

● **Independently
investigating
miscarriages
of justice**



Criminal Cases Review Commission Annual Report and Accounts 2019/20

Report presented to Parliament pursuant to paragraph 8(3) of Schedule 1 to the Criminal Appeal Act 1995.

Accounts presented to Parliament pursuant to paragraph 9(4) of Schedule 1 to the Criminal Appeal Act 1995.

A copy of the Annual Report and Accounts is presented to the Northern Ireland Assembly pursuant to paragraph 8(4) of Schedule 1 to the Criminal Appeal Act 1995. Ordered by the House of Commons to be published on 14th July 2020.

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A photograph of a person's hands pointing at a laptop screen. The person is wearing a light-colored long-sleeved shirt and a smartwatch. The laptop is open on a dark surface. In the background, another person's hands are clasped. The entire image has a warm, orange-red color overlay.

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We considered the non-disclosure to be a breach of Section 3 of the Criminal Procedure and Investigations Act 1996 in that it was material which could have assisted the defence or undermined the prosecution case.

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Performance Report

The Performance Report of the Criminal Cases Review Commission (CCRC) has two parts.

Part one contains a foreword from our Chairman and introduction from our Chief Executive as well as an overview of the CCRC's purpose, its powers and performance designed to give readers a reasonable understanding of the CCRC and our current position without the need to look further into this report. Part two provides analysis of how we have performed in 2019/20 in areas such as casework function, finance and other areas.



Overview

Chairman's Foreword

Covid-19 added to an already busy and challenging time at the CCRC and catapulted us, like so many, into remote working in a way we had not envisaged. The response of the team has been phenomenal – not least in IT, where our ongoing work to modernise our systems was not advanced enough to have prepared us for the sudden and unexpected need to have everyone fully enabled to work in new ways.

Nonetheless, we have been able to maintain business as usual, holding significant case committees and board meetings using video conferencing software. This was all against a backdrop of major change and transformation and a forthcoming office move as well as new casework and IT infrastructure. That is a lot for any organisation to digest even without Covid-19. Some of our staff contracted the virus or had symptoms, but thankfully recovered. The communication between the team has been exceptional.

I am pleased to report that we have sent 29 cases for appeal this year including several high profile referrals in the Oval Four and Shrewsbury 24 cases. At the end of the year, just after Covid-19 restrictions struck, a case committee meeting by secure online video conference, decided to refer a significant number of Post Office Horizon cases (the latter will be formally counted in 2020/21 along with a number of other such cases we have decided to refer since).

We welcomed the start of an inquiry by the Westminster Commission on Miscarriages of Justice exploring our work and asking whether we are sufficiently independent and appropriately funded. It was due to report in May 2020, but we understand this has been delayed because of Covid-19.

The Westminster Commission was interested in the question of whether we are adequately resourced and in our evidence we suggested a number of ways in which more money would allow us to do far more in the criminal justice system. As I said last year, for those who suffer a miscarriage of justice every day lost is a further miscarriage and our focus remains on increasing efficiency and effectiveness whilst carrying out timely case reviews.

During the year we implemented most, but not all, of the recommendations that came from the Government's Tailored Review of the CCRC which reported its findings in February 2019.

We rejected several of the recommendations because we did not think they were in the interests of justice or in line with our guiding statute. We said "no" to a recommendation that we should stop considering summary cases and did so on the basis that a miscarriage of justice is a miscarriage irrespective of the court from which it arises.

We also rejected another recommendation that was subject to a long and extremely thorough investigation by a working group chaired by Commissioner Rob Ward and involving a number of staff, Commissioners and a Non-executive Director. The working group met on twelve occasions and conducted extensive due diligence before concluding there was no operational or financial benefit to be gained by moving decision making from Commissioners to Case Review Managers. It was, however, concluded that moving 'No Appeal' cases to a group of appropriately trained Case Review Managers, with stringent quality control and oversight from Commissioners, would benefit the CCRC and create no disservice to our applicants.

¹ See page 25.

The Board and Body Corporate have thanked the working group for its hard work on these complex issues.

The final Tailored Review recommendation we chose to vary related to the size of the Board. The previous Board was unwieldy and slowed down decision-making. The new Board, introduced early in 2019/20, now consists of three Commissioners acting as Non-executive Directors (NEDs), three Independent Non-executive Directors (INEDs), three members of the Senior Management Team and myself as Chairman. All were selected for their skill and capability to drive us through the next phase of our development. The original Tailored Review suggestion was that I would be one of the Commissioner NEDs which was unworkable and not in line with best practice corporate governance.

We took intervenor status in judicial review proceedings which has been instigated by one of our applicants against the Ministry of Justice (MoJ), claiming that we are not independent and that we are subject to MoJ interference; these are claims we categorically refute. The MoJ does not and never has interfered in the core work we undertake when deciding whether or not to refer a conviction or sentence to the appeal courts.

Other challenges in the year have included recruiting some new Non-executive Directors and Commissioners. We now need to recruit even more Commissioners as several of our existing ones have been recognised for their exceptional skill and capability and been recruited into judicial posts – a real testament to the calibre of Commissioners we attract.

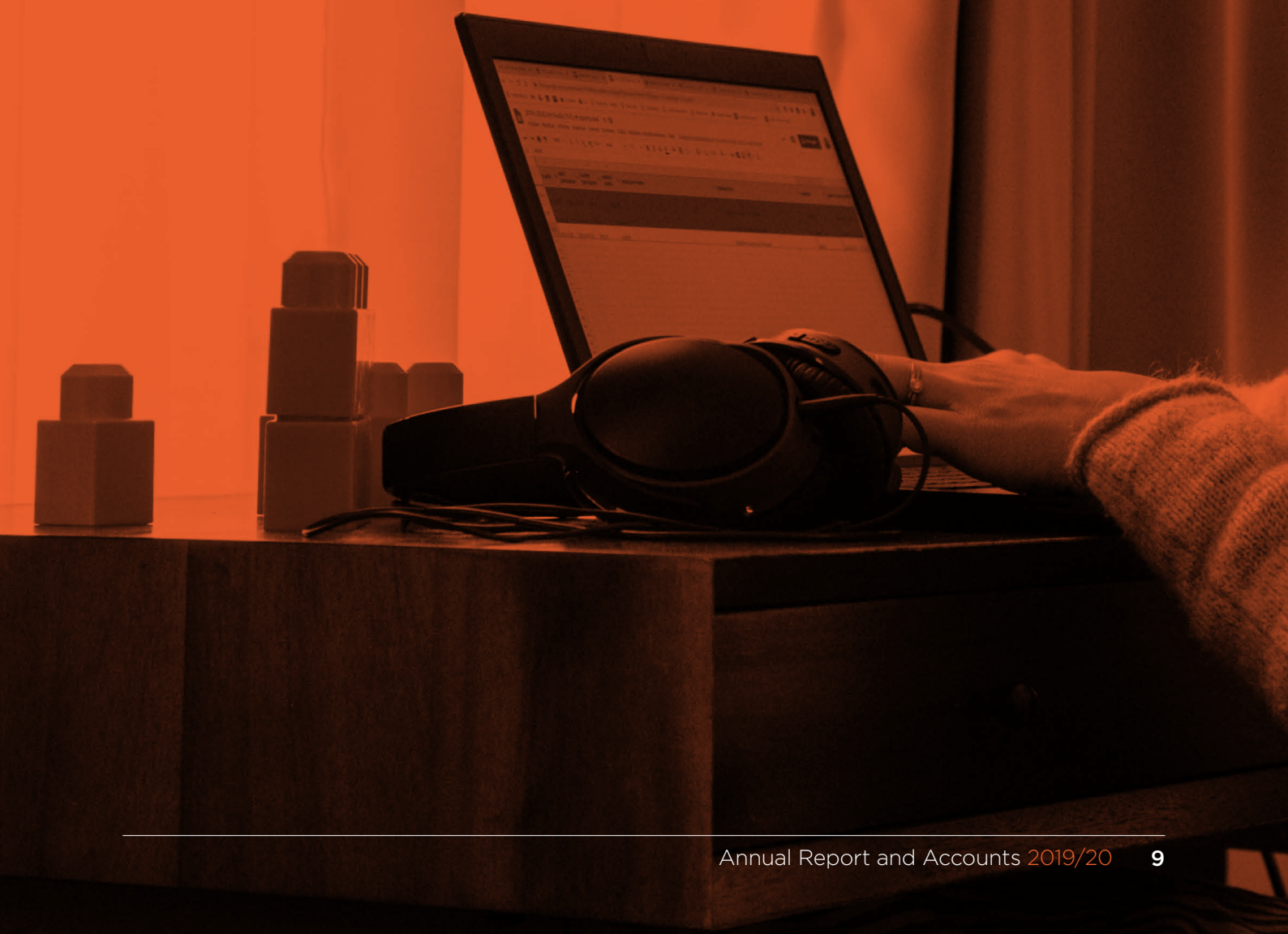
Our Board and Body Corporate are functioning effectively and we held an excellent strategy session in January 2020 with several members of the management team, from various levels, all participating with energy and enthusiasm. The focus was on ensuring that we continue to deliver on our core purpose of reviewing cases and referring potential miscarriages of justice; that we stay relevant and responsive to our applicants with a continued focus on both quality and timeliness of decision-making; that we utilise new technology and agile working, and work even more closely with our stakeholders who provide invaluable feedback. My team have worked tirelessly to realise our aims, to adapt to the world of remote working and to continue to serve our stakeholders. I thank each and every one of them.



CCRC Chairman Helen Pitcher OBE

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Covid-19 added to an already busy and challenging time at the Commission and catapulted us like so many into remote working in a way we hadn't envisaged.



Introduction from the Chief Executive

The CCRC is committed to uncovering miscarriages of justice and to do that we rely on our most crucial resource, people; our staff and Commissioners. Anyone who spends any time with us comments on the dedication, expertise and passion of the team.

Throughout the year we have seen the arrival of new Commissioners and staff and each has brought a valuable fresh perspective to add to our body of expertise; and I remain extraordinarily grateful to everyone at the CCRC for their commitment and support in finding miscarriages of justice. We do not, however, take things for granted. We are a learning organisation wanting to enhance how we work.

We refer for appeal those cases where we can find reason to do so, but we must disappoint the majority of those who apply to us; inevitably, many of those people will think we should have done better in their case. But “better” means different things to different people. We tend to be judged on the number of referrals we make each year. However, we have always said that our success should not be measured by our referral rate alone; and we stick by that statement. Sometimes, for reasons outside of our control, there will be fewer referrals in any given year; at other times it may go the other way. But we always want to make referrals and, as I have said before, nobody comes to work at the Commission to not find referrals and the sense of excitement and energy when a referral is made is palpable.

We are delighted to have referred 29 cases for appeal this year, a significant increase on 2018/19 year, and we already know there are many more to come in 2020/21. Each one of those referrals affects the lives of so many people; the applicant, his or her friends and

family and so on. In our work we recognise that applicants suffering a miscarriage of justice are clearly victims of one sort; we are also acutely aware that our work can affect another sort of victim, the victim of a crime, and we try always to address that with sensitivity and respect.

Several of the 29 referrals made this year were of applicants whose cases were linked in some way. Some critics take issue with the number of linked referrals we have made as if their being linked somehow makes them less important. In years when we have had a high number of referrals, we have always referred at least one group of linked cases so it is nothing unusual in that. It also seems an insult to the individuals whose cases are referred for appeal in a group, as if a miscarriage of justice is somehow less important if it is part of a series of linked cases. I am not sure that the applicants in such referrals would agree.

Although we are sometimes criticised for such linked referrals, at the same time we are often asked about the themes in our casework. We continue to be greatly concerned about non-disclosure of material and this again was a key theme in our referrals this year; a number of those are linked convictions from the early 1970s. Although much has changed since then in how cases are dealt, they are a reminder of the importance of today's standards. Of relevance to contemporary expectations of the criminal justice system, one referral this year was of a magistrates' court conviction from 2017 while another was of a sentence of ten years' imprisonment passed in 2016.

In addition to non-disclosure, there were three other key themes in our referrals. The first of these is in respect of issues of police misconduct, involving a number of linked

convictions from 1972, and another case prosecuted in 1981. The second theme was in respect of six referrals concerning faulty application of the law granting protections to refugees charged with immigration offences or to victims of human trafficking. Finally we have seen a theme in respect of mental health cases and new evidence relating to mental health issues, leading to referrals in three cases. Two of these involved murder and evidence potentially relevant to a partial defence of diminished responsibility; the other concerned the reliability of confession evidence in a case concerning multiple counts of arson and manslaughter.

We have extensive powers available to us as we review cases including commissioning investigative forensic work, which we have continued to do during this year in a range of applications. In one such case, that scientific work led to our decision to refer for appeal the 2015 convictions of a youth for serious sexual offences.

I have said that nobody comes to work to not find referrals. Effective working in the Commission across casework and all our functions is facilitated by having the right digital tools to help us. This is an area we have struggled with and so to address this we secured ring fenced funding to support a transformation programme to completely overhaul our IT systems. This will not only impact on how we carry out casework, but will also be enormously beneficial to our support areas such as finance, HR and corporate services. Not only do we expect those who use our services to see benefits, it will also provide staff and Commissioners with more agile ways of working, freeing us to work from



We have extensive powers available to us as we review cases including commissioning investigative forensic work which we have continued to do during this year in a range of applications.

smaller premises. We will be moving offices in 2020/21 business year and whilst we will retain an office in Birmingham, increasingly we will see more of our colleagues working remotely. This will be a good thing as it will open up roles at the Commission to people who do not live within daily commuting distance of Birmingham. As Helen says in her foreword, we have moved almost overnight to be an organisation working virtually entirely remotely because of the dreadful Covid-19 crisis, in effect piloting unexpectedly, and in the most tragic of circumstances, agile working. I am extremely proud of my team who made this happen; and of everyone who has really been determined to make the transition work.

As an organisation with casework at its core, we have always focused our resources on the casework frontline. That's vital and we continue to do so. But we are also committed to reaching out to those who may need our assistance. Put bluntly, if people don't know about us, they can't apply to us. With this in mind, we have worked hard during the year to meet the needs of our varied stakeholder groups.

One key area of focus for us was the mothers of young people in prison, valuable people instrumental in assisting their children in applying to us. We recognised that we needed to understand more about how mothers of people who may need our help would find out about us and use our services. Through the help of a company that offers a bridge to black and minority ethnic communities, we ran a series of focus groups in local cafes with women from those communities to gain their views on how we could raise awareness amongst these important groups. The Commission is extremely grateful for the time and effort of the women involved in these focus groups. Their recommendations will be incorporated in further outreach work and when we overhaul our website as part of our digital transformation programme.

We consider engagement and outreach work with prisons and prisoners to be very important. Amongst our programme of prison visits we visited all three Northern Ireland prisons in 2019/20 joined by both of our Northern Ireland Commissioners. In addition, we continue to build on our strong relationship with the group of legally qualified prisoners at HMP Oakwood (called "Your Consultation Group") who assist prisoners and prison staff on legal matters, including applications to us. We have also continued with our successful programme of prison surgeries to give help and advice to potential applicants. Unfortunately, we have had to postpone our planned summer programme of prison visits because of Covid-19. However, we are still doing all we can to reach out to prisoners.

