



Business Plan 2018 to 2019

CRIMINAL CASES REVIEW COMMISSION

BUSINESS PLAN 2018/19

Background

The Criminal Cases Review Commission (“the CCRC”) is the independent statutory body established to investigate alleged miscarriages of justice in England, Wales and Northern Ireland. We are sponsored by the Ministry of Justice (MoJ).

We marked the 20th anniversary of our foundation in 2017 and since starting operations until 31st March 2018, 22,629 cases have been closed and 650 cases referred for appeal. Of those, 422 have resulted in convictions being quashed or sentences altered. The majority of those applications were in relation to the most serious crimes such as murder, rape, terrorism, drugs and robbery.

Further information on how we work and our recent past performance can be found in Appendix 1, our Annual Reports and on our web site at www.ccrcc.gov.uk

Introduction

This Business Plan complements our Corporate Plan for 2018-21, and presents in more detail what we hope to achieve in the business year of 2018-19. Preparation for the Corporate Plan and this Business Plan has been extensive. The board has been able to draw on the performance of the organisation over the previous three years, the views of stakeholders including those captured at our 20th anniversary conference in November 2017 and the ongoing Tailored Review by the MoJ. In revisiting our plans we have refreshed our purpose, how we will work to achieve it and our values, which are included below. One of our priorities this year will be to put them front and centre in all we do.

Our purpose

We investigate and identify potential or alleged miscarriages of justice and in doing so, promote public confidence in the criminal justice system.

We accomplish this by:

- Investigating and reviewing cases proactively, effectively and efficiently
- Referring appropriate cases to the appellate courts
- Demonstrating independence and impartiality in all we do
- Being thorough, proportionate and conscientious
- Using our unique knowledge and experience

- Working constructively with stakeholders
- Maintaining awareness of and adapting to change in the wider criminal justice system

We work in line with our values

- Integrity – (objective, impartial, without self interest)
- Motivated – (being prepared to “go the extra mile”, to be transparent with each other on what motivates us and behave in a way that inspires and motivates others)
- Pro-activity – (looking ahead and acting early)
- Accountability – (doing nothing that could bring ourselves or the organisation into disrepute)
- Courtesy and respect – (adjusting our behaviours, listening and understanding what is important to others and thus maintaining effective relationships)
- Timeliness – (delivering at an appropriate pace)

Context

Government spending remains under severe pressure and scrutiny. The MoJ has not received any protection of its budgets and is driving ambitious reforms to services including Legal Aid, the courts, and in prisons. Within the next few years, we expect to see far greater degree of digitalisation of the criminal justice system with improved information sharing between the different parts of the service. The MoJ vision sets out 4 strategic objectives:

- A prison and probation service that reforms offenders
- A modern courts and justice system
- Global Britain and the Rule of Law
- A transformed department

We will seek to contribute in whatever way we can from our perspective, but we also need to continue to identify the areas of highest risk that may, in time, give rise to miscarriages of justice and to adapt our capabilities accordingly. We can already foresee the need to access the information we need for our reviews from a digital, rather than paper based, system.

We fulfil our important role as a vital safeguard in the criminal justice system by interacting with a wide range of varied and diverse stakeholders. The CCRC actively engages with, and has wide ranging powers to require information from, public bodies and private organisations. This means that during the course of reviewing a case we may have contact with, amongst others, the Crown Prosecution Service, local authorities, health bodies, the police and security services, the courts, forensic science providers and experts.

We work to promote public understanding of our role and to raise informed awareness about the CCRC. We run an advice line for applicants and representatives, which is well used.

We are particularly keen that we provide a high quality service not just to applicants and their representatives, but also to victims of crime (and their families) who may be affected by our work and that we understand how our work may impact on them. As part of this, we engage with and seek the advice of the Victims' Commissioner about how we might provide such a service.

We have an active Research Committee which includes members from academia that seeks to support relevant academic research into miscarriages, as well as initiate projects that will inform our work. We work with a wide range of organisations and public bodies, including our applicants and their representatives.

We are also fully committed to treating all people involved in our work with fairness, dignity and respect, and to offer equality of opportunity without discrimination on the grounds of any of the protected characteristics, as set out in the Equality Act. In addition to complying with all current and relevant legislation, we seek to apply good practice and ensure that everyone working for us or on our behalf adopts principles of equality when carrying out their duties.

