



# Business Plan 2019 to 2020

# **CRIMINAL CASES REVIEW COMMISSION**

## **BUSINESS PLAN 2019/20**

### **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).

Founded in 1997, we have, until 31<sup>st</sup> March 2019, completed over 25,000 case reviews. Of those, over 600 have been referred to the courts of appeal and most 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.

### **A period of change**

Last year was a challenging year for CCRC. We were operating substantially below complement in light of the retirement of five Commissioners as well as enduring a number of casework staff shortages, which arose for a variety of reasons. But even so, we maintained good levels of performance and in particular maintained our goal of ensuring that applicants were not kept waiting for work on their reviews to start. Running alongside that, we have focussed even harder during the year on timeliness of our case reviews. There is still more we can do, and with the arrival of new Commissioners and replacement staff, we are confident that our performance will grow stronger and stronger.

Further information on how we work and our performance can be found in Appendix 1 to this business plan, our Annual Reports as well as on our web site at [www.ccr.gov.uk](http://www.ccr.gov.uk) where we publish KPI data each month tracking our performance.

### **Business Plan 2019/20**

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 2019-20. In preparing this plan, the board has been able to draw on the performance of the organisation over the previous year, the views of stakeholders expressed at engagement fora and the Tailored Review published by the Ministry of Justice (MoJ) in February 2019.

Tailored Reviews, which occur at least once in the term of each Parliament, are ordered by the Cabinet Office and provide an opportunity for Departments to

review how organisations they support are performing. CCRC underwent one in 2018/19 and involved a team from the MoJ spending some months interviewing staff and Commissioners and considering a range of views from applicants, legal representatives, campaigners and serving prisoners including submissions from a range of individuals and organisations who responded to a public call for evidence. The review recognised our “continued excellent work” as well as making recommendations for us to consider as part of our journey of continuous improvement. We are currently responding to the Tailored Review and have already taken steps to implement many of the recommendations.

In addition to the Tailored Review, the CCRC is currently going through a process of exciting change which includes the arrival of new staff and Commissioners and a new and significant digital transformation project to move to more agile ways of working. The organisation and everyone in it, remains committed to investigating and uncovering miscarriages of justice; and that is only possible with the highly skilled members of staff and Commissioners who work here.

## **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. 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. 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.

Last year we established a series of stakeholder engagement events which we have found extremely valuable both in terms of developments within the CJS and to help us reflect on how we work. We will continue these sessions in 2019-20.

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 1<sup>st</sup> April 2019, we had 8 Commissioners in post including the Chairman, providing a minimum but flexible 2.8 full-time equivalent. During 2018-19 we welcomed a new Chairman, Helen Pitcher OBE, and began a campaign to replace five Commissioners who reached the end of their term of appointment during 2018/19. Those new Commissioners joined CCRC during May 2019. This means that as we enter this plan period, the majority of the Commissioners are new, or relatively new, to the CCRC.

The Tailored Review made recommendations about the Board structure of the CCRC. A new, smaller board is operating with effect of May 2019. In this plan year, two of our three Non-Executive Directors reach the end of their period of appointment and a campaign to replace them is already underway.

Executive management is entrusted to the Chief Executive and two Directors. 83 staff were employed as at 1<sup>st</sup> April 2019. 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 business as usual resource budget settlement for 2019-20 is £5.534M, a small increase, although part of that is specifically to fund higher employer pension contributions. We have also received £0.1M of capital funds.

In addition to our business as usual budget, MoJ has approved additional funds of up to £0.55M (£0.4M capital and £0.15M resource) to finance the first phase of a transformation of our IT infrastructure, and with it, enable new ways of working. These improvements will mean we can take advantage of more agile ways of working also go hand-in-hand with preparations towards our expected office accommodation move. We currently occupy a single office location in central Birmingham. The current term of occupancy runs until December 2020 and the landlord has already served notice. During 2019-20 we will be making detailed plans for new office accommodation. We will be staying in central Birmingham but will be moving to a smaller footprint, enabled by improved digital technology.