We are continuing to work with Inside Time prison newspaper and National Prison Radio and as soon as we are able to visit prisons again, we will do so. Covid-19 has forced us to address how we communicate and engage with stakeholders more generally. We had planned to hold our first public Board meeting during this coming summer; we are now looking at how best we can do this remotely. We are looking at how we can do the same with other areas of stakeholder work such as our stakeholder forum which meets regularly.

Whilst there is still a need for some of the digital platforms to catch up with the fact that huge numbers of people across the country, and the world, are now working in very different ways, I do anticipate that we will see greater engagement with our stakeholders as people can attend such events from their own homes rather than need to travel.

I end this introduction where I began; our core purpose is investigating and uncovering miscarriages of justice. It is what we do; every miscarriage matters to us, whether it is high profile or not; whatever the offence and whatever the sentence. We would not be able to carry out that purpose to the high standards we hold ourselves to if it were not for the commitment and hard work of everyone here at the Commission. I would like to thank the team for your hard work; I am enormously proud to be able to work with you.



Karen Kneller

Chief Executive and Accounting Officer

The CCRC in 2019/20

The Criminal Cases Review Commission was created to independently review alleged miscarriages of criminal justice in England, Wales and Northern Ireland. Our job is to investigate alleged miscarriages and send cases to the appeal courts where there is new evidence or information that means there should be a fresh appeal.

Between starting work in 1997 and the end of March 2020 we sent 692 cases to the appeal courts at an average rate of 30 per year. We are an independent Non-Departmental Public Body (NDPB). We get a cash grant from the Ministry of Justice and we decide how we need to spend that money. The service we provide is completely free of charge to people who apply.

We spent



Applications received



Cases sent for appeal



29

Cases completed



1,453

People working at CCRC



43

64

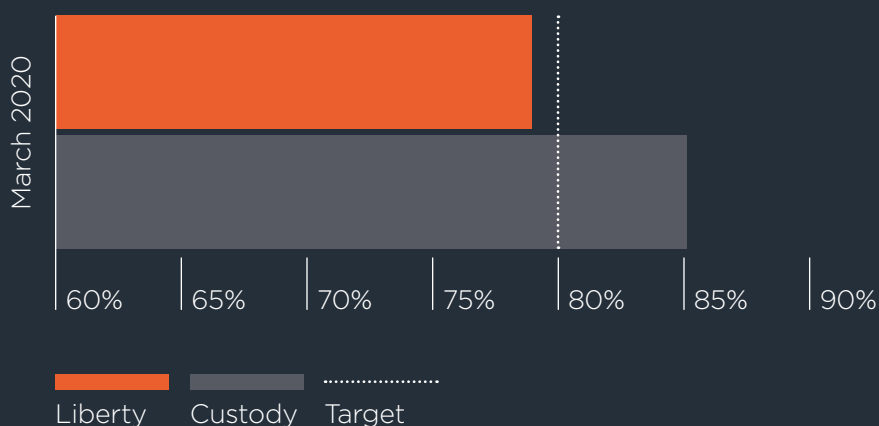
At the end of March 2020, 17.8% of our people identified themselves as being from a BAME background.

At the end of March 2020 there were:



Time taken for CCRC case reviews

We aim to complete 80% of all cases within 12 months of their arrival. This table shows how we did in 2019/20.



In 2019/20 the courts heard 17 appeals referred to them by the CCRC. In ten of those cases the appeals were won and in seven cases the appeals were lost. This means that in 2019/20 58.8% of appeals heard in CCRC cases were successful. This compares to a long term average of 66%.

About the CCRC and our performance in 2019/20

The creation of the CCRC was a response to a series of shocking miscarriages of justice that came to light in the 1980s and 1990s including the Guildford Four and the Birmingham Six. The Royal Commission established as a result of those cases recommended sweeping changes to parts of the Criminal Justice System including the creation of the CCRC. Parliament passed the Criminal Appeal Act 1995 with cross-party support and the CCRC for England, Wales and Northern Ireland² started work reviewing cases in April 1997.

Between then and 31st March 2020 we referred 692 cases to the appeal courts at an average rate of around 30 cases per year. Those referrals came from 25,531 cases completed in that time. Of the cases referred that had been decided by the appeal courts, 450 appeals succeeded and 207 failed³.

Most of our referrals have related to convictions for serious offences including rape and other crimes of violence; murder alone accounts for 23% of CCRC referrals.

Many of the most significant and high profile miscarriage of justice cases of recent decades have been resolved by way of a CCRC referral for appeal. However, historically most of our referrals have minimal public profile and have received limited interest from the media or from miscarriage of justice campaigners.

Most applicants apply to us without the help of a lawyer. In recent years the proportion of unrepresented applicants has climbed to around 90% from a historical average closer to 70%. Almost all of our applicants use our Easy Read application form that we designed to be as straightforward as possible.

We were created to deal with post-appeal claims of miscarriage of justice. As such, our principal role is to look into cases where someone maintains they were wrongly convicted or incorrectly sentenced even after they have exhausted their normal rights of appeal. In fact, we cannot refer a case for appeal if an applicant still has their normal appeal rights, unless there are “exceptional circumstances” that mean we should do so. In spite of this, around 40% of all our applications have come from people who still could, and in most cases should, appeal direct to the courts.

Performance in 2020

In mid-March 2020, close to the end of the reporting year, coronavirus caused significant disruption to all areas of life and work in the UK and in many other countries. As a result of coronavirus related restrictions introduced by the Government, we asked all staff to work from home and closed the office on 23rd March.

We adapted to the situation and put in place a number of measures to allow us to continue working as well as possible under the circumstances. These measures included increased use of remote access and technology to allow meetings, including casework decision-making committees, to go ahead with those involved taking part remotely. We also had to adopt new ways of working in various areas in order not only to maintain core functions of the organisation, but also to try to safeguard the wellbeing of staff which was and continues to be of paramount importance.

² Scotland has a separate legal system and separate CCRC see: www.sccrc.org.

³ The difference between the number of cases referred and the number of appeal outcomes is accounted for by referred cases awaiting appeal, by cases where appeals have been heard and judgment is awaited, and by referred cases where appellants abandoned their appeals.

The coronavirus situation has undoubtedly had an impact on some aspects of our performance. That impact is discussed in the casework performance section and mentioned in a number of other places in this report.

The headline figures for 2019/20 are that we received 1,334 and completed 1,453 cases. Of the cases closed during the year, 29 were referred to the appeal courts. This compares with 13 referrals in 2018/19 and brings us back to close to the historic average of 30 referrals a year.

The casework sections of this report (see pages 18 to 34) explain in some detail how we have performed in our core task of reviewing alleged miscarriages of justice through 2019/20.

Our Powers and Investigations

The Commission's principal investigatory power comes from section 17 of our founding legislation, the Criminal Appeal Act 1995.

Section 17 gives us the ability to obtain from any public body any material we believe is necessary for our work. It covers everything from materials held by the police and the Crown Prosecution Service (CPS) and the intelligence services, to government papers, social services files and so on.

Section 18A of the Act provide us⁴ with the additional power to obtain material in private hands. The powers under section 18A can only be exercised with the agreement of a Crown Court Judge.

Section 19 of the Criminal Appeal Act 1995 gives us the power to require a police force to appoint an investigating officer to carry



Many of the most significant and high profile miscarriage of justice cases of recent decades have been resolved by way of a CCRC referral for appeal.

out investigations on our behalf and under our direction. The power under Section 19 is generally used only when we think there may be an advantage in using police powers or where an investigation is too large for a body of our size.

As well as our core function of looking into applicants' cases, we have a lesser known but significant role investigating on behalf of the Court of Appeal Criminal Division in relation to ongoing appeals at first instance. The Court can direct the Commission to investigate and report to it under section 23A of the Criminal Appeal Act 1968 (and section 15 of the Criminal Appeal Act 1995). Such investigations have typically, but not exclusively, involved us looking into allegations of some kind of juror irregularity or misconduct. Our activity in this area during 2019/20 is reported on page 30.

⁴ As added to the CAA95 by the CCRC (Information) Act 2016.

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The headline performance figures for 2019/20 are that we received 1,334 applications, completed 1,453 cases and referred 29 cases to the appeal courts.

Strategic Risks

Our risk management framework is set out in the Governance Statement. The major threats to our organisational aims in our view include the securing of sufficient resources from Government, making sure we recruit and retain staff with the right skills and capabilities and the security of information we obtain from others to perform our role.

We manage these and other risks through a formal risk management process operated across the organisation. This includes but is not limited to the regular update and monitoring of our risk register, and the oversight provided by our Audit and Risk Assurance Committee which meets quarterly under the chairmanship of one of our independent Non-executive Directors.

Going Concern

The Commission is an independent NDPB (Non-Departmental Public Body) funded by way of a Grant in Aid (i.e. a cash grant) from the Ministry of Justice. The Grant in Aid funding allows us to maintain our independence from the Government and from other parts of the criminal justice system including the courts, the police and the prosecution.

Our Grant in Aid for 2020/21, taking into account the amounts required to meet the liabilities falling due in that year, has been included in the Ministry of Justice overall estimates for the year and has been approved by Parliament. We have every reason to believe that we will continue to receive departmental sponsorship and future parliamentary approval and there is no reason to suppose that the Commission will not continue in its current form.

On that basis, it is considered appropriate to adopt a “going concern” basis for the preparation of these financial statements.

Financial Review

In 2019/20, the comprehensive net expenditure for the year was £7.066 million (2018/19 £6.239m). The Statement of Financial Position at 31st March 2020 showed a total negative taxpayers' equity of £6.250 million. This reflects the inclusion of pension liabilities falling due in future years which, to the extent that they are not to be met from other sources of income, may only be met by future Grants in Aid from the Ministry of Justice. This is because, under the normal conventions, such grants cannot be issued in advance of need.



Karen Kneller

Chief Executive and Accounting Officer
2nd July 2020

CCRC cases referred for appeal and decided in 2019/20

In this section we report some CCRC cases that were either referred in 2019/20, heard by the appeal courts during the year, or both. The tables on pages 96 to 101 of this report detail all of the cases we referred, and all of the cases dealt with by the courts in 2019/20.

Post Office cases

Towards the end of March 2020 we took the decision to refer for appeal 39 cases linked by the fact that they all related to former Post Office workers, mainly Subpostmasters and Subpostmistresses, who blamed the Post Office's Horizon computer system for the offences for which they were convicted such as theft, fraud and false accounting.

These are unprecedented referrals, not only because of the fact that 39 cases is by far the largest number of cases referred together in the history of the CCRC, but also because of the unusual circumstances under which the decisions were taken.

The decision-making committee met over two days shortly after the coronavirus led to the initial Government restrictions on movement and assembly. As a result the committee met using remote access technology which allowed all participants to take part from their own homes.

Ultimately, we decided to refer the 39 cases on the basis of the argument that each prosecution had amounted to an abuse of process. The abuse of process argument was based on issues with the Post Office's Horizon computer system which may have had an impact on the cases referred.

The argument arises out of two civil court judgments – the Common Issues Judgment of the 15th March 2019 (*Bates v Post Office* [2019] EWHC 606 (QB)), and particularly the Horizon Issues Judgment handed down on the 16th December 2019 (*Bates v Post Office* [2019] EWHC 3408 (QB)).

The referrals could only be formally made (34 were referred to the Court of Appeal and four to the Crown Court), on 3rd June 2020 because of the coronavirus related lockdown and the difficulty in collecting and compiling the supporting material needed in each of the referred cases. As a result, the referrals will be accounted for, not in this annual report but in the report for 2020/21. However, the decision to refer was taken in 2019/20 and the formal referrals were made in early June 2020 and represent a significant event worthy of detailed mention in this report.

Indeed, the 39 referrals reported above came from a total of 61 Post Office type applications received. On the 3rd June 2020 we announced that we had decided to refer a further eight cases for appeal, that seven applicants had each been sent a Provisional Statement of Reasons and that seven cases were still being considered.

Shrewsbury 24 cases

In February 2020 we referred the convictions of John McKinsie Jones, John Malcolm Clee, William Michael Pierce, Terence Renshaw, Patrick Kevin Butcher and Bernard Williams, and also of Kenneth Desmond Francis O'Shea and Dennis Michael Warren who are both deceased.

All eight men were members of a group of 24 construction workers convicted in a series of three trials held in 1972, 1973 and 1974.

Together they became known as the Shrewsbury 24. The men were convicted of a range of offences such as unlawful assembly, conspiracy to intimidate, affray and threatening behaviour. All but one pleaded not guilty and all were convicted. The sentences imposed varied from three years' imprisonment to three months' imprisonment suspended for two years.

In 2012 the CCRC received applications from ten members of the Shrewsbury 24 including the eight men named above. However, after a long-running and very extensive investigation we decided in October 2017 that we could not refer those convictions for appeal.

Eight of the ten applicants launched Judicial Review proceedings against the CCRC's decision not to refer their cases. Permission for the Judicial Review was given in November 2018 and the full hearing took place on 30th April 2019.

Part way through those proceedings we agreed to revisit the decision not to refer the eight cases for appeal, based on two specific matters that were at issue in the Judicial Review. Those matters were:

- new evidence found consisting of a note dated 17th September 1973 which revealed that some original statements had been destroyed. Neither this note, nor the fact that statements were destroyed, was disclosed to the defence at the time of the trial or at any time thereafter.
- new legal argument relating to a television documentary, *The Red Under the Bed*, which was broadcast during the 1972 trial and analysis, applying modern standards of fairness, of the way in which the airing of the documentary was handled by the trial judge.



These are unprecedented referrals, not only because of the fact that 39 cases is by far the largest number of cases referred together in the history of the CCRC, but also because of the unusual circumstances under which the decisions were taken.

We carefully considered those matters again in light of the apparent attitude of the Administrative Court, and in light of submissions from the men's legal representatives required by the Court.

On the basis of those fresh considerations, we concluded that new evidence and new argument gave rise to a real possibility that the Court of Appeal may quash the convictions as unsafe. Accordingly, we decided to refer the convictions for appeal.

Following the decision, the CCRC contacted the two men who were part of the 2012 application but who did not join the Judicial Review. Both of those men subsequently reapplied. Representatives of a further four members of the Shrewsbury 24 applied to us after the decision to refer the first eight cases reported above. On 22nd May 2020 we also referred all six of those cases for appeal.



In light of a significant amount of information from clinicians, we took the view that there was a real possibility that the Court of Appeal would receive the fresh evidence and may not uphold Mr Jones' conviction for murder.

Adrian Jones

Mr Jones was aged 16 at the time he was charged with the murder of a woman. Throughout the trial Mr Jones denied the murder, asserting that there were innocent explanations for the overwhelming evidence against him. Subsequently he was diagnosed with schizophrenia. He applied to the CCRC on that basis and we sought reports from a number of psychiatric experts.