CCRC Resources

Personnel

As of 1st April 2018, we had 13 Commissioners in post including the Chair, providing a minimum (but flexible) 5.8 full-time equivalent (FTE). During the plan year the Chair and five Commissioners will reach the end of their terms of appointment, and while some may seek re-appointment, it will be necessary for the MoJ to run a process to recruit a new Chair and new Commissioners. By 31st March 2019, the majority of the Commissioners may be new, or relatively new, to the CCRC.

Executive management is entrusted to the Chief Executive and two Directors. Excluding Commissioners, 79 staff were employed as at 1st April 2018. Casework investigation and review is carried out by casework staff comprising case review managers and group leaders, supported by casework administration staff, interns, a legal team and an investigations team.

Financial

Our resource budget settlement for 2018-19 is £5.1M, a small decrease compared to 2017/18. We have also received £0.125M of capital funds to continue the upgrade of our IT infrastructure.

Facilities

We occupy a single office location in central Birmingham. The current term of occupancy runs until December 2020 with notice, if necessary, to be given by 31st March 2019. During 2018-19 work will need to be completed to arrive at a recommended option for office accommodation.

Key activities and priorities

The Corporate Plan for 2018-21 identifies six strategic objectives through which the overall aims will be realised: -

- Timely reviews whilst maintaining quality
- Ensuring the most effective use of public money
- Keeping abreast of developments in the criminal justice system
- Influencing the CJS
- Increasing awareness of our role and function
- Transforming our service

This Business Plan sets out how we will deliver our strategic objectives, progress being monitored by the executive team, overseen by the Board. Our plan is set out in the form of a balanced scorecard which assists us to monitor our progress.

Achieving the measures is dependent upon us successfully completing a number of planned initiatives over the course of the business year and responsibility for each part of the plan is assigned to one or other of the Chief Executive or Directors. Some of the measures in the scorecard form our suite of Key Performance Indicators (KPIs), which we publish with our annual report and accounts and further information on how they are defined is provided in Appendix 2.

For the new Corporate Plan period, and beginning with this Annual Business Plan, we have taken the opportunity to refresh our KPI measures. In total there are nine KPIs, seven of which provide continuity from the previous plans, but we have introduced new KPIs, KPI 4 & 7, relating to how applicants perceive the quality of our service and on getting our message out to the public and potential service users. These new measures are seen as indicators of the strategic aims of transforming our service and increasing awareness of our role and function.

<u>Perspective</u>	<u>Objectives</u>	<u>Measures</u>	<u>Targets</u>	<u>Initiatives</u>
CASEWORK PROCESSES	Continued emphasis on efficiency and effectiveness of case review to achieve closure of more cases than we allocate.	KPI 1 % of cases closed within 12 months of application	80%	Deliver benefits arising from the implementation of the new casework management software Improve consistency of use. Refresher training for casework staff. (Q1) On the job coaching. Improve management information reporting (Q3)
		KPI 2 The average time (in weeks) for a review	< 30 weeks	
		KPI 3 Case reviews which take longer than two years	<3%	Continue case plan reviews at 6 (sample) and 12 months (all cases).
	Encourage dialogue and influence between stakeholders and the work of the Commission. Enhance our compliance with the spirit of the Victims' Code	The number of opportunities for stakeholders to provide their views on the CCRC	4 events	Establish a stakeholder forum. Take part in focus groups and other initiatives with the Victims' Commissioner

<u>Perspective</u>	<u>Objectives</u>	<u>Measures</u>	<u>Targets</u>	<u>Initiatives</u>
LEARNING AND GROWTH	Improve the ease with which applicants and their representatives can access the service.	KPI 4 % Positive feedback score on applicant survey forms	New measure for 2018-19.	Easy read feedback survey form introduced to capture applicant feedback.
	Ensuring timely reviews while maintaining quality	KPI 5 The number of cases examined in the QA sample for which additional work is undertaken, expressed as a percentage of all cases examined.	Fewer than 4%	QA sample to include approximately 10% of cases reviewed and a mix of case types and complexity.
	Ensuring timely reviews while maintaining quality	KPI 6 (i) The proportion of cases re-opened as a result of a complaint or judicial review and (ii) the number of complaints upheld.	(i) Fewer than 4% (ii) Fewer than 7%	CEO review of quarterly report of complaints to learn lessons and identify areas for improvement. An annual report to the Board will also be presented.
	Keeping staff skills and knowledge up to date	Training days per FTE	3	Routine provision of knowledge cafes, guest speakers, attendance at various events and courses.

