	(26,750)	(9,738)
Financing			
(Decrease)/Increase in cash		(4,417)	(155,387)

Reconciliation of operating (deficit) on ordinary activities to net cash inflow from operating activities

		2007-2008	2006-2007 restated
		£	£
Net operating costs		(1,110,965)	(1,221,611)
Grant in Aid received		1,082,757	1,300,000
Notional costs	5	740	(2,941)
Depreciation	6	27,572	26,575
Revaluation	6	-	-
Loss on disposal		2,273	-
Decrease/(Increase) in Debtors	7	23,836	5,669
Increase/(Decrease) in Creditors	9	(3,880)	(253,341)
Net cash (outflow)/inflow from operating activities		22,333	(145,649)

Notes to the Accounts

For the year ended 31 March 2008

1. Accounting policies

- (a) Accounting Convention
 The accounts are prepared under the historical cost convention.
- (b) Changes in Accounting Policy For the financial year ending 31 March 2008, the Financial Reporting Manual allows for certain short life assets to be held at historic cost. SCCRC, in line with guidance from the Scottish Government, has adopted a policy of recording fixed assets at historic cost, depreciated over the useful life of the asset. This is a change from the previous policy of revaluing assets in line with appropriate indices, and the fixed asset figures have been restated accordingly.

(c) Depreciation

Depreciation is provided on all tangible fixed assets, on a straight line basis, at rates calculated to write-off the cost less estimated residual value, of each asset over its expected useful life, as follows:

Equipment over 5-10yrs Furniture & Fittings over 10yrs Information Technology over 3-5 yrs

Depreciation is charged in the year of acquisition. All assets were re-valued at the end of the financial year to current cost using appropriate indices.

Intangible fixed assets (e.g. software) are amortised in equal instalments over their estimated life of 5yrs.

(d) Capital Reserve

There is a capital reserve in respect of assets transferred to the Scottish Criminal Cases Review Commission from the then Scottish Office at the date of the Commission's creation in April 1999. The reserve is released to the general fund in line with the rate of depreciation of the transferred assets.

(e) Debtors

All material amounts due as at 31 March 2008 have been brought into account irrespective of when actual payments were made.

(f) Creditors

All material amounts outstanding as at 31 March 2008 have been brought into account irrespective of when actual payments were made.

(g) Provisions

The Commission has made provision for liabilities likely to fall due in the financial year 2008/2009.

(h) Operating Leases Rentals payable under operating leases are

Rentals payable under operating leases are charged to the revenue account over the term of the lease.

(i) Government Grants Expenditure of the SCCRC is met from funds advanced by the Scottish Government within an approved allocation. Cash drawn down to fund expenditure within this approved allocation is credited to the general fund. All income that is not classed as funding is recognised in the period in which it is receivable. Funding for the acquisition of general fixed assets received from the Scottish Government is credited to the general fund. Funding received from any source for the acquisition of specific assets is credited to the government grant reserve and released to

the operating cost statement over the life of the asset.

2. Prior Year adjustment

For the financial year ending 31 March 2008, the SCCRC has changed the accounting policy for the revaluation of fixed assets, adopting a new policy of carrying all fixed assets at depreciated historic cost per note 1(b) to the accounts. Accordingly, the opening balances of fixed assets have been restated, and a prior year adjustment has been recognised to reflect the change.

The following table identifies all balances restated in these financial statements:

Description	Note	Reported in 2006-07 (£)	Adjustment (£)	Restated (£)
Fixed Assets, cost at 1 April 2006				
Furniture	6	92,200	(7,717)	84,483
Office Equipment	6	49,771	(774)	48,997
IT Systems	6	67,053	7,516	74,569
Software Licences	6	40,349	21,430	61,779
Sub-total		249,373	20,455	269,828
Fixed Assets, accumulated depreciation at 1 April 2006				
Furniture	6	52,665	(5,632)	47,033
Office Equipment	6	28,923	(585)	28,338
IT Systems	6	48,381	5,629	54,010
Software Licences	6	23,729	18,512	42,241
Sub-total		153,698	17,924	171,622
Revaluation charge		(2,110)	2,110	0
Net operating cost		(1,223,721)	2,110	(1,221,611)
Surplus on revaluation of fixed assets		497	(497)	0
General Fund at 31 March 2007		171,293	5,646	176,939
Capital Reserve at 31 March 2007		12,067	(1,502)	10,565

3. Staff Costs

	Notes	2007-2008	2006-2007
		€	£
Commission Members			
Fees		76,203	86,171
Expenses and travel time allowance		13,974	17,173
Social Security Costs		6,433	27,175
Total Commission Members		96,610	130,519
Administrative staff			
Wages and Salaries		459,603	458,694
Social Security Costs		37,437	37,783
Pension Costs		87,130	82,211
Agency Staff		0	1,147
Total administrative staff		584,170	579,835
Including:		15,099	42,012
Inward Secondment from COPFS			
Total staff costs		680,780	710,354
(Commission Members & Staff)			
Average number of employees during the year (FTE):		No.	No.
Commission Members		8	7
Staff		14	15