Towards the end of the review, Mr Jones died. At that stage, we had already decided that the specific nature of Mr Jones' illness had inhibited him from disclosing his responsibility for the offence. As a result, it was clear that his representatives at the time of the trial had been unable to consider advancing a defence of diminished responsibility. In light of a significant amount of information from clinicians, we took the view that there was a real possibility that the Court of Appeal would receive the fresh evidence and may not uphold Mr Jones' conviction for murder. Because of Mr Jones' death, the issue of the CCRC's discretion not to refer the conviction also arose.⁵ We considered the issue of public interest, the seriousness of the conviction and the ongoing impact of the conviction on Mr Jones' family. Furthermore, we considered that the diagnosis of schizophrenia could go some way to providing an answer to the family of the deceased, as to why this tragic incident occurred. We were also satisfied that there was a real possibility that the Court of Appeal would 'approve' Mr Jones's mother as a suitable person under 44A(3) of the Criminal Appeal Act 1968, and so the case was referred.

Michael Devine

On 5 February 1981, in Belfast Crown Court, Michael Devine was convicted of ten offences connected with paramilitary activity. The offences included the attempted murder of a police officer, possession of a firearm with intent, causing Grievous Bodily Harm, conspiracy to pervert the course of justice and membership of a proscribed organisation. He was sentenced to 20 years' imprisonment.

Mr Devine was aged 17 at the time of his arrest. The prosecution case centred on admissions that Mr Devine was said to have made during his police interviews. During those interviews, he had no solicitor, no appropriate adult and there was no audio or video recording. He signed no documents and made contemporaneous complaints to doctors about detectives writing down statements that he had not made. Mr Devine's case has been referred to the Court of Appeal on multiple grounds linked to modern standards of fairness, decisions in related cases, confidential material and expert evidence from a forensic linguist.

James Robson

This was an unusual case in that it was a referral of a magistrates' court conviction made on the basis of material non-disclosure.

Mr Robson was convicted at Bexley Magistrates' Court in September 2017 of using threatening, abusive or insulting words or behaviour to cause harassment, alarm or distress. He was said to have verbally abused the complainant as she stood at a bus stop in May 2017.

⁵ The CCRC has a residual discretion not to refer cases even if it considers that there is a real possibility of a successful appeal.

Mr Robson was also convicted of a further offence under s.2 of the Protection from Harassment Act 1997, namely pursuing a course of conduct between May 23rd 2017 and June 9th 2017 which amounted to harassment of the victim. That conviction was quashed on appeal. Mr Robson applied to us in 2018 seeking to have his remaining conviction referred for appeal on the basis that the complainant was not a credible witness and her allegation against him was entirely false. During our investigation, some previously undisclosed evidence came to light which raised questions about her credibility.

Our referral was based on the potential impact of that new evidence. We considered the non-disclosure to be a breach of Section 3 of the Criminal Procedure and Investigations Act 1996 in that it was material which could have assisted the defence or undermined the prosecution case. On 12 March 2020 it was recorded that the Crown had decided to offer no evidence and the conviction was subsequently quashed along with the associated orders.

Nicholas Roddis

On 8 May 2007 Mr Roddis boarded a bus in Rotherham carrying a hoax bomb in a bag. The hoax bomb was made from bags of sugar wrapped in tape, wires, an alarm clock and nails. He wore an obviously false beard and thick black glasses. Mr Roddis left the hoax bomb on the bus. When the item was discovered, the alarm was raised and the bus was evacuated.

Following his arrest, a search was conducted of Mr Roddis' home and police located instructions for making an explosive and material on extremism.

The prosecution case was that Mr Roddis was intent upon committing a terrorist act. The defence case was that he was an immature individual who had no real concept of what he was doing and how it would be perceived. There was evidence of a personality disorder. Mr Roddis engaged in treatment and this cast further light on his mental health with a confirmed diagnosis of an Autism Spectrum Disorder (ASD).

The Court was asked to consider the issue as fresh evidence as the jury and trial judge had been unaware of this diagnosis at the time of his trial and this would have explained his behaviour and supported his defence that he was not a terrorist. In March 2020, the Court upheld Mr Roddis' conviction, noting there was some psychiatric material that was available to the defence at the time of trial and that this had not been deployed for tactical reasons. The Court also emphasised that cases involving a post-trial diagnosis of autism would turn on their own facts.

Gordon Park

Mr Park was convicted in January 2005 of the murder of his first wife Carol Park. On or about Saturday 17 July 1976, Mr Park was said to have bound her body with ropes and transported it twenty miles from their home in order to deposit it in Coniston Water. Mrs Park's body remained there for twenty-one years until it was raised by amateur divers in 1997. The case became known as 'the Lady in the Lake'. Mr Park had taken his own life during 2010 and members of his family pursued his posthumous application to the Commission.

Our lengthy and substantial investigation resulted in a referral in 2018 based on undisclosed material, new DNA evidence and the findings of an expert geologist. The appeal was heard in November 2019; the judgment handed down on 1st May 2020. In a detailed analysis of the original and new evidence, the Court noted the strength of the prosecution case and confirmed that it considered the conviction to be safe.

Ismael Abdurahman

Mr Abdurahman was convicted in February 2008 of assisting an offender and failing to disclose information about acts of terrorism. The charges related to the attack on the London transport network in July 2005. Four men were convicted of conspiracy to murder and each was sentenced to life imprisonment with recommended minimum terms of 40 years. At a separate trial at Kingston Crown Court, Mr Abdurahman was prosecuted as one of a group of people said to have given active assistance to the bombers.

Mr Abdurahman was convicted and sentenced to a total of ten years' imprisonment (reduced to eight years on appeal). He applied unsuccessfully to the CCRC in 2009. He applied again in 2017 having received, in 2016, a judgment of the Grand Chamber of the European Court of Human Rights ("ECtHR").⁶ The ECtHR found that the way in which Mr Abdurahman had been treated by the police during his interview had been in violation of his Article 6 rights (right to a fair trial). The ECtHR concluded that Mr Abdurahman's trial was "irretrievably prejudiced" by admissions he had made without being cautioned.

Dismissing the appeal, the Court placed considerable weight on other evidence in the case, which it considered to be 'overwhelming'. It also emphasised that the Grand Chamber had itself recognised that the finding of unfairness 'did not entail that Mr Abdurahman was wrongly convicted.

The Oval Four

The Court of Appeal considered the cases of four men convicted in 1972: Winston Trew, George Griffiths, Sterling Christie and Constantine Boucher. The men had become known as The Oval Four.

All four men were of Jamaican origin, having moved to the UK as children, and were aged between 19 and 23 when they were arrested. They were convicted of a series of thefts on London's tube network. The sole evidence against them was in the form of disputed confessions said to have been made to police officers led by DS Ridgewell.

DS Ridgewell had featured as a disgraced officer in a previous CCRC referral (*R v Stephen Simmons* [2018] EWCA Crim 114). There the Lord Chief Justice had quashed a conviction that was also based on a disputed confession from the same period. We had discovered that there were contemporaneous concerns about Ridgewell's integrity and the methods his team employed. Indeed, the team had been disbanded following numerous issues with their conduct. Additionally, in 1978, DS Ridgewell was convicted for his involvement in a conspiracy to steal a valuable consignment of goods in transit.

The Court followed *Simmons* and quashed all four convictions. Interestingly, in *Simmons*,

⁶ The ECtHR judgment in the Case of Ibrahim and Others v United Kingdom (Applications nos. 50541/08, 50571/08, 50573/08 and 40351/09) is available at <https://hudoc.echr.coe.int>.

the Court had referred to a book written by Mr Trew (who is a university lecturer) about his experiences. This book had informed our research into Mr Simmons' case. It also enabled us to contact Mr Trew and proactively invite applications from each of the four defendants.

Johnson-Haynes

Andre Johnson-Haynes was convicted of murder on the basis of joint enterprise. He was one of seven defendants in a trial at the Central Criminal Court in 2009. Mr Johnson-Haynes, who was 17 at the time of the murder, was ordered to be detained at Her Majesty's pleasure with a minimum term of 12 years' imprisonment - the starting point for youths in such circumstances.

He applied to us for a review of his case on the basis of the change in the law following the Supreme Court's decision in the cases of *R-v-Jogee*, *Ruddock-v-The Queen* [2016] UKSC 8.

Our referral of his conviction noted that the change in law was significant in the context of Mr Johnson-Haynes' defence. We also noted that the jury had taken a considerable length of time to reach its decision and had done so with a 10:2 majority.

Following a consideration of the facts of the case together with the principles of substantial injustice and safety, the Court upheld the conviction. It also indicated that the length of deliberations and the majority decision were not matters that should have been taken into account by the CCRC, saying at paragraph 64:

We were also surprised to see any reliance placed on the facts that the jury were deliberating for some time and returned a majority verdict. Again, this simply invited



They were convicted of a series of thefts on London's tube network. The sole evidence against them was in the form of disputed confessions said to have been made to police officers led by DS Ridgewell.

speculation as to the jury's deliberations. Seven young people stood in the dock charged with murder. One would expect a jury to work their way through the evidence and the case against each defendant with considerable care. A verdict is not subject to a challenge simply because it takes a jury some time to do their duty and by the end of their deliberations two of the jury remain unsatisfied as to all the elements of the offence.

Asylum and Immigration – Ms A

A growing line of CCRC referrals relating to the wrongful convictions of asylum seekers has continued. In 2019/20 we made five referrals of this kind. The case of Ms A was one of those five cases and an unusual variation on the theme in that Ms A was prosecuted for using a false document to obtain employment.

Ms A was born and raised in Cameroon. She was subjected to sexual abuse, torture and violence. She escaped with the help of her father and made a claim for asylum on arrival in the UK in 2003.

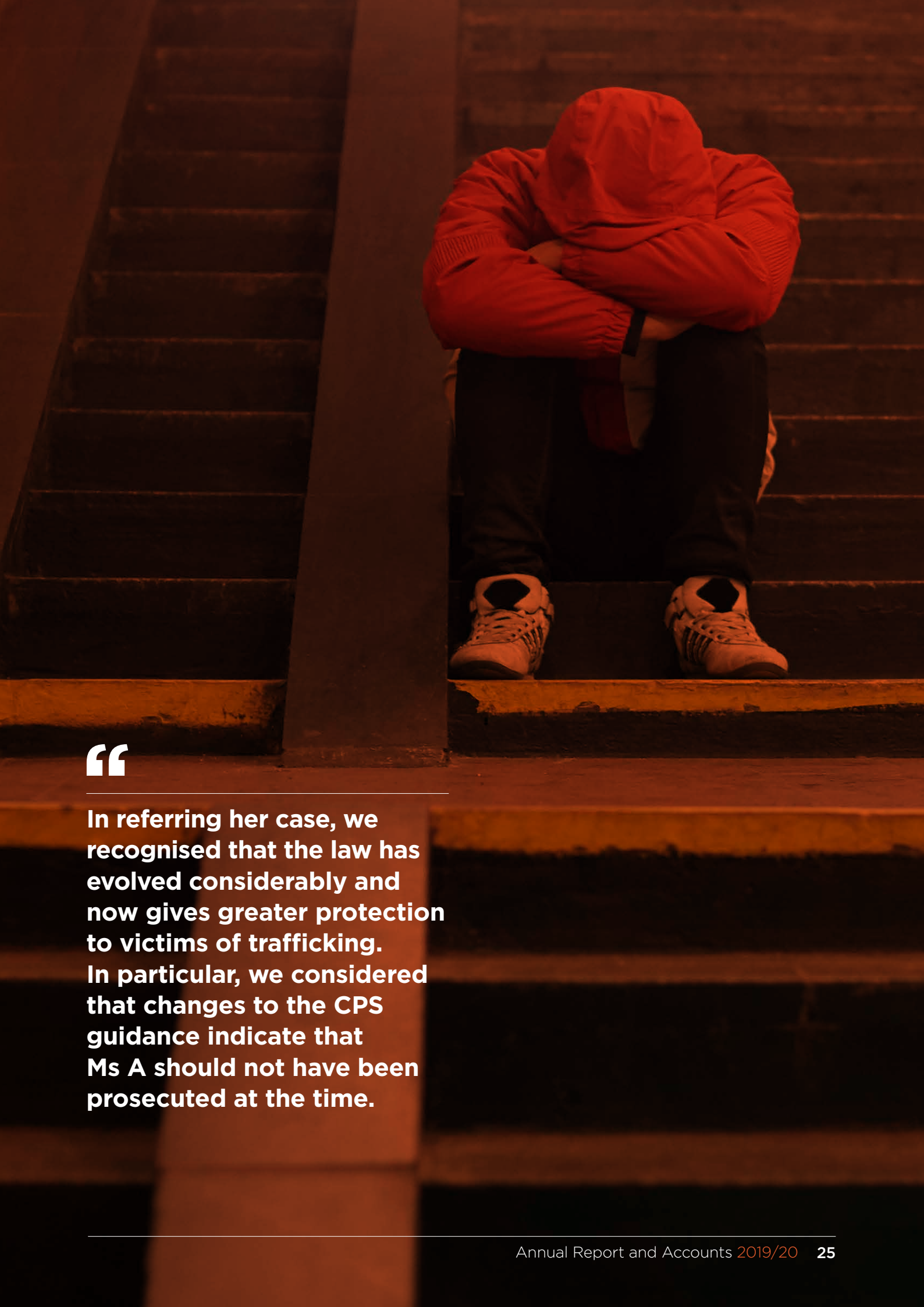
When her claim was refused she became homeless and met an individual who provided her with accommodation and a false passport. She was encouraged to use the false passport as proof of identity to get a job in a mobile phone shop. She was required to pay for the accommodation and false passport from her earnings and by stealing SIM cards. Ms A was arrested when the theft of SIM cards came to light, and the police discovered Ms A was using a false identity document. In August 2005, Ms A pleaded guilty at Stoke-on-Trent Magistrates' Court to two counts of theft, two counts of dishonestly obtaining communication services, possession of a false instrument (a passport) and using it to obtain a pecuniary advantage. She was sentenced to a total of 14 months in prison.

In 2009, Ms A was granted asylum and in 2018, the Home Office recognised that Ms A was a victim of trafficking and forced labour. Because Ms A pleaded guilty in the magistrates' court in 2005, she did not have an ordinary right to appeal. In referring her case, we recognised that the law has evolved considerably and now gives greater protection to victims of trafficking. In particular, we considered that changes to the CPS guidance indicate that Ms A should not have been prosecuted at the time and that *R v GS* [2018] EWCA Crim 1824 would suggest that Ms A would have had a good defence to any charges brought.

Miss T

Miss T was a Vietnamese national who was trafficked to the UK. She was arrested in July 2014 following a police raid on a property adapted for growing cannabis. There were in excess of 100 cannabis plants and a substantial amount of loose leaf product. Later that month and following legal advice, Miss T pleaded guilty to a charge relating to the cultivation of cannabis and was sentenced to six months' imprisonment.

Between 2015 and 2019, there were a series of findings relating to Miss T's status. In particular, in 2016, the Home Office recognised her as a refugee and, in 2019, as a victim of modern slavery for the purposes of forced criminality. We considered that the findings suggested that the Court would find the conviction an affront to justice and permit Miss T to vacate her guilty plea.



“

In referring her case, we recognised that the law has evolved considerably and now gives greater protection to victims of trafficking. In particular, we considered that changes to the CPS guidance indicate that Ms A should not have been prosecuted at the time.

Our Casework Performance

Applications

We received 1,334 applications in 2019/20, and completed our consideration of 1,453 cases. This compares to 2018/19 when we received 1,371 applications and completed 1,449 cases.

Referrals

During 2019/20, we referred 29 cases for appeal. Twenty-seven were conviction referrals and related to sentence⁷. This means that 1.95% of cases closed in 2019/20 were referred for appeal.

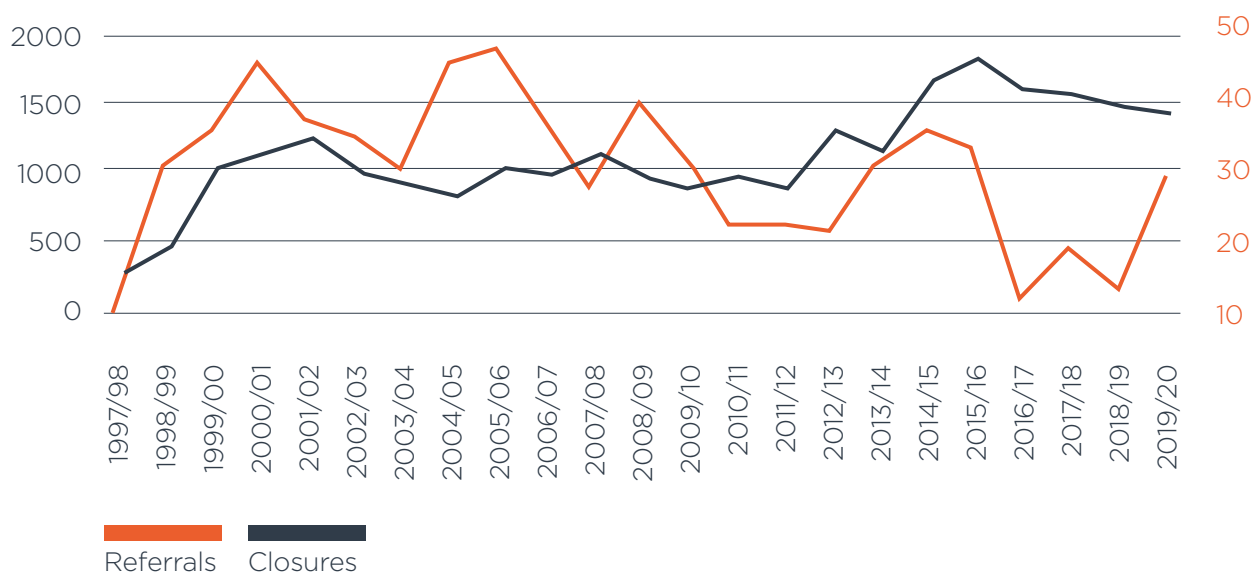
The courts heard appeals in relation to 18 cases resulting from CCRC referrals. Of these 11 were allowed and seven dismissed. This means that 61.1% of appeals in CCRC cases were successful during the year.

Casework performance and Covid-19

The arrival of Covid-19 and related restrictions in the last weeks of 2019/20 will have had a slight impact on casework performance statistics for the year. For instance, the closure of the office meant that we did not complete as many cases in March as we expected to.

However, while the impact on our figures for 2019/20 will have been reasonably slight, it is clear that the main impact on CCRC casework of the Covid-19 lockdown will be seen in the figures for the early months of 2020/21 and will be reported as necessary in our Annual Report and Accounts for that year.

The graph below shows the number of referrals we have made and the number of cases closed each year since we started work in 1997.



⁷ A table of all referrals made in the year appears on page 96 of this report. It lists offences, whether the referral was of conviction or sentence and whether the applicant was in custody or at liberty.

No appeal cases

In 2019/20 we received 532 no appeal applications. That represents 39.9% of our case intake for the year.

No appeal cases are applications that we receive in spite of the fact that the person concerned could still apply directly to the appeal courts if they wished. In such cases, we can only refer for appeal if, in addition to meeting the “real possibility” test that applies to every case, we can find exceptional circumstances that mean we should review the case even though the person could still use their normal right of appeal.

If a no appeal applicant does not raise exceptional circumstances, and if none are apparent to us, we advise them to appeal in the normal way and assist them by explaining how they can do so. If exceptional circumstances appear to be present, the case is reviewed with those potential exceptional circumstances in mind.

Of those 532 cases no appeal cases 18% (96) were passed for review because we identified exceptional circumstances. This proportion has been fairly constant in recent years: in 2018/19, 22% of no appeal cases were reviewed and in 2017/18 it was 15%.

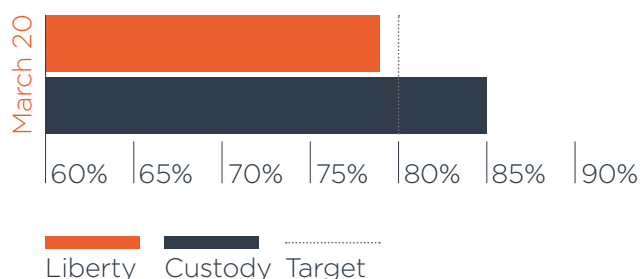
Even though relatively few no appeal cases are subject to normal case review, the process for deciding whether or not exceptional circumstances are present means that in this year, as in previous years, dealing with no appeal cases has required a significant amount of Commission resource.



During 2019/20, we referred 29 cases for appeal. Twenty-seven were conviction referrals and related to sentence. This means that 1.95% of cases closed in 2019/20 were referred for appeal.

Our Key Performance Indicators KPIs

In this section of the Annual Report and Accounts we cover key elements of our casework performance through a number of our Key Performance Indicators (KPIs) and other measures. The full set of KPIs are defined and the results for 2019/20 set out on pages 102 to 106 of this report.

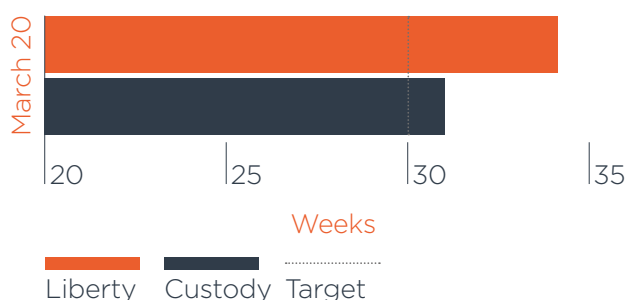


Cases closed within 12 months of application (KPI1)

We aim to complete a minimum of 80% of cases within 12 months of receiving the application.

At the end of the reporting year (31st March 2020), we closed 83.72% of cases within 12 months of receiving the application. We are pleased to have met or exceeded our target for 11 months of the year.

We recognise that making proper decisions within a reasonable timeframe is important to our applicants. In progressing reviews, we afford a degree of priority to those applicants who are in custody. The table on the left shows that at the end of the reporting year, 85.07% of cases where applicants are in custody, and 78.93% of cases where applicants are at liberty, were completed within 12 months.



Duration of a Review (KPI2)

We aim to make a decision within 30 weeks of a case review beginning (i.e. from when a case is allocated to a Case Review Manager). This is our KPI2. The table on the left shows the average time taken for reviews of cases of applicants in custody and at liberty at the end of March 2020. In custody cases we narrowly missed our target by closing those cases in an average of 31.09 weeks. For liberty cases, the average was a little longer at 34.17 weeks. As the CCRC has a number of cases at any one time, decisions are routinely made (and reassessed) as to whether all or some of the work on specific cases should be given priority, and a degree of priority is afforded to those who are custody.

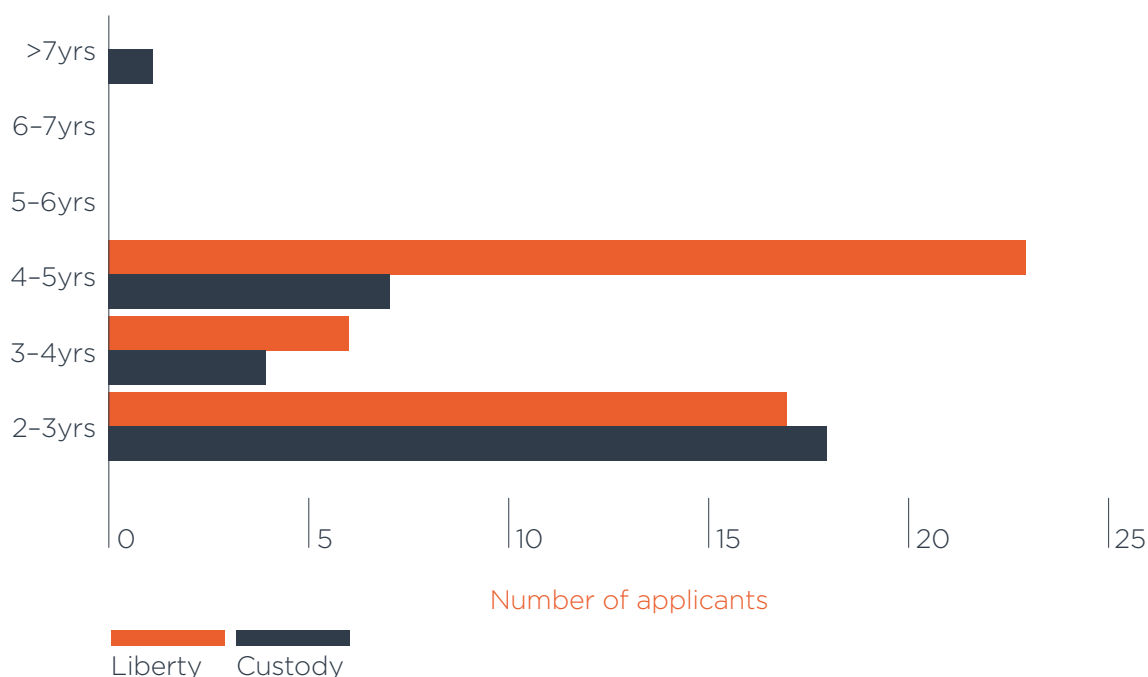
We also aim to allocate all cases destined for review to a Case Review Manager within three months of the arrival of the application. At end of 2019/20 we had have achieved or bettered that target in all of the previous 21 months.

Long-running Cases (KPI3)

We count a case as long running if it has been under review for more than two years. A proportion of our cases are complex and require careful investigation, many requiring expert reports. Sometimes we need to await the outcome of connected live court proceedings or criminal investigations, over which we have little or no control. We pay close attention to long running cases, through a sub-committee of the Board, to ensure that they are not taking longer than is justifiable, looking for new ways to resolve any problems arising in our reviews whenever possible.

Our target is that fewer than three per cent of applications should take us more than two years to review. At the end of the reporting year (31st March 2020), 5.2% of applications fell within this category. Of those, 31 applications were linked to the Post Office Horizon Computer issue, and for that reason were being reviewed together. Without them, we would have achieved 3.15%. Twenty-eight of those Post Office cases were referred for appeal and closed in the early months of the 2020/21 reporting period; in the three remaining cases, Provisional Statements of Reasons were issued suggesting that they may also be close to completion.

The table below shows the number of custody and the number of liberty cases categorised as long running at the end of the reporting year 2019/20 and the number of years they have been under review.





Out of the 16 cases where proceedings were issued this year, nine have been refused permission with three of those considered by the Court to be ‘totally without merit’.

Quality Assurance (KPI5)

We said last year that we were in the process of creating and recruiting for a new role within the organisation, that of Head of Quality. Subsequently our first Head of Quality started work in October 2019. He is involved in various aspects of quality at the Commission with the role fundamentally concerned with enhancing our approach to quality management. Because of the impact of Covid-19, enhancements to our quality systems will be implemented during the course of 2020/21.

Levels of legal representation

In recent years we have seen a decline in the number and proportion of our applicants who apply to us with the assistance of a legally qualified representative such as a solicitor or barrister. Historically around 70% of people have applied to us without the help of lawyer. In 2018/19 the figure reached 90%. We calculate that in 2019/20 almost 93% of applicants applied to us without the help of a legal representative.

Investigations for the Court of Appeal

As well as reviewing those cases that come to us by way of applications from individuals, we also conduct some investigations in relation to cases where the Court of Appeal Criminal Division is considering a first appeal or an application for leave to appeal. The Court can direct us to investigate and report on matters related to ongoing appeals pursuant to section 15 of the Criminal Appeal Act 1995 and 23A of the Criminal Appeal Act 1968.

We carried out two section 15 investigations during 2019/20. In one case, we were asked to investigate claims that a court usher had offered advice to the jury on (i) the meaning of intent and (ii) the issue of arriving at a verdict. The conviction was quashed and a retrial ordered. In the other, we looked into the question of whether or not the foreman of the jury had returned the wrong verdict in relation to one of the counts faced by a defendant; the Court quashed the conviction in relation to that count.

Royal Prerogative of Mercy

Section 16 of the Criminal Appeal Act 1995 gives the Commission two areas of responsibility relating to the Royal Prerogative of Mercy. One is to recommend the use of the Royal Prerogative where the Commission sees fit. The other is to respond to requests from the Secretary of State in relation to the use of the Royal Prerogative.

For the first time in its history, we received a request from the Secretary of State in relation to the use of the Royal Prerogative. The request related to the well-known historic case of Mrs Sarah Chesham. Mrs Chesham, who became known as “Sally Arsenic”, was convicted at Essex Lent Assizes in 1851 for the attempted murder of her husband by arsenic poisoning. She was sentenced to death and hanged in public at Springfield Prison in Chelmsford. The request from the Secretary of State arrived in February 2020. At the close of the year, our investigation in this case was ongoing. We did not have cause to recommend the use of the Royal Prerogative during 2019/20.

Military cases

The Armed Forces Act 2006 amended the Criminal Appeal Act 1995 and the Court Martial Appeals Act 1986 to give the Commission jurisdiction over convictions and sentences arising from the Court Martial or Service Civilian Court after 31 October 2009. One application of a military origin was received in 2019/20. It arrived in December 2019 and related to a conviction for assault arising from the Military Court Service at Bulford. The applicant is at liberty. The case was ongoing at the end of the reporting year.

Judicial Reviews 2019/20

Applications for judicial review are usually handled by the Administrative Court at the Royal Courts of Justice in London and Belfast. If a decision taken by the CCRC is successfully judicially reviewed, the Administrative Court can require us to revisit the decision in question.

During the year 2019/20, correspondence was exchanged under the Pre-Action Protocol for Judicial Review in 25 cases. One case was conceded at this stage and re-opened. In the same period, we were the subject of 16 claims. In six cases, claimants did not follow the Protocol and proceeded straight to claim.

Out of the 16 cases where proceedings were issued this year, nine have been refused permission with three of those considered by the Court to be 'totally without merit'. Two applicants withdrew from proceedings, one of whom has re-applied with new legal argument.

Permission was granted by the Court in one case on 14 January 2020. We are considering whether to defend the case in a full hearing. The other cases are awaiting decisions.

Two other decisions are of particular note. At the Administrative Court sitting in Birmingham on 30th April 2019, the Commission agreed part way through proceedings to re-open the cases of eight applicants who are members of the Shrewsbury 24. We agreed to reconsider two specific issues. The Court also required the Commission to pay the Claimants' costs. Costs were later agreed between the parties.

A full day hearing took place in the Divisional Court in Belfast on 4 December 2019. This resulted in a detailed judgment in the CCRC's favour concerning the law relating to the right to representation, adverse inferences from silence and fair trials (see *Quinn v CCRC* [2020] NIQB 24).

Also of interest this year were the Judicial Review proceedings mentioned by the Chairman in her foreword on page eight. This is the case of *R (Warner) v Secretary of State for Justice* in which a CCRC applicant was given permission for a Judicial Review. The Court will consider allegations that the Ministry of Justice has interfered with the independence of the CCRC. As an Interested Party, we chose to make written submissions to the Court to be represented in the hearing. A full day hearing took place on 23rd June 2020; judgment was reserved. The outcome of the case will if necessary be reported next year.

Complaints to the Commission

We operate a formal complaints process whereby our Customer Service Manager looks independently into each complaint received. She decides whether or not to uphold a complaint and if a complaint is upheld, has the power to recommend redress and remedial action if necessary. Complaints can be made in writing and we have an Easy Read complaints form to make the process straightforward.

A second stage to the process is available in the event that a complainant is dissatisfied whereby another person will consider how the complaint was originally handled. Our Complaints Procedure available at www.ccrc.gov.uk sets out the process in detail.

In 2019/20, a total of 47 complaints were received. This represents an 19% decrease on last year when 58 complaints were received.

The mean average time taken to acknowledge a complaint in 2019/20 was five working days. The mean average time from receipt of complaint to substantive response was 40 working days. This average response time has risen substantially from last year when it was 25 working days. A number of factors have contributed to this including increased workload in other areas for the Complaints Manager and a period of time when the post of complaints administrator was unfilled.

None of the complaints received in 2019/20 moved to the second and final stage of the complaints process whereas in 2018/19, five complaints moved to stage two. However, two complaints received at the end of last year were dealt with at stage two during early 2019/20. Neither was upheld.

In 2019/20, five complaints (10.6% of the total) were upheld and two of those cases have been re-opened as a form of redress.

The five complaints upheld in 2019/20 were upheld for a variety of reasons. Two cases were re-opened on the basis that a Case Review Manager made an incorrect assumption or misunderstood an applicant's submission.

Most of complaints in 2019/20 were made by applicants on their own behalf; three were made by legal representatives and one by a campaigning organisation.

The largest proportion (27.7%) of complaints received in 2019/20 came from applicants who had applied to the CCRC at least once (and often several times) before and who were complaining about a decision not to accept reapplication for review.

In 2019/20, three (6%) of complaints raised issues relating to equality and discrimination. This is a drop on last year when four (7%) of complainants raised such matters. The majority of such complaints raise race as a factor but the complainants tend not to provide any detail as to how the applicants believe they were discriminated against.

Complaints of this nature are taken very seriously and recorded separately in the complaints register. Our investigation of them will involve scrutiny of how the application was dealt with to make sure the applicant has been treated fairly and politely and that all the correct procedures have been followed. No such complaint was upheld in 2019/20.

As in previous years, the majority of complaints in 2019/20 related to decisions about whether or not to refer and to the way in which submissions were treated.



In 2019/20, a total of 47 complaints were received. This represents an 19% decrease on last year when 58 complaints were received

Complaints about undue delay in the review process dropped in 2019/20 as did complaints about the way we have communicated with an applicant.

This year, the highest proportion of complaints came from applicants who received a sentence of ten years or more. Three complainants (6%) also started judicial review proceedings.

Feedback from applicants KPI4

We gather information from feedback forms voluntarily completed by applicants at the end of the case review process. Applicants are asked to answer a series of multiple-choice questions on their level of satisfaction in a number of specific areas. This is the Commission's KPI4. The results are reported in full on page 104.

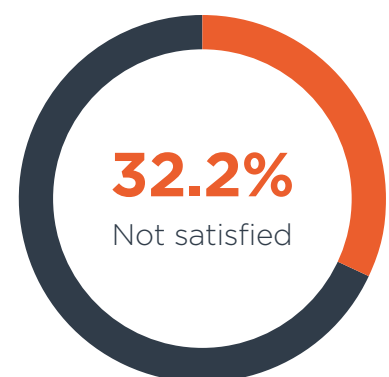
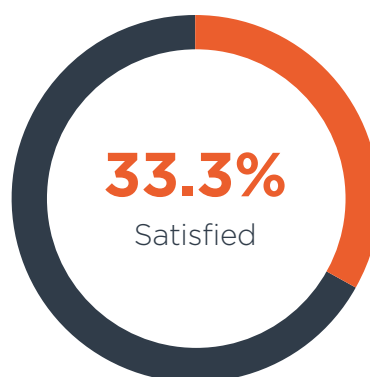
At the end of August 2019, we introduced a modified Easy Read feedback form for applicants. The new forms are much shorter and ask more casework specific questions. In addition, for the first time we have asked a general question about the applicants' whole experience of the CCRC.

At the time of writing the data from our feedback forms for 2019/20 was incomplete because Covid-19 restrictions prevented physical access to the returned paper feedback forms (and may have prevented forms being returned by applicants). Therefore the figures illustrated below relate to feedback forms received from 1st April 2019 to 29th February 2020.

Equality and Diversity

The Commission has for some years gathered data on the applications we receive broken down in terms of several equality and diversity categories such as age, gender and ethnicity group. We gather the information anonymously in a section of the CCRC application form which is detached and stored separately before the merits of the case are considered.

Our purpose is to keep track of how closely applications to us reflect the demographics of prison population. Our assumption is that, given that in most years around 80% of applications are received from individuals in custody, we should expect a reasonably close match in term of proportions of applications falling into the various categories we monitor.



Our aim, where possible, is to adjust our prison focussed communication work to try to counter any surprising and unexplained results in terms of proportionate representation of any group in our case intake. We publish our Equality and Diversity Report in full on the CCRC website. What follows here is a summary of those findings.

Young people

In 2019/20, 3.5% of the people applying to us were aged 21 or under. The figure was similar in the two previous years. This age group makes up around five per cent of the population in custody. In recent years the Commission has made significant progress improving the traditionally low proportion of young people applying to us and we will continue with our work raising informed awareness among this group.

Older people

The proportion of older people (aged 60 and over) in the criminal justice system has trebled in the last 20 years. Older people now represent the fastest growing section of the prison estate and currently represent 11% of the prison population. In 2019/20, 18.4% (245) of CCRC applicants fell into that age range; up from 14% in 2018/19.

Black and Minority Ethnic (BAME) Groups

The make-up of our applications from different ethnicity groups remains wide and varied. In 2019/20, 23.6% of applicants described themselves as being from a particular BAME group. Around 24% of the current prison population are from BAME groups.



Older people now represent the fastest growing section of the prison estate and currently represent 11% of the prison population

Female Applicants

In 2019/20, 7% (95) CCRC applications were from women. Women make up 5% of the population in custody and therefore women cannot be regarded as under-represented in our case intake.

Disability

The number of people applying to us who identify themselves as having a disability has been rising since we started to monitor this in 2011. In 2019/20 the figure was 22.5% (300 applications). While we do not have meaningful comparators for the prison population, our working assumption, based on our own figures, is that people who consider themselves to have a disability are not put off from applying, or struggling to make applications, to us.

Language and nationality

In 2019/20, 9.4% of applicants described themselves as foreign nationals; in 2018/19 it was 10.2%. Foreign nationals currently make up around 9% of the prison population. In 2018/19, the percentage of people applying to us who told us that they cannot speak English rose to four per cent; it remained at four per cent in 2019/20.



Resources



Calls covered a wide range of issues from murder to motoring offences

Our People

During 2019/20, we recruited externally for a new Group Leader and three Case Review Managers (one on a permanent contract, and two on fixed term contracts). The posts became vacant because of staff departures. In addition, we recruited two permanent Casework Administrators and two fixed term Assistant Casework Administrators.

The Head of Legal vacancy was filled by an internal candidate following an external recruitment exercise. A Data Protection Officer was recruited externally on a fixed term basis to cover absence and a new permanent post of Head of Quality filled by an external candidate.

Two Human Resources Officers, one on loan from another Department and one on a fixed term basis, were deployed to assist with maternity cover and an increased HR workload. The loaned staff member was subsequently recruited on a permanent basis to assist with the increased HR workload. A fixed term Human Resources Policy Advisor was also recruited to assist with policy update work.

In the Business Information Services team, we recruited externally for a Team Leader and three administrators (all of which were permanent appointments) along with a fixed term administrator (formerly the Record Management Team Apprentice). These changes were required to replace staff who were moving

on and in order to reorganise the team to better support casework operations.

To enable the IT Transformation and Accommodation projects, we undertook a number of recruitment exercises during the year to bring in staff with the necessary skills on fixed term contracts. These included an IT Programme Manager, a Business Analyst, a Technical Lead, a Project Accountant and a Project Administrator.

As a result of the success of our relationship with the Kalisher Trust, which began in 2011, and the high calibre of the interns that have worked with us as a result of that collaboration, we launched our own separate CCRC internship programme in 2016/17. That programme has continued and during 2019/20 we appointed three CCRC interns on 12-month contracts. Additionally, in collaboration with the Crown Prosecution Service, we have also taken on another intern on a 12-month secondment.

We recruited a Director of Finance and Corporate Services as a result of a staff departure and we recruited an interim Director of Finance and Corporate Services to cover absence and to ensure business continuity.

The position in relation to the arrivals and departures of Commissioners and Independent Non-executive Directors can be seen in the Directors' Report on page 47 of this report.

Applicants' advice line

We operate a telephone advice line so that applicants, potential applicants, their lawyers or supporters, can call and speak to one of our Case Review Managers about matters relating to an application they are thinking of making or have already made.

In 2019/20 staff handled 370 calls to the advice line. They came from applicants and potential applicants in custody and at liberty as well as from family members, supporters and legal representatives. Calls covered a wide range of issues from murder to motoring offences.

We invest a significant amount of time and effort into the provision of the telephone line. We do so because we consider it worthwhile to help potential applicants make informed decisions about questions such as whether they should apply to the Commission or, if appropriate, approach an appeal court instead.

Our IT systems

Our ability to function depends to a large extent on the maintenance of a highly secure and stable IT environment. We generally achieve this through a small in-house IT team which provided near 100% system availability over the course of 2019/20.

The IT Transformation Project and the planned office move mentioned elsewhere in this report have dominated the work of that team in 2019/20. As well as working specifically on those projects the team has been, in preparation for both, upgrading internet access and IT infrastructure including the introduction of a new scanning solution and installing a wireless network within the office.

Financial Resources and Performance

The Commission is funded by means of a cash grant, called a Grant in Aid, from the Ministry of Justice. Financial control is mainly exercised by means of delegated budgets, which are divided into three categories. The Resource Departmental Expenditure Limit (RDEL) covers

most cash expenditure, but also includes depreciation; Resource Annually Managed Expenditure (RAME) covers movements in provisions and interest on pension liability; and Capital DEL (CDEL) is for expenditure on non-current assets that are capitalised. Financial performance is measured against each of these budget control totals.

The Ministry of Justice also funds the Commission's liabilities with respect to the by-analogy pensions for Commissioners. The use of provisions and the cash payments arising do not form part of the DEL or AME control totals.

For 2019/20, we received a delegated Resource DEL budget, excluding notional costs, of £5.733 million and a CDEL budget of £320,000.

The Commission has received a firm budget for 2020/21. The table below shows a comparison of budget figures for the current year, the previous year and the following year.

	2018/19 £000	2019/20 £000	2020/21 £000
Fiscal RDEL	5,083	5,733	6,013
Non-cash RDEL	200	250	337
RDEL total	5,283	5,983	6,350
RAME	258	258	258
CDEL	125	320	710
Total	5,666	6,561	7,318

The cash Grant in Aid received from the Ministry of Justice is drawn in accordance with government accounting rules such that it is to be drawn only when needed, and the Commission forecasts its cash requirement on a monthly basis. By drawing down only the amount of Grant in Aid needed in the month, the Commission aims to keep its monthly end cash balances as low as possible. The balance at the end of the year was £62,000 (2018/19 £149,000).

Financial performance as measured by expenditure against budget is one of our Key Performance Indicators (KPIs). The targets for KPI 9 are that for each of RDEL and CDEL expenditure should not exceed budget, nor fall below budget by more than 12.5%.

The Commission's actual expenditure compared with budget was as follows:

“

During the year, the Commission managed to spend all of its capital allocation. The focus was on upgrading IT equipment and completing the implementation of our new casework management software.

Excluding notional costs:

	2019/20			2018/19		
	Actual £000	Budget £000	(Under)/over £000	Actual £000	Budget £000	(Under)/over £000
Fiscal DEL	5,502	5,733	(231)	5,073	5,083	(10)
Non-cash	282	250	32	191	200	(9)
RDEL	5,784	5,983	(199)	5,264	5,283	(19)
RAME	182	258	(76)	326	258	68
CDEL	322	320	2	125	125	0
Total	6,288	6,561	(273)	5,715	5,666	49

In 2019/20, the Commission's actual expenditure against the RDEL total was £5.784 million and 3.33% less than the budget allocation. The main contributor to the underspend was lower staff and Commissioner pay costs. This arose from longer than anticipated timescales to fill vacancies. Spending also represented an increase of 9.88% when compared to the previous year. The key increases are staff costs of £318k and depreciation and amortisation of £91k.

During the year, the Commission spent all of its capital allocation. The focus was on upgrading IT equipment and completing the implementation of our new progressing management software.

Expenditure shown above excludes notional costs. Notional expenditure is included to ensure that the financial statements show the true cost of the Commission's operations. It is expenditure neither scored against the Commission's budgets nor actually incurred by the Commission. Notional costs relate to the cost of office accommodation, which is borne by the sponsor department on behalf of the Commission. There was a decrease in notional costs from £752,000 to £694,000 which relates to the fact that estimates for the cost of office service charges are made during each year which can only be finalised in the following year. It is the movement between the estimated and actual costs relating to 2018/19 that caused the apparent decrease in 2019/20.

The notional costs are included in the Statement of Comprehensive Net Expenditure in accordance with the Financial Reporting Manual. There is an equivalent reversing entry in the Statement of Changes in Taxpayers' Equity. Full details are given in notes one and 18 to the accounts.

The table below reconciles to net expenditure after interest as shown in the Statement of Comprehensive Net Expenditure on page 76: as follows:

	2019/20 £000	2018/19 £000
Resource DEL	5,784	5,264
Resource AME	182	326
Total resource expenditure	5,966	5,590
Notional expenditure Note 18	694	752
Net expenditure after interest	6,660	6,342

The accounts for the year ended 31st March 2020 are set out on pages 76 to 79.

The Statement of Comprehensive Net Expenditure on page 76 shows total comprehensive expenditure for the year of £7.066 million (2018/19 – £6.239 million). Staff costs have increased due to the changes in headcounts and increase in employer pension contributions by £318,000 compared with the previous year. Other expenditure has decreased by £116,000. The largest contributor to the decrease in other expenditure year on year was the reduced legal and professional costs due in part to the previous year provision of £170,000 to cover legal costs.

By far the largest item on the Statement of Financial Position is the pension liability arising from our commitments to former Commissioners for the by-analogy pension scheme. For those former Commissioners entitled to this benefit, we have to reflect the change in liabilities relating to interest and adjustments arising from actuarial revaluations.