<u>Perspective</u>	<u>Objectives</u>	<u>Measures</u>	<u>Targets</u>	<u>Initiatives</u>
STAKEHOLDERS	Maintain Effective Working Relationships with wider Criminal Justice System and across Public Sector more generally	Minimum number of business meetings	4	Continued and regular contact and feedback to and from members of the CJS, including MoJ, Court of Appeal Criminal Division, practitioners, regulators, support groups and charities
	To continue to improve access to our services from "hard to reach" groups	Proportion of Applications from Young Offenders (under 25 yrs) and women	>20%	Increasing our presence and reach on Social Media Increase the available content and use of audio and visual material in our awareness raising, e.g. National Prison Radio, audio and video content on our website.
	Increasing awareness of the Commission	KPI 7 The reach and advertising equivalent value of mentions of the CCRC on mainstream media and the social media reach of "tweets" relating to the CCRC.	New measure for 2018-19.	Additional video content. Upgrade website. Customer Service Manager to discuss with Prisons Service and Independent Monitoring Boards.

FINANCE / RESOURCES	Effective management of human resources	Maintaining resources at sufficient levels.	Vacancy rate not to exceed 5%.	Work with the MoJ to address the recommendations from the Tailored Review. Complete the recruitment campaigns for a new chair (Q2) and Commissioners (Q4) Develop a strategic workforce plan (Q4)
	Effective management of human resources	KPI 8 Average working days lost.	Fewer than 7.5 days per staff year	Embed new policies regarding absence management
	Effective management of our financial resources. No over spend and no significant under spend.	KPI 9 % expenditure of allocated budget	≤0% and ≥2.5%	Work with the MoJ to address the recommendations from the Tailored Review Work with the MoJ to secure sufficient budget to deliver operational objectives
	Agree with MoJ a facilities recommendation for office accommodation	Option to be cogniscent of Government property targets for utilisation, space and environmental performance	Reduced total cost for office accommodation against a baseline 2017-18 notional cost	Liaise with Government Property Unit, MoJ Shared Services

Key Risks

The Commission takes risk seriously and regularly reviews risk through its Audit & Risk Assurance Committee chaired by a non-executive director.

We consider our major risks to be:

- Casework performance which includes factors such as the length of time to complete various stages of our reviews. This can be heavily influenced by the number and complexity of the cases we are asked to review.
- The security of the information we obtain in order to perform our work, set against the requirements of GDPR and increasing quantum of information requests.
- Obtaining sufficient resource and capital funding to maintain the level of casework personnel and improve the IT environment.
- Maintaining and motivating a highly qualified workforce of staff and Commissioners with sufficient skills and manageable workload in a demand led organisation.
- Ensuring the safety and wellbeing of our staff while performing their roles, particularly on activities away from the office.

Management works closely with the Board and staff to develop strategies to mitigate these risks as far as is possible within the resources available.

APPENDIX 1

Overview of Past Casework Performance

Outcomes

During 2017/18 we received 1,439 applications. Over the last 4 to 5 years, this level of applications has become the norm. This year, we have managed to complete 1,538 case reviews. That compares with 1,563 in 2016/17; 1,797 in 2015/16; 1,632 in 2014/15; and 1,131 in 2013/14.

Referrals

In 2017/18 the CCRC referred 19 cases to the appeal courts. This means that we referred 1.24% of the cases concluded this year. In the previous year the referral rate was 0.77%; 1.8% in 2015/16 and in 2014/15 it was 2.2%. The CCRC's long-term referral rate stands at 2.9%.

Casework

The Commission's casework performance is monitored using a set of Key Performance Indicators, or KPIs.