4. Other Operating Costs

	2007-2008	2006-2007
	€	€
Accommodation Costs	222,002	304,236
Travel Costs	11,193	13,895
Training Costs	18,287	17,461
Legal Fees & Expenses	15,626	17,370
Supplies & Services	74,246	56,504
Stationery Costs	505	2,693
Advertising Costs	2,369	11,441
Hospitality Costs	302	878
Telecommunication Costs	15,080	15,792
Other Office Costs	33,023	40,653
Audit Fee	6,967	6,700
Total	399,600	487,623

5. Notional Costs

In compliance with the new consolidated Government Financial Reporting Manual (FReM) the accounts reflect 'services' provided, without charge, by the sponsoring department as well as the notional cost of capital charge.

Notional Costs included in the accounts are as follows:

	2007-2008	2006-2007
	€	£
Services from the Scottish Government/ Executive	3,000	3,000
Cost of Capital Charge at 3.5 %	(2,260)	(5,941)
Total	740	(2,941)

6. Fixed Assets

	Furniture	Office Equipment	IT Systems	Software Licences	Total
	£	£	€	£	£
Cost					
At 1 April 2007 restated	84,483	52,669	80,635	61,779	279,566
Additions	4,874	6,029	15,847	-	26,750
Disposals	(357)	(8,788)	(31,497)	-	(40,642)
At 31 March 2008	89,000	49,910	64,985	61,779	265,674
Depreciation					
At 1 April 2007 restated	56,681	33,643	60,179	47,694	198,197
Charge for year	8,424	4,853	6,580	7,715	27,572
Disposals	(280)	(7,019)	(31,070)	-	(38,369)
At 31 March 2008	64,825	31,477	35,689	55,409	187,400
Net Book Value					
At 31 March 2008	24,175	18,433	29,296	6,370	78,274
At 31 March 2007	27,802	19,026	20,456	14,085	81,369

Fixed assets have been adjusted back to historic cost, following the change of accounting policy from the previous year.

7. Debtors

	31 March 2008	31 March 2007
	£	£
Prepayments	18,773	42,609
Input VAT	175	175
Total	18,948	42,784

8. Cash and bank

	31 March 2008	31 March 2007
	£	€
OPG	234,076	238,431
Other Bank Account	-	62
Balance at 1 April	238,493	393,880
Movement	(4,417)	(155,387)
Balance as 31 March	234,076	238,493

Balances held at the Office of HM Paymaster General are within the government's financing arrangements and are not interest bearing.

9. Creditors due within one year

	31 March 2008	31 March 2007
	£	£
Trade Creditors	-	-
Accruals	171,262	175,142
Total	171,262	175,142

10. Reconciliation of Movements on Government Funds

	General Fund	General Fund
	2007-2008	2006-2007
		restated
	£	£
Balance at 1 April as previously reported	171,293	92,156
Prior year adjustment	5,646	3,536
Restated balance at 1 April	176,939	95,692
Grant in Aid received	1,082,757	1,300,000
Transfer from capital reserve	5,860	5,799
Notional Costs	740	(2,941)
Net operating costs	(1,110,965)	(1,221,611)
Balance at 31 March	155,331	176,939
	Capital reserve	Capital reserve
	2007-2008	2006-2007
		restated
	£	£
Balance at 1 April as previously reported	12,067	17,369
Prior year adjustment	(1,502)	(1,005)
Restated balance at 1 April	10,565	16,364
Transfer to general fund	(5,860)	(5,799)
Balance at 31 March	4,705	10,565

11. Related Party Transactions

The Scottish Government Criminal Justice Directorate is the sponsor department of the Scottish Criminal Cases Review Commission. The Scottish Government Criminal Justice Directorate is regarded as a related party with which there have been various material transactions during the year.

None of the Commission members or key managerial staff have undertaken any material transactions with the Scottish Criminal Cases Review Commission during the year.

12. Capital Commitments and Contingent Liabilities

There were no contracted capital commitments outstanding and not included in the balance sheet.

The operating lease contains provision to return the premises occupied by the Commission to the same condition as when the lease was entered upon the expiry of the lease. The costs for completing this dilapidation are not known therefore a contingent liability exists.

13. Commitments under Operating Leases

All payments due under operating leases relate to lease of premises. Payments due under operating leases in the year to 31 March 2008 are as follows:-

On operating leases due to expire:	2007-2008	2006-2007
	€	€
Within one year	-	12,323
Between two and five years	-	-
Over five years	71,088	71,088
	71,088	83,411

14. Expenditure for the year

All expenditure during 2007-08 was within budgetary provision.

Scottish Criminal Cases Review Commission
5th Floor Portland House, 17 Renfield Street, Glasgow, G2 5AH
Tel 0141 270 7030
Fax 0141 270 7040
Web www.sccrc.org.uk



Printed on recycled paper from 100% post-consumer waste.