The provision reduces as benefits are paid. In recent times, Commissioners have been and continue to be appointed without a pension. This meant that as those Commissioners entitled to pension benefits reached the end of their respective terms, the current service cost reduced. 2016/17 was the final year in which any service cost needed to be recognised because the final three Commissioners to whom pension entitlements existed retired part way through that year. The service cost in 2019/20 was therefore £0. The interest (unwinding of the discount) contributed to an increase in the liability, but was more than offset by benefits paid. The liability was further increased by an actuarial loss of £406,000 (gain in 2018/19 of £103,000). Overall, the liability increased by £291,000 in the current year.

The Statement of Financial Position on page 77 now shows overall net liabilities of £6.250 million (2018/19 £6.136 million). The net liabilities largely fall due in future years and will be funded as necessary from future Grant in Aid provided by the Ministry of Justice.

As a result, it has been considered appropriate to continue to adopt the going concern basis for the preparation of the accounts. This is covered further in the Accounting Policies note on page 80.

Compliance with public sector payment

The Commission follows the principles of the Better Payment Practice Code. The Commission aims to pay suppliers wherever possible within ten days. Where this is not possible, the Commission works to targets to pay suppliers in accordance with either the payment terms negotiated with them or with suppliers' standard terms (if specific terms have not been negotiated). The average terms are approximately 30 days, and performance against this target is shown in the table below:

	2019/20		2018/19	
	£000	Number	£000	Number
Total invoices paid in year	1,868	981	1,291	968
Total invoices paid within target	1,860	964	1,282	962
Percentage of invoices paid within target	99.6%	98.3%	99.3%	99.4%

No interest was paid under the Late Payment of Commercial Debts (Interest) Act 1998.

Corporate

Stakeholders

The Commission's primary focus must always be the quality of our casework, but we also engage in a wide range of activities that help us to better understand the criminal justice context within which we work and to build and maintain positive relationships with a range of stakeholders.

Our principal stakeholders are our applicants, but the many others include potential applicants and their representatives, miscarriage of justice campaigners, legal academics and students, lawyers, criminal justice bodies, law officers and members of the judiciary. During 2019/20 we engaged with our stakeholders in a variety of ways.

Prisoners

As well as multiple visits by CCRC staff to prisons around the country in 2019/20, we continued to reach applicants and potential applicants in custody through our work with National Prison Radio (NPR). Our 2019/20 NPR campaign began at the start of the year and aimed to use NPR's access to serving prisoners listening in prison to raise informed awareness about our role. We stayed with the format used to good effect in recent campaigns where a main one-hour long programme is supported by shorter pieces. We used our air-time to discuss a number of issues including county lines and joint enterprise.

We have also continued with our articles every second month in the respected newspaper for prisoners, Inside Time. Our articles seek to deal with general advice on appeal and CCRC matters, to respond to readers' questions and answer criticisms of us.

We are grateful to the management of Inside Time for the opportunity to provide regular columns in the paper and on the Inside Time website.

Visits and events

In May 2019 we hosted a visit by a small delegation led by Barry Sheerman MP, who is the Chairman of the All-Party Parliamentary Group on Miscarriages of Justice. The Commission aimed to provide a constructive and informative visit at which Mr Sheerman and his delegation could get to know the Commission better and voice any areas of concern they may have with the Commission or the justice system more generally as regards miscarriages of justice.

Also in May, we were pleased to be able to host and participate in a session of the Assizes Seminar. The Assize Seminars were set up by University College London (UCL) and Oxford University to bring together academics, barristers, solicitors in a six-monthly seminar.

The Commission again took part in the annual National Miscarriage of Justice Day Conference organised by United Against Injustice in Liverpool in October 2019.

In October 2019 we were pleased to host a visit from Wendy Morton who at the time was the Parliamentary Under-Secretary of State for the Ministry of Justice with responsibility for sponsorship of the CCRC.

In February 2020 The Rt Hon. Lord Justice Fulford, Vice-President of the Court of Appeal Criminal Division, Master Beldam, Registrar of Criminal Appeals, and Jenny Lund, Senior Legal Manager at the Criminal Appeal Office, spent a day at our offices meeting staff and Commissioners.



The aim of this review was to analyse a relevant sample of the Commission's own case reviews to ascertain whether there was reason to think we may have been missing opportunities to refer for appeal convictions.

Staff and Commissioners regularly provide presentations on our work when invited to do so by universities with particular interest in miscarriages of justice. During 2019/20, those universities visited included Manchester University, Leicester University and Nottingham University.

We enjoy a good relationship with the Miscarriages of Justice Support Service (MJSS) which is a specialist section of Citizens Advice based at the Royal Courts of Justice. During 2019/20 Chair Dame Ruth Runciman and Chief Executive Alison Lamb visited our offices with three members of staff and an MJSS trustee. Later in the year Dame Runciman spoke at a meeting of the Commission's Stakeholder Forum in London and a member of CCRC staff attended an annual event for MJSS clients. Covid-19 caused the postponement of a presentation to our staff by Ms Lamb on the work of the MJSS providing ongoing support for miscarriage of justice victims including many whose cases we have referred. During the year, our Chairman, Helen Pitcher, joined the advisory board of the MJSS.

Stakeholder Forum

The CCRC Stakeholder Forum was created in 2017/18 to improve the transparency of the Commission and to provide an opportunity for candid discussion with a range of stakeholders who have the interests of our applicants at heart.

The Forum met three times during 2019/20; twice in London and once at our offices in Birmingham. Issues discussed by the group during the year included Single Judge decisions, problems obtaining post-conviction disclosure for non-statutory organisations

working on alleged miscarriage of justice cases, development of an online CCRC application form, and the work of the MJSS. We are grateful to the members of the forum who give generously of their time.

We are once again grateful to UCL's Faculty of Laws in London, and in particular to Professor Cheryl Thomas, Director of UCL's Judicial Institute, and Institute manager Maria Diaz who have generously allowed us to use the excellent facilities at Bentham House to host London based meetings of the forum.

Westminster Commission on Miscarriages of Justice

The Westminster Commission on Miscarriages of Justice was established in 2019 by the All-Party Parliamentary Group on Miscarriages of Justice (APPGMJ) with a brief to investigate the ability of the criminal justice system to identify and rectify miscarriages of justice. It is co-chaired by two members of the APPGMJ: Baroness Stern and Lord Garnier QC.

Our Chairman and Chief Executive appeared at the first evidence session in July 2019. The Scottish CCRC and a range of other individuals and organisations appeared at three further evidence gathering sessions between July and September 2019. Opinion was also sought by the Westminster Commission via written submissions and a questionnaire. We provided a written submission but the Westminster Commission declined our offer to appear again before them to address some issues raised in evidence sessions.

The Westminster Commission had been expected to publish a report of its inquiry in May 2020. However, we understand that Covid-19 has delayed the report.

The CCRC Disclosure Review

The Commission's internal review of disclosure was published on our website in July 2019.

Prompted by official and public concern about the late or non-disclosure of material, and particularly the non-disclosure of digital device data, in rape prosecutions, we undertook in July 2018 to conduct a review of how disclosure had been handled by the police and the CPS in a sample of cases that we had already considered as applications. The chosen sample consisted of 306 rape cases considered by the Commission between April 2016 and March 2018.

The work involved significant time and effort for the Commission. In the second stage of the review 61 cases were subject to detailed scrutiny. The material received in relation to stage two varied from a slim A4 file of a few dozen pages in one case to more than 20 boxes full of material amounting to many thousands of pages in another; around two boxes of papers per case was typical. The material included written records in digital format and various types of digital media such as CCTV footage on DVD, but overwhelmingly consisted of paper files.

For the second stage of the review we engaged three barristers working in private practice defending and prosecuting criminal cases to work with CCRC staff. Overseen by an experienced and legally qualified Commissioner, the team studied the handling of pre-trial disclosure by both the Police and the CPS and also looked at how the Commission dealt with disclosure matters in relation to its own post-conviction (and usually post-appeal) reviews of the cases.

The aim of the review was:

- a) to consider in each of the cases the approach of, and the interaction between, the CPS and the Police in relation to disclosure, and
- b) to consider the approach in the CCRC review to the disclosure process in the prosecutions in question.

It was not within the Commission's power to conduct a comprehensive review of how disclosure works in the wider justice system. The aim of this review was to analyse a relevant sample of the Commission's own case reviews to ascertain whether there was reason to think we may have been missing opportunities to refer for appeal convictions, and in particular, rape convictions, due to problems with the disclosure process or any issues with the way in which our casework processes deal with disclosure matters.

We were pleased that our review found no major concerns as to the safety of the convictions reviewed. However, the report concluded that it was clear there is further work for the police, CPS, Courts Service and the CCRC to do to improve the disclosure process in the future.

The report made 11 recommendations for improvements to how disclosure issues are approached, both within our own casework and by the wider criminal justice system. We provided our report and findings to relevant criminal justice agencies so that learning points can be addressed. The full report was made public on our website and can be seen here: www.ccr.gov.uk/commission-publishes-report-from-its-review-of-disclosure-in-ccrc-case-sample/

We continue to be mindful of the central role that proper disclosure plays in the criminal process and in the achievement of appropriate and safe convictions. The conduct of the disclosure review contributed to our understanding of how disclosure operates and helped us to better understand how we need to develop in certain areas in order to ensure that we remain in a position to understand how disclosure failings arise and to spot them when they do. We hope the report may also be of some use to others.

In light of concerns about disclosure in the criminal justice system at large, we produced some specific guidance for our applicants and potential applicants who think that disclosure may be an issue in their case. That guidance was published on our website and can be seen here www.ccrcc.gov.uk.

Academic Research

Our Research Committee exists to promote and manage serious independent academic research which uses Commission casework records to study matters relevant to miscarriages of justice and the wider justice system.

During 2019/20 work continued on the long-running multi-stage research project led by Dr Lucy Welsh of Sussex University: *Criminal Cases Review Commission: Legal Aid and Legal Representatives*.

The project is the result of a research call by the CCRC seeking suitably qualified contractors to explore the effects of Legal Aid changes on applicant representation. It is exploring the potential impact of changes to funding for legal aid in criminal cases on applications to the CCRC and is part funded by the Economic

and Social Research Council. More information about the project, including summaries of the provisional findings of completed stages of the research can be found on the research committee pages at www.ccrcc.gov.uk/research-at-the-ccrc/

During the year we were also pleased to be able to assist research by the Centre for Women's Justice, in conjunction with Justice for Women, into the criminal justice response to women who kill men who have been abusive to them. The ongoing study used access to CCRC case files to help it examine the impacts of the changes instituted in the Coroners and Justice Act 2009 and to identify the gaps that remain in order that outcomes for women who have killed abusive men can be further improved. The study will do this by examining legal cases; interviewing legal teams, professionals, women survivors and their families; and by close examination of existing literature and data.

In March of 2020, the Committee also approved a new independent research project in connection with Joint Enterprise cases proposed by Dr Louise Hewitt, University of Greenwich.

The aim of the research is to advance an understanding of the nature of applications (based on convictions for murder under joint enterprise) to the CCRC following the decision of the Supreme Court in *R v Jogee*. This will inform us, legal practitioners and academics as to how applicants are using the corrected law derived from the decision in *Jogee*, in particular arguments regarding the issue of "substantial injustice". Covid-19 delayed the start of work on this research project, but we look forward to progressing with it as soon as that becomes possible.

The CCRC and its Research Committee is indebted to Professor Cheryl Thomas and Professor Andrew Sanders who have both served for several years in a voluntary capacity as independent academic members and advisors to the Research Committee. Their contribution to the development of research at the CCRC has been invaluable. Both have now stepped down and will be replaced in 2020 by Professor Anthea Hucklesby from Leeds University, and Professor Barry Goldson from Liverpool University. We look forward to working with them.

We are also grateful to Professor David Ormerod QC, Francis FitzGibbon QC and Paul Harris, for their membership of the advisory committee established by the Research Committee to provide independent challenge to the proposed and ongoing research projects.

Sustainability

Because we have fewer than 100 staff and occupy office space less than 1000m² we are exempt from the requirements to prepare a sustainability report pursuant to the Government commitment to “greening” the public sector.

We do provide recycling facilities for staff and encourage everyone, to behave in ways that tend to reduce the environmental footprint of the organisation including the use of public transport to attend external meetings whenever possible.

Our planned office move in 2020/21 will take us to a more modern building which is expected to see our environmental footprint reduce significantly.

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The aim of the research is to advance an understanding of the nature of applications (based on convictions for murder under joint enterprise) to the CCRC following the decision of the Supreme Court in R v Jogee.



Karen Kneller

Chief Executive and Accounting Officer
2nd July 2020

Accountability Report

The accountability report section sets out information relating to the structure, management and governance of the organisation.



Corporate Governance Report

Directors' Report

Our Board is made up of the Chairman, three Commissioners in their capacity as non-independent executive directors, the Chief Executive and two Directors and three Independent Non-executive Directors.

Commissioners

Commissioners are appointed by the Queen on the recommendation of the Prime Minister. Each Commissioner can be appointed for a period of up to five years. They can be re-appointed but can serve for a maximum of ten years.

During 2019/20, six new Commissioners joined us bringing the total number to 13. Three Commissioners left during the year before the end of their terms. This means that at the end of March 2020 there were ten Commissioners in post including the Chairman.

During 2019/20 the Commissioners were:

Mrs Helen Pitcher OBE (Chair)
Miss Rachel Ellis
Mrs Jill Gramann JP
Ms Celia Hughes (until 14/01/2020)
Mrs Linda Lee
Ms Jennifer Portway (until 31/01/20)
Mr Robert Ward CBE QC
Mr David Brown (from 16/05/19)
Mrs Cindy Butts (from 07/05/19)
Mr Ian Comfort (from 07/05/19)
Mrs Johanna Higgins (from 07/05/19)
Mrs Sukhvinder Kaur (from 16/05/19 until 31/01/20)
Mrs Christine Smith QC (from 07/05/19).

Independent Non-executive Directors

During the year, the Commission Non-executive Directors were Mr Jonathan Baume until

30/06/19, Mrs Caroline Corby until 30/06/19, Mr Andre Katz, Mr Martin Spencer from 01/09/19, and Vilma Patterson from 01/09/19 to 24/10/19.

The Chief Executive and Directors

During 2019/20, responsibility for the day-to-day running of the Commission fell to Miss Karen Kneller, Chief Executive and Accounting Officer, Mrs Sally Berlin, Director of Casework Operations, Mr Ian Brooks, Director of Finance and Corporate Services (until 30/04/19) and Mrs Heather Lees, Director of Finance and Corporate Services (from 01/05/19). Together the two Directors and the Chief Executive Officer make up the Senior Management Team.

Code of Best Practice

The Commission adopted a Code of Best Practice for Commissioners at its first meeting in January 1997. This code was revised in 2012 in light of the Cabinet Office Code of Conduct for board members of public bodies and it was decided to merge the Staff Code of Conduct with the Commissioner Code of Conduct. The resulting Code of Conduct for Commission Board Members and Employees sets out the standards of personal and professional behaviour and propriety expected of all Board members and staff can be seen at www.ccrcc.gov.uk. The key principles on which the code is based are the "Seven Principles of Public Life", also known as the Nolan principles.

The Body Corporate

In May 2019 the Commission's Board agreed, by way of an instrument of delegation, that, as set out in new Board terms of reference, a smaller Board should take over responsibility for governance of the CCRC.

At the same time the Body Corporate, consisting of all Commissioners including the Chairman, continued with its role assuring Commissioners that the Board is operating appropriately and that the obligations placed upon them as Commissioners to ensure good governance are being discharged by the Board in accordance with their statutory responsibilities.

The terms of reference for the Body Corporate set out its responsibilities including ratifying the strategy upon recommendation from the Board and scrutinising reviews of Board effectiveness. The Body Corporate also has power to remove the delegated authority exercised by the Board. It must meet a minimum of two times a year.

Register of Interests

The Code of Conduct for Commission Board Members and Employees includes a commitment to maintain a Register of Interests. That register is available for anyone to view by appointment.

Audit and Risk Assurance Committee

This Committee ensures high standards of financial reporting and proper systems of internal control and reporting procedures. It reviews internal and external audit reports on behalf of the Commission.

External Audit

Arrangements for external audit are provided for under paragraph 9 of Schedule 1 to the Criminal Appeal Act 1995, which requires that the Comptroller and Auditor General examine, certify and report on the statement of accounts. The report, together with the accounts, is laid before each House of Parliament. No remuneration was paid to the auditor for non-audit work during the year.

Information Governance

We take information security and data protection very seriously and ensure that the data entrusted to us is secure and handled appropriately. To further enhance this, during 2019/20, we undertook a full review of our data protection regime and made several improvements to policy, processes and data handling practices. These built on our existing high standards and further enhances our compliance with information security and data protection regulations.

Our Management Information Security Forum (MISF) meets quarterly and considers information security matters and approves any changes to policy, process and practices. It also considers security incidents, data breaches and near misses. MISF considered 17 security related incidents during 2019/20. The majority required no action. However, following the precautionary principles on reporting data related incidents set out in the Data Protection Act 2018, we reported two data related incidents to the Information Commissioner's Office but after investigation no further action was required.

Expenses of the Commission's Chairman and Chief Executive

The total expenses claimed in 2019/20 by the Chairman was £0. The total claimed by the Chief Executive was £1,994.12.



Karen Kneller

Chief Executive and Accounting Officer
2nd July 2020

Statement of Accounting Officer's Responsibilities

Under the Criminal Appeal Act 1995, the Secretary of State (with the consent of HM Treasury) has directed the Criminal Cases Review Commission to prepare for each financial year a statement of accounts in the form and on the basis set out in the Accounts Direction. The accounts are prepared on an accruals basis and must give a true and fair view of the state of affairs of the Criminal Cases Review Commission and of its resource out-turn, application of resources, changes in taxpayers' equity and cash flows for the financial year.

In preparing the accounts, the Accounting Officer is required to comply with the requirements of the *Government Financial Reporting Manual* (FReM) and in particular to:

- observe the Accounts Direction issued by the Secretary of State (with the consent of HM Treasury), including the relevant accounting and disclosure requirements, and apply suitable accounting policies on a consistent basis;
- make judgements 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 in the accounts;
- prepare the accounts on a going concern basis, and
- confirm that the annual report and accounts as a whole is fair, balanced and understandable and take personal responsibility for the annual report and accounts and the judgements required for determining that it is fair, balanced and understandable.

The Accounting Officer of the Ministry of Justice has designated the Chief Executive as Accounting Officer of the Criminal Cases Review Commission. The responsibilities of an Accounting Officer, including responsibility for the propriety and regularity of the public finances for which the Accounting Officer is answerable, for keeping proper records and for safeguarding the Commission's assets, are set out in *Managing Public Money* published by the HM Treasury.

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



Karen Kneller

Chief Executive and Accounting Officer
2nd July 2020

Governance Statement

As Accounting Officer, I am responsible for ensuring there is an effective system of internal controls to manage and mitigate against the identified risks to the CCRC. I am also responsible for the preparation of contingency plans should those risks materialise. In a dynamic world, it is essential that I keep these matters regularly under review, as prescribed in HM Treasury “Managing Public Money”. My review is informed by the work of the executive managers within the Commission who have responsibility for the development and maintenance of the internal control framework, the work of our internal auditors and comments made by the external auditors in their management letter. I am supported by the independent scrutiny provided by the Audit and Risk Assurance Committee.

This statement provides more detail of the governance, risk management and assurance arrangements I have put in place.

Governance framework

The Criminal Appeal Act 1995, which founded the CCRC, describes the broad structure and function of the Commission. The diagram opposite illustrates how, in 2019/20 we related to our sponsor department, the Ministry of Justice (MoJ), and are held, from time to time, to account by Parliament in the form of the Justice Select Committee.

Our framework agreement with the MoJ establishes certain aspects of governance and accountability for the CCRC, but the structure of the Board and its sub-committees are largely a decision for the CCRC. As we reported in last year’s Annual Report, we moved into 2019/20 reducing the size of our Board to ten members; the Chairman, the Chief Executive and two Executive Directors, three Commissioners who act as non-executive members, and three Independent Non-executive Directors. This establishes a more balanced Board and accords with the HM Treasury Corporate Governance Code.

Quality of Information

We ensure the Board and sub-committees receive good quality management information, analysis and sound advice to facilitate informed decisions. The Board secretariat works closely with the Senior Management Team to ensure the information provided meets the Board’s requirement and is consistent. They provide a template for papers, structured to ensure risks and resource implications are highlighted and to ensure sufficient engagement and challenge during discussions.

Justice Select Committee

Ministry of Justice

Framework Agreement

CCRC Board

Sub-committees

Board and Sub-Committees

1. Board Performance

During 2019/20, the Board met seven times focussing its attention on the delivery of our strategic priorities. These include financial and strategic planning, governance arrangements, reviewing business performance, risk management and external stakeholder engagement. In addition, the Board received regular short, focused updates from the Chief Executive and her team to review Covid-19 issues.

The Board maintains a number of processes and systems to ensure that it can operate effectively. Recruitment by the sponsor department of new Commissioners is conducted in accordance with the Governance Code for Public Appointments as applied by the Ministry of Justice. New members receive induction commensurate with their experience and knowledge of the public sector and the criminal justice system. Board members are subject to periodic personal appraisal by the Chairman with an annual appraisal supplemented by mid-year and monthly reviews.

Meeting agendas and papers are made available to members a week before Board meetings. Papers provide sufficient information and evidence for sound decision-making. At each meeting the Board receives a comprehensive management information pack detailing progress against Key Performance Indicators, performance statistics for our casework, financial expenditure against budget, and information on our people, information systems performance and communications. Feedback on the contents of the pack is routinely sought to ensure it continues to meet the needs of the Board.

Agendas are planned to ensure all areas of the Board's responsibilities are examined during the year. Under the Chairman and Board structure, the Chief Executive has reviewed the management information currently supplied to the Board and changes have been made to present information in a way which best facilitates the Board to take timely and robust decisions.

During this year the governance underwent a period of significant transition including re-structuring of our Board arrangements and formalising bi-annual meetings of our Body Corporate. The new arrangements are working very well with the Board better able to take focused decisions at the same time freeing up Commissioner resource for casework. In addition to these formal arrangements, the Board and all Commissioners and several members of staff took part in a very productive strategy day in January 2020.

The Board is supported in delivering its objectives by the Audit and Risk Assurance Committee, the Long Running Cases Review Committee and the Remuneration Committee. The Board receives and discusses the minutes of the sub-committees where practicable at the next available Board Meeting. The Chief Executive and two Directors form our Senior Management Team, which meets at least monthly to ensure operational effectiveness and monitor performance. We consider that, given the size of the organisation and its core purpose, this number of committees provides for good governance arrangements. Ad hoc committees, such as the Decision-making Work Group are established as required.

Board self-evaluation has been postponed until the new board structure, implemented in May 2019, has had the chance to run for a full

12-month cycle with a full complement of Board members. During the reporting year the Board has operated with only two Independent Non-executive Directors; a third has been recruited who, at the time of writing this report, was awaiting formal appointment.

2. Audit and Risk Assurance Committee

The Audit & Risk Assurance Committee (ARAC) supports the Board and the Accounting Officer by reviewing the comprehensive and reliability of assurances on governance, risk management, the control environment, and the integrity of the financial statements. Through a risk and assurance lens, it also routinely reviews operational performances and progress towards the achievement of Key Performance Indicators (KPIs), supporting the identification of and management of risks to delivery accordingly. Membership of ARAC will usually be made up of the three Independent Non-executive Directors, aligning with recommended best practice. The meetings are attended by the Accounting Officer, the Director of Finance and Corporate Services, the Director of Casework Operations, representatives of Internal Audit and External Audit and a representative of the Ministry of Justice Arms Length Body (ALB) Centre of Expertise. The committee meets quarterly, and reviews the Commission's major risks and the plans for their mitigation at each of those meetings.

Members of the ARAC complete a self-assessment questionnaire each year which is discussed early in the new financial year.

3. Long Running Cases Review Committee

The Long Running Cases Review Committee, chaired by the Chief Executive, has been effective at continuing to improve the use of

case plans, focussing attention and providing scrutiny on those cases that have been under review for two years or more. These long running cases are often complex, or raise particular challenges. Sometimes delays are experienced identifying necessary experts and obtaining their opinions, while sometimes our initial investigations leave a nagging doubt, which may lead to further inquiry. Others are due to connected live court proceedings or ongoing criminal investigations, over which we have little or no control. Notwithstanding that, the applicants expect progress of their cases and it is our ambition to deliver good quality reviews in shorter timescales. We recognise the importance of timely intervention if and when case reviews face challenges and since its inception the committee has recommended several improvements to case review procedure.

4. Remuneration Committee

The Remuneration Committee keeps under review the salaries of the senior staff which are not placed on the Commission's normal salary scales and supports the Chief Executive on the implementation and review of the Commission's people strategies.

In addition to the Board sub-committees there are a number of other committees and groups that contribute to the wider governance of the Commission. These include the Research Committee, Internal Communications Group, the Management Information Security Forum, the Diversity & Inclusion Group and various ad hoc groups formed to discharge specific functions.

Membership of the main committees and the attendance record of members are shown in the table on page 54.

Member	Role	Board	Audit & Risk	Long Running Cases	Rem Co
H Pitcher	Commissioner	7/7*			2/2*
J Gramann	Commissioner	5/7			
L Lee	Commissioner	5/7			
R Ward	Commissioner	5/7			
K Kneller	Chief Executive	7/7	4/4	9/10~	1/2
S Berlin	Director	6/7	2/4	7/10	
H Lees	Director	6/7	4/4		
P Ryan	Interim Director	2/2	1/1		
A Katz	Non-Executive	7/7	4/4*		2/2
J Baume	Non-Executive	2/2	2/2		
C Corby	Non-Executive	2/2	2/2	3/3	
V Patterson	Non-Executive	1/1			1/2
M Spencer	Non-Executive	4/4	2/2		2/2
D Brown	Commissioner	1/1			1/2
I Brooks	Director		1/1		

* = Chairman

^ = Chairman until 30/06/19

~ = Chairman from 27/07/19

5. Decision-making working group

During the year, the Commission established a sub-committee which reported to the Board on the recommendations in respect of moving some decision making from Commissioners to staff. The group was chaired by Commissioner Rob Ward and met on 12 occasions. Membership was drawn from Commissioner, Independent Non-executive Directors and staff.

The committee's remit was to make recommendations in two matters: (i) for implementation of the transfer of final decision making in No Appeal cases to provide assurance that turn-down decisions will be taken only after full and careful consideration of whether there are Exceptional Circumstances; and (ii), to consider the case for and against

transferring the final decision in Type 1 cases, (cases where the application has not raised any points that are new or of any potential significance) – bearing in mind (i) arguments of principle, (ii) the anticipated impact of such a transfer on the CCRC's performance (including the referral rate); and (iii) cost. After careful scrutiny the committee reported back to the Board that:

- Up to five Case Review Manager (CRM) decision-makers should be selected on application from the existing cohort of CRMs.
- They should be appointed to the No Appeal decision-making role for a fixed term and be paid a fixed sum on top of their salary to reflect the additional responsibility of NA decision-making.

- Existing CRM decision-makers should be eligible to re-apply for the role prior to the expiry of their fixed term, subject to an overall maximum period of 10 years in role.
- To help preserve their autonomy, they will take decisions on NA cases from another caseworking group, not their own.
- They should continue to be managed by their Group Leader (GL) as regards their CRM work but their appraisal for their NA decision-making should be supplied to the GL by the Director of Casework Operations.
- CRM decision-makers will be expected to exercise autonomy in their decision-making. If they need advice or a sounding-board before taking a decision, they should consult a Commissioner.
- If they are in disagreement with the reviewing CRM (or their GL) about a case, they should refer the matter to the Director of Casework Operations who should seek to facilitate agreement. Failing agreement, the case should be referred for decision by a Commissioner.
- There are no other circumstances in which a decision-making CRM should be required or expected to refer a case to a Commissioner for decision, but they should have the right to refer a case if they consider this the appropriate course.
- The policy and protocols and recording of consideration of Exceptional Circumstances should first be reviewed, and revised as appropriate, so that the organisation can ensure confidence in the policy and its operation and any reviewer can clearly see how Exceptional Circumstances were assessed.

- For a period of at least one year, an increased proportion of NA decisions should be Quality Assured in order to give assurance that the decision-making of each CRM decision-maker is of an appropriate quality, and that any themes or trends can be identified and addressed. There should be direct Commissioner engagement in the Quality Assurance process.

Type-1 decision-making should be transferred only if there was a sufficiently strong basis to believe this would improve organisational performance. The sub-committee was unable to generate compelling data supporting a view that the transfer would release efficiencies of any significance. After careful consideration the sub-committee recommended that the recommendations of the Tailored Review relating to the transfer of Type 1 decision-making to CRMs should not be implemented.

Having successfully completed its work, the group has now been disbanded.

HM Treasury's Corporate Governance Code

We aim to ensure that our governance arrangements follow best practice, and follow Her Majesty's Treasury's Corporate Governance Code to the extent that it is relevant and meaningful. In reducing the size and rebalancing the composition of the Board, we consider that we are meeting our requirements on HMT Corporate Governance Code in this regard. Although we have three rather than four Independent Non-executive Directors INEDs, one third of the Board comprises Commissioners as non-executives (NEDs). We have not considered it necessary at this stage to have a nominations committee and will continue to keep committee structure under review as part of good governance.

Managing risk and governance

A crucial part of governance is the system of risk management and internal control. Risk identification and assessment is an ongoing activity, supported by a quarterly review at ARAC and reports to the Board. The system of internal control prioritises the risks to the achievement of the CCRC's aims and objectives and seeks to apply policies and resources which manage them proportionally, effectively, and economically. It cannot eliminate all risk of failure to achieve aims and objectives and can therefore only provide reasonable and not absolute assurance of effectiveness.

The CCRC's internal control framework is based on the review of regular management information, administrative procedures including the segregation of duties, and a system of delegation and accountability. This is supported by regular meetings of the Board at which the Commission's strategic direction and plans are reviewed, and performance against goals is reported.