Time from receipt to allocation

Almost ever since the CCRC started work in 1997, applicants have had to wait in 'queues' before a review could be started. We appreciate how important it is for applicants to know how quickly we are commencing our review of their case. In our 2015/18 Corporate Plan we committed to eliminating those queues. Over that period we made major changes to the manner in which we carry out our casework and engaged in consolidation of those alterations, focusing most latterly on the quality of our case planning and on our longer-running cases. At the heart of all of those changes is our commitment to the quality and timeliness of our reviews.

Our target in 2017/18 was to allocate cases within less than 13 weeks by the end of March 2018. By the end of March 2018, the maximum waiting time to allocation for any applicant was 12 weeks.

From March 2017 to March 2018 we have managed to reduce maximum waiting times to allocation:

- From five months for custody cases
- From 11 months for liberty cases
- To a maximum of 3 months for all review cases - the minimum time we need, on average, to carry out our initial assessment of the case and to obtain key information from other public bodies to meaningfully commence our case review.

Duration of review - time to decision from allocation

We aim to review cases with both speed and thoroughness. Most cases require a limited or moderate amount of analysis and/or investigation, but a proportion of our reviews are very complex. Those cannot properly be undertaken quickly. Many months of painstaking work can be involved, for example, examining large quantities of relevant files (including meticulous cross-referencing or audit trailing relevant information), interviewing applicants or witnesses (some of whom can be reluctant to engage with us) and, very commonly, forensic testing or instruction of experts. We routinely find ourselves working with experts at the cutting edge of science and we sometimes need to wait for new tests to be validated. We are often heavily reliant on being supplied with the necessary information by organisations and individuals. Many of them, especially public bodies such as the

police, courts and Crown Prosecution Service (CPS), continue to be under substantial resource pressure themselves.

In 2017/18, the average time taken for review cases to reach the point where an initial decision was issued was 33 weeks, against our target of less than 28 weeks of being allocated to a CRM. Therefore, we did not meet our target.

Duration of review - cases closed within 12 months from application

For applicants the key issue is not the time taken at different stages but how long the Commission take from receipt of their application to completion of their case. Our target is 70% for the proportion of cases closed within 12 months of the application being made. For 2017/18 we achieved 75.32%.

Long Running Cases

The Long Running Cases Committee, chaired by a non-executive director, exists to track and scrutinise all cases where the review has not been completed within two years of us beginning the review. The work of the Long Running Cases Committee has continued in 2017/18, bringing additional scrutiny to strategic case planning and timeliness in such cases. The activity of the Long Running Cases Committee has been supplemented by a formal case scrutinisation process after 12 months, to enhance our ability to manage and appropriately resource those complex reviews, and by the introduction of a quality assurance process sampling case plans. Despite the work of the Committee, the number of cases which have taken us more than two years to review has not yet decreased sufficiently. The number of cases went up during the course of the year, but is now slowly decreasing. The longest review time, however, has again decreased substantially this year. There are three main factors which have led to this outcome as identified by the Long Running Cases Committee are the sheer quantity of review work being managed; the transformation of our approach to case review necessarily taking time to have full effect; and the need for more case review staff. All of these factors are being addressed.

Our target was to reduce to 30 the number of applicants whose cases have been under review for more than two years. At the end of March 2017, the actual number of applicants was 72, so we did not meet our target. However, significant progress has been made in reducing the number of oldest cases. The number of applicants whose cases have been under review for more than 3 years reduced from 49 in March 2015 to 13 in March 2018.

Further information on our past performance is provided in detail in our annual reports and accounts.

Appendix 2 - Definition of Key Performance Indicators (KPIs)

KPI 1 – The % of cases closed within 12 months

Purpose – The measure provides an indication of the timeliness with which we complete our reviews.

Definition - A case is complete when a final decision has been sent (or, where a provisional decision was sent and no further submissions have been made in response within the time allowed).

Calculation - Taking the cases closed within the past 12 months, record the number completed within 12 months as a percentage of the total number of cases completed.

Frequency - Monthly

Data Source – Casework Statistics

Target – 80%

KPI 2 – The average time for a Review From Allocation to Decision (Provisional Statement of Reasons where one is issued)

Purpose – The measure provides an indication of the timeliness with which we complete our reviews.

Definition - The time from the date of allocation of the application to the issue of an initial decision, averaged for all applications in the reporting period for which an initial decision has been issued.