## **Key activities and priorities**

The Corporate Plan for 2018-21 identifies six strategic objectives through which the overall aims will be realised. As we move into a period of change we have reevaluated our strategic objectives and recognise that two of those should now be moved to business as usual. This is because ensuring the most effective use of public money and keeping abreast of developments in the criminal justice system are part of what we do each day to help us deliver high quality casework. This has provided us with the opportunity to streamline our strategic objectives to four key areas which are:

- *Timely case reviews whilst maintaining quality:* All applicants can expect a decision within a reasonable timescale proportionate to the complexity of their case. The Commission recognises that justice delayed is justice denied and that timeliness is an important component of quality for the benefit of the wider criminal justice system.
- *Influencing the CJS:* The Commission will ensure an appropriate public profile of miscarriages of justice by proactive engagement with stakeholders and the media, feeding back into the CJS from our experience.

- *Increasing awareness of our role and function:* We will continue to increase our profile by working with other criminal justice organisations and raise awareness of our purpose.
- *Transforming our service:* The Commission will evaluate the opportunities afforded by developments in Information Technology to improve applicants' access to the Commission's services, the way the Commission obtains the information it needs to perform its reviews and how staff can work most efficiently.

Achieving these strategic objectives 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 the Chief Executive or Directors. Some of the measures, including our Key Performance Indicators (KPIs), are published 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 we took the opportunity to refresh our KPI measures. Last year we introduced two 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. This year we have refined the definition of KPI4 and set targets for increasing our performance in both measures. Targets are set for all KPIs.

We anticipate that our KPIs may change as we revisit some of our casework ways of working in particular but for now, they remain as they were during the last business year.

## **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 areas to be:

- **People** - maintaining and motivating a highly qualified workforce of staff and Commissioners with sufficient skills and manageable workload in a demand led organisation.
- **Money** - obtaining sufficient resource and capital funding on an on-going basis to maintain the level of casework personnel and to improve the IT environment to facilitate more agile ways of working.
- **Reputation** – ensuring that we raise awareness of what we do with all of our stakeholders, being increasingly transparent about how we work whilst ensuring the security of information and data.

Management works closely with the Board and staff to develop strategies to mitigate these risks as far as is possible within the resources available and is monitored by the Audit & Risk Assurance Committee.

## Conclusion

Everyone who works at the CCRC is committed to our core function of casework. That includes our support and corporate staff who may not directly carry out casework but who facilitate it. Going forward, this Business Plan recognises that we have the double challenge this year of continuing to produce high quality casework whilst undertaking significant corporate projects, primarily an office relocation and a significant digital transformation project. We are confident that we can rise to that challenge and look forward to engaging increasingly with our stakeholders as part of that process.

# APPENDIX 1

## Overview of Past Casework Performance

### Outcomes

During 2018/19 we received 1,371 applications. Over the last 4 to 5 years, this level of applications has become the norm. This year, we have managed to complete 1,449 case reviews. That compares with 1,538 in 2017/18 and 1,563 in 2016/17.

### Referrals

In 2018/19 the CCRC referred 13 cases to the appeal courts. This means that we referred 0.90% of the cases concluded this year. In the previous year the referral rate was 1.24%; 0.77% in 2016/17; 1.8% in 2015/16 and in 2014/15 it was 2.2%. The CCRC's long-term referral rate stands at 2.75%. *(24,078 completed cases, 663 Referrals)*

### Casework

Since achieving our objective, in March 2018, to reduce waiting times to allocation for all cases to 3 months, we have successfully maintained that position throughout 2018/19. We have focussed, even harder this year, on the quality of our casework, which includes the timeliness of our case reviews.