The Commission's risk management framework is illustrated below:

CCRC Board	Senior Management Team	Risk owners	Audit and Risk
<ul style="list-style-type: none"> Ensures that the strategic risks to achieving corporate objectives are the "right" ones and are being managed appropriately. Determines the risk tolerance of the CCRC for each individual risk. Establishes a culture of openness and learning. 	<ul style="list-style-type: none"> Establishes the risk framework. Sponsors individual, complex risks and issues. Promotes risk awareness culture, communication. 	<ul style="list-style-type: none"> Actively identifies risks in their professional area, understands, evaluates and escalates risks and recommends mitigation. Ensures organisational capability. 	<ul style="list-style-type: none"> Reviews Risk Management Approach. Agrees Internal Audit Programme, focussed on key risks, reviewing results and implementation of recommendations. Supports Board on Risk Management.

Risks are assessed in the light of their impact and likelihood using a scale which reflects our appetite for risk. Risk appetite is determined by reference to the CCRC's objectives, the degree to which it is able to absorb financial shock and its need to maintain its reputation in order to continue to command respect and support amongst its stakeholders. The overall risk tolerance set by the Board is low, particularly with respect to ensuring that we deliver timely, high quality casework decisions; we protect the information in our possession; and we are, and are seen to be, independent from the MoJ and the courts in our decision-making. The Board's approach towards risk management is to implement measures that will reduce the likelihood of any key risk occurring to unlikely and to reduce the potential impacts to acceptable levels.

In 2019/20, four internal audits were performed and an overall substantial assurance rating opinion was given by the Independent Head of Internal Audit. Three of the internal audits, Performance Management, Case Categorisation and Ring-fenced budgeting were given a substantial assurance rating. The fourth internal audit, cyber security, was given a moderate assurance rating.

Responsibility to manage risks is assigned to named individuals, and risks are reviewed on a systematic and regular basis. Each review is endorsed by the ARAC and a report is made annually by ARAC to the Board. For example, an annual review is carried out concerning our exposure to financial risks including fraud and error. In recent years ARAC has accepted that this risk is low.

Both internal and external audits assist the Commission with the continuous improvement of procedures and controls. Actions are agreed in response to recommendations, and these are followed up to ensure that they are implemented.

During the year, we have continued to ensure that we are managing risks relating to information security appropriately. Information security and governance arrangements broadly comply with the ISO 27001 Information Security Management standard. Self-evaluation of the Commission's compliance with the mandatory requirements of the Security Policy Framework relating to information assurance was positive. Security management is supported by a regular sequence of audits. All staff were briefed on the Commission's policy on reporting security incidents as part of the programme of security awareness training and the Commission takes seriously its obligations under the Data Protection Act 2018. Seventeen incidents and near misses were reported by staff during the year relating to information misdirected in the post, lost or damaged. All the incidents were reviewed by the Management Information Security Forum and assessed as low risk. Two were notified to the Information Commissioner's Office who accepted our proposed actions.

Major risks

The major risks to the Commission achieving its strategic and planned objectives, and those that would have greatest operational impact are listed on page 58.

Through our mitigation activity we seek to manage these key risks down to acceptable levels. Based on our assessment of current risk exposure as reflected in the Commission's Risk Register at year-end, we consider our top risks as at March 2020 to be:

- Exposure to legal action – ensuring that there are adequate Quality Assurance processes in place to reduce the exposure to legal action taken against the Commission. A new role of Head of Quality was introduced in 2019/20 to implement a revised enhanced quality system. We also engage with applicants who seek to JR or bring other legal action.
- IT Transformation – There is a programme in place with clearly defined scope, programme planning against known constraints. The programme is led though an experience team including a Programme Manager, a technical lead, business analyst and other project support staff. The programme also follows recognised programme governance framework. There is also a clear strategy and architecture relying on widely used proven solutions.
- Balancing the time for business as usual and change – there is a clearly defined project scope, programme planning against known business demands with senior level buy in and communications ongoing about performance and the projects to ensure any conflicts between BAU and change are identified and dealt with.
- Covid-19 impact – the Commission began an IT Transformation Programme in 2019 to move our onsite IT systems to a cloud based solution that would allow remote working and provide greater resilience to the operations of the Commission, the programme was due to complete by December 2020. The Covid-19 pandemic did create increased operational issues around remote working with only 50% of staff being able to work remotely. To mitigate this risk changes have been made in the IT Transformation Programme to enable more staff to have access to some or all of our IT systems. The Commission also suffered a drop in the number of applications and the ability to access case files from other bodies due to Covid-19.

Assurance

The framework within the Commission that provides assurance is based on HM Treasury's three "lines of defence" model. The conceptual model of three lines of defence is derived from:

- 1) First line: Management assurance from front-line or business operational areas
- 2) Second line: oversight of management activity, separate from those responsible for delivery, but not independent of the organisation's management chain
- 3) Third line: independent and more objective assurance, including the role of internal audit and from external bodies (e.g. accreditation and Gateway reviews)

Assurance activities include coverage over financial and commercial processes, human resources, key business processes, management information, information security, fraud and error, whistle-blowing and occupational health and safety.

Effectiveness of Whistleblowing Policy

Our Whistleblowing Policy was reviewed and revised during 2018/19, and nominates the Independent Non-executive Directors as Whistleblowing champions. In 2019/20 there were no occasions when staff raised a concern under the Whistleblowing Policy.

Prescribed body for Whistleblowing

The CCRC is a prescribed body under the legislation dealing with the making of public interest disclosures (whistleblowing). This means that, quite apart from our statutory responsibility to deal with the applications we receive, we are the body to which individuals can report concerns of actual or potential miscarriages of justice.

As Chief Executive I am the prescribed person within the meaning of section 43F of the Public Interest Disclosure Act 1998 to whom individuals with such concerns can make protected disclosures.

The Prescribed Persons (Reports on Disclosures of Information) Regulations 2017 require the Commission to report annually on any such disclosures made to us, on how they were handled and what actions were taken.

In March 2019 we received the only relevant report of the year (during 2017/18 we received none and we have received no reports during 2019/20).

The report received in March 2019 was reported in the annual report for 2018/19 in so far as receipt of the case was mentioned. As almost all of the investigative work on the matters was carried out in the first half of 2019/20, the outcome of the case is reported here.

The whistleblowing incident involved an employee of the Department of Work and Pensions who was concerned that working practices within the benefit fraud function of the department were such that miscarriages of justice were likely to occur. The individual had sought to raise these concerns internally but did not consider that they have been adequately dealt with. We had no doubt at all that the concerns were being raised with us in good faith.

CCRC Investigators acting on my behalf visited the whistleblower in person to better understand their concerns. They studied relevant law and guidance and spoke to officials within the Department of Work and Pensions about policy and procedure there. I wrote to the Department about the matters raised.

Ultimately, in light of the fact that the Commission has not had any applications from people claiming to have been wrongly convicted as a result of shortcomings suggested by the whistleblower, and because the whistleblower could not direct us towards any cases where they believed a wrongful conviction had occurred, there was nothing further that we could do. However, I thank the whistleblower for raising that issue in this case and encourage anyone with well-founded concerns about actual or potential miscarriages of justice to contact the CCRC as the prescribed body.

Accounting Officer

In their annual report, our internal auditors have given a substantial assurance that the framework of governance, risk management and control is adequate and effective. I have been advised on the implications of the result of my review by the Board and the ARAC. I am satisfied that a plan to address weaknesses in the system of internal control and ensure continuous improvement of the system is in place. I am also satisfied that all material risks have been identified, and that those risks are being properly managed.



Karen Kneller

Chief Executive and Accounting Officer
2nd July 2020

Remuneration and Staff Report

Remuneration policy

The remuneration of Commissioners is set by the Secretary of State for Justice.

Terms and conditions for Commissioners have over the years been the subject of review particularly at the point of recruitment campaigns. In 2017/18, the terms for Commissioners seeking appointment (or re-appointment) were changed from a salary basis to a daily fee paid approach. In 2018/19, a similar change was made in respect of the Chairman. Commissioners appointed after 2012/13 but before 2017/18 are paid salaries at an equivalent full time rate of £93,796 per annum, with no entitlement to a pension. During 2018/19 the new Chairman was recruited at £500 per day. Commissioners are appointed on a variety of time commitments. From 2017/18, Commissioners are appointed for a set minimum number of days per annum, with a daily fee of £358 per day, also without pension entitlements. For temporary periods, additional days may be worked above the minimum subject to business need and approval in advance by the Chief Executive.

Non-executive Directors are paid a daily fee which is reviewed annually. For Non-executive Directors appointed prior to 2017/18 the daily fee is £450. For appointments made since 2017/18, the daily fee is £300.

Salaries of the Chief Executive and Directors are set by the Remuneration Committee. Membership comprises the Chairman of the Commission and the independent Non-executive Directors. The Committee takes into account HM Treasury pay growth limits, affordability, and performance in determining annual salary increases.

Service contracts

Commissioners are appointed by the Queen on the recommendation of the Prime Minister, one of whom is appointed by the Queen as Chairman. Subject to the comments in the previous section, appointments may be full-time or part-time, and are for a fixed period of not longer than five years. In the recent campaigns, the term of appointment has more typically been for three years. Retiring Commissioners can seek re-appointment, on the terms prevailing for new appointments, provided that no person may hold office for a continuous period which is longer than ten years. Arrangements for appointment and re-appointment are set out in the “Governance Code for Public Appointments” published in December 2016.

Non-executive Directors are office holders appointed for a fixed term of up to three years, which may be renewed. The posts are non-pensionable.

The Chief Executive and Directors are employed on permanent contracts of employment with a notice period of three months. Normal pensionable age under the Principal Civil Service Pension Scheme is 60 for Classic and Premium members and the Normal State Retirement Age for members of Nuvo and Alpha (or 65 if higher). Further details of the pension schemes are provided later in this report and in note four to the accounts. Early termination, other than for misconduct, would result in the individual receiving compensation as set out in the Civil Service Compensation Scheme.

Remuneration (salary, benefits in kind and pensions)

The following sections provide details of the remuneration and pension interests of Board members, i.e. Commissioners,

the Chief Executive, Directors and Independent Non-executive Directors. The table below contains details for Commissioners during the currency of their Board membership only. These details have been subject to audit.

	2019/20				2018/19			
	Salary £000	Benefit- in-kind (to nearest £100) £000	Pension benefits £000	Total £000	Salary £000	Benefit- in-kind (to nearest £100) £000	Pension benefits £000	Total £000
Commissioners								
Mr Richard Foster [until 31/10/18]	-	-	-	-	30-35	-	-	30-35
Mrs Helen Pitcher [Chairman from 01/11/18]	80-85	-	-	80-85	35-40	-	-	35-40
Mr David Brown [from 16/05/19]	25-30	4.6	-	30-35	-	-	-	-
Ms Cindy Butts [from 07/05/19]	15-20	0.9	-	20-25	-	-	-	-
Mrs Liz Calderbank [until 01/01/19]	-	-	-	-	30-35	-	-	30-35
Mr Ian Comfort [from 07/05/19]	20-25	0.6	-	20-25	-	-	-	-
Miss Rachel Ellis	25-30	-	-	25-30	20-25	-	-	20-25
Mrs Jill Gramann	25-30	0.9	-	25-30	35-40	-	-	35-40
Mrs Johanna Higgins [from 07/05/19]	30-35	4.4	-	35-40	-	-	-	-
Ms Celia Hughes [until 14/01/20]	25-30	-	-	25-30	60-65	-	-	60-65
Ms Sukhvinder Kaur [from 16/05/19 until 31/01/20]	15-20	0.5	-	15-20	-	-	-	-
Mr Stephen Leach [until 27/04/19]	5-10	-	-	5-10	45-50	20.8	-	65-70
Mrs Linda Lee	20-25	1.3	-	20-25	25-30	1.5	-	25-30
Ms Alexandra Marks [until 27/10/18]	-	-	-	-	20-25	-	-	20-25

	2019/20				2018/19			
	Salary £000	Benefit- in-kind (to nearest £100) £000	Pension benefits £000	Total £000	Salary £000	Benefit- in-kind (to nearest £100) £000	Pension benefits £000	Total £000
Dr Sharon Persaud [until 27/10/18]	-	-	-	-	40-45	-	-	40-45
Ms Jennifer Portway [until 31/01/20]	15-20	-	-	15-20	20-25	-	-	20-25
Mr Andrew Rennison [until 02/03/19]	-	-	-	-	35-40	-	-	35-40
Ms Christine Smith [from 07/05/19]	25-30	7.9	-	30-35	-	-	-	-
Mr David James Smith [until 27/10/18]	-	-	-	-	55-60	-	-	55-60
Mr Rob Ward	25-30	-	-	25-30	30-35	-	-	30-35

NEDs

Mr Jonathan Baume [until 30/06/19]	0-5	0.2	-	0-5	0-5	0.7	-	0-5
Mrs Caroline Corby [until 30/06/19]	0-5	0.5	-	0-5	5-10	2.6	-	5-10
Mr Andre Katz	0-5	0.8	-	0-5	0-5	2.1	-	5-10
Mrs Vilma Patterson [from 01/09/19 until 24/10/19]	0-5	0.9	-	0-5	-	-	-	-
Mr Martin Spencer [from 01/09/19]	0-5	1.4	-	5-10	-	-	-	-

Directors

Miss Karen Kneller	95-100	-	20	115-120	90-95	-	3	95-100
Mrs Sally Berlin	75-80	-	46	120-125	70-75	-	26	95-100
Mr Ian Brooks ¹ [until 30/04/19]	5-10	-	13	15-20	70-75	-	30	100-105
Mrs Heather Lees ² [from 16/04/19]	70-75	-	28	100-105	-	-	-	-
Mr Peter Ryan ³ [from 13/12/19]	20-25	-	9	30-35	-	-	-	-

¹ Full-time equivalent salary banding for Ian Brooks in 2019/20 was £70,000-£75,000.

² Full-time equivalent salary banding for Heather Lees in 2019/20 was £75,000-£80,000.

³ Full-time equivalent salary banding for Peter Ryan in 2019/20 was £75,000-£80,000. Peter Ryan acted as Interim Director of Finance and Corporate Services to cover short-term absence during the 2019/20.

'Salary' includes gross salary or remuneration.

None of the Commissioners, Chief Executive, Directors or Non-executive Directors was entitled to a bonus in the current or previous year, and there is no performance related component to salaries.

The monetary value of benefits-in-kind covers any benefits provided by the Commission and treated by HM Revenue & Customs as a taxable emolument. Benefits relate to costs incurred to enable a part-time Commissioner to work in the Commission's office in Birmingham, and for the Non-executive Directors to attend meetings in the Commission's office and elsewhere as necessary. These costs are reimbursed to Commissioners and the Non-executive Directors or incurred on their behalf free of tax and national insurance. The amounts disclosed above include the income tax and

national insurance contributions which are paid by the Commission. The total net costs actually incurred on behalf of the Commissioners and the Non-executive Directors or reimbursed to them in the year was £24,773 (2018/19 - £14,627).

Pay multiples

Reporting bodies are required to disclose the relationship between the remuneration of the highest-paid director in their organisation and the median remuneration of the organisation's workforce.

	2019/20	2018/19
Band of highest paid Board member's total annualised remuneration [£000]	95-100	90-95
Median total remuneration	£38,571	£37,626
Ratio	2.5	2.5

Actual remuneration ranged from £3,600 to £99,237 (2018/19 £2,000 - £94,000).

Total remuneration includes salary, but does not include severance payments, employer pension contributions and the cash equivalent transfer value of