Calculation - Taking the cases closed within the past 12 months record the average time taken to complete the review from allocation to a Case Review Manager to issuing a decision.

Frequency - Monthly

Data Source – Casework Statistics

Target – less than 30 weeks

KPI 3 – The % of cases under review for 2 years or more

Purpose – The measure provides an indication of the timeliness with which we complete our reviews.

Definition – A case is counted if 2 years or more has elapsed since the date of allocation for review to the present and a final decision has not been issued.

Calculation - Taking the cases under review, to identify those 2 years or more since allocation to a Case Review Manager. To calculate that figure as a % by dividing by the total number of applications in the period of 12 months, ending 2 years prior to the reporting month.

Frequency - Monthly

Data Source – Casework Statistics

Target – Fewer than 3%

KPI 4 – The % of positive responses in our applicant feedback questionnaire

Purpose – A measure of the service quality provided by the CCRC.

Definition – The applicant survey includes 7 questions pertaining to service provided by the CCRC. Responses that are “Very Well” or “OK” are considered positive replies.

Calculation – The number of “Very Well” or “OK” responses, expressed as a percentage of all responses.

Frequency - Quarterly

Data Source – Applicant Survey Forms

Target – No target. New measure for 2018/19

KPI 5 – The quality of our reviews

Purpose – The measure provides an indication of the quality of our reviews as measured by the CCRC internal quality assurance system.

Definition – The number of cases examined in the QA sample for which additional work is required expressed as a percentage of all cases examined.

Calculation – Quarterly and for the previous 12 months

Frequency - Quarterly

Data Source – Management Review

Target – Fewer than 4% of cases sampled require additional work.

KPI 6 – Complaints and Judicial reviews

Purpose – The measure provides an indication of the quality of our reviews as measured by the number of complaints and judicial reviews.

Definition – (i) The number of cases re-opened as a proportion of complaints and pre-action protocol letters resolved and judicial reviews heard, (ii) the proportion of complaints otherwise upheld as a proportion of complaints resolved.

Calculation – Recorded for the current quarter and for the previous 12 months

Frequency - Quarterly

Data Source – Records of official complaints held by the customer services manager and of judicial reviews held by the legal advisor.

Target – (i) Fewer than 3% of cases re-opened (ii) fewer than 7% of complaints

KPI 7 – Media reach

Purpose – The measure provides an indication of how many people are informed through the media about the existence, work and role of the CCRC.

Definition – a) the reach and advertising equivalent value of mentions of the CCRC in the mainstream media and b) the social media reach of “tweets” relating to the CCRC.

Calculation – a) total news reach and total news value (£M) and b) the total Twitter reach.

Frequency - Quarterly

Data Source – Analytics package provided as part of the CCRC’s media monitoring service.

Target – New measure for 2018/19. No overall target, but within the figure to increase the number of Twitter followers to 2000.

KPI 8 – Sickness Absence

Purpose – The measure provides an indication of the lost productivity due to sickness absence.

Definition – Average working days lost.

Calculation - Taking the total number of working days absence due to sickness divided by the total number of staff years. .

Frequency - Monthly

Data Source – HR Statistics

Target – Less than an average of 7.5 days sickness absence.

KPI 9 – Financial Management – expenditure against budget

Purpose – The measure provides an indication of the effective use of our financial resources over the financial year.

Definition – Forecast annual expenditure less the allocated budget, measured separately for resource and capital, expressed as a percentage of budget

Calculation – Forecast for the year.

Frequency - Monthly

Data Source – Management Accounts

Target – For the forecast out-turn not to result in an over spend or an under spend greater than 2.5% of budget.

Appendix 3 Budget 2018/19

	Budget	Budget
[£k]	2018/19	2017/18
Pay costs	4,219	4,393
Programme	3,724	3,869
Admin	495	524
Non-Pay costs:	864	851
IT & Telecommunications	248	226
Printing, postage & office	155	181
Staff Travel	50	88
External Case Related Expenditure	162	140
Other	249	216
Fiscal DEL	5,083	5,244
Non-Cash costs		
Depreciation/Dilapidations	150	150
Total Resource DEL	<u>5,233</u>	<u>5,394</u>
Capital DEL	125	205
AME (pension related costs)	258	258
TOTAL	5,616	5,857

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