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

### KPI 1 – cases closed within 12 months of application

Over the last 6 months of the year, we have managed to either meet our target, or to be within a hair's breadth of doing so (achieving over 79%). That is remarkable, in a period where, on top of the organisation's customarily heavy workload, we successfully managed:

- The departure of five Commissioners, before their replacements arrived.
- Temporary casework staff shortages, which arose for a variety of reasons, most of which could not be planned for.
- Unexpected turns of events in our two, very complex, longest running cases (requiring the investment of substantial Commissioner resource in preparing for the resultant further case committees).

Our performance for this KPI is also (negatively) affected by our success in properly resolving long running cases. Completion of those cases is to be welcomed and is a reflection of the efforts being put in to closing longer running cases. Inevitably, their closure impacts on this KPI.

### KPI2 – duration of a review

Our performance in respect of this KPI has fluctuated through 2018/19, we have not quite managed to meet our target and, in the last quarter, performance has deteriorated slightly. That was predicted in the context reflected in respect of KPI1 above, especially given the very low Commissioner FTE level that we have been managing with over the last 5 months of the year. We expect this to turn around relatively quickly after new Commissioners start casework in around July 2019, but there is likely to be a legacy effect over the course of the next 12 months.

### KPI 3 – Long Running Cases

We have not met our target for long running cases, though our performance has improved on last year. The context set out in relation to KPI1 has an impact here also, as does the context of our Case Review Managers having case portfolios that are too high during the course of the year. Having said that, 27 of the cases on the long running list

are closely connected in that they are all cases involving the Post Office Horizon computer system. These cases are being reviewed together, as overarching issues, expert evidence and current trials in the civil court impact on them all.

#### **KPI 5 – QA**

This year, our Chief Executive and Director of Casework Operations have carried out our quality assurance exercise on a sample of decisions made in our smaller cases. Just one case required reopening as a result, but feedback to aid learning was shared in a number of cases where any issue arising was less impactful.

We will be expanding our quality assurance programme in 2019/20 and, to enable that, at the end of the year we started a recruitment campaign for a new role at the organisation, Head of Quality.

## 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.

**Owner** – Director of Casework Operations

**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.

**Owner** – Director of Casework Operations

**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.

**Owner** – Director of Casework Operations

**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.

**Owner** – Head of Customer Services

**Frequency** - Quarterly

**Data Source** – Applicant Survey Forms

**Target** – 70% positive responses

## **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

**Owner** – Director of Casework Operations

**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

**Owner** – Director of Casework Operations

**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.

**Owner** – Head of Communications

**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.

**Owner** – Head of Human Resources

**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.

**Owner** – Director of Finance and Corporate Services

**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 2019/20

[£k]	Budget BAU <b>2019/20</b>	Budget Change <b>2019/20</b>	Budget Total <b>2019/20</b>	Budget <b>2018/19</b>
<b>Pay costs</b>	<b>4,655</b>	<b>150</b>	<b>4,805</b>	<b>4,219</b>
Programme	4,133	150	4,283	3,724
Admin	522	-	522	495
<b>Non-Pay costs:</b>	<b>879</b>	<b>0</b>	<b>879</b>	<b>864</b>
IT & Telecommunications	258	-	258	248
Printing, postage & office	162	-	162	155
Staff Travel	48	-	48	50
External Case Related Expenditure	170	-	170	162
Other	241	-	241	249
<b>Income / Other</b>				
Income	0	-	0	0
<b>Fiscal DEL</b>	<b>5,534</b>	<b>150</b>	<b>5,684</b>	<b>5,083</b>
Non-Cash costs				
Depreciation/Dilapidations	250	-	250	150
Current Service Costs BBA	0	-	-	0
Total Resource DEL	5,784	150	5,934	5,233
Capital DEL	100	400	500	125
AME (pension related costs)	258	-	258	258
<b>TOTAL</b>	<b>6,142</b>	<b>550</b>	<b>6,692</b>	<b>5,616</b>

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**Note:** The Change Budget for 2019/20 is subject to release in tranches during the year. The figures shown are the maximum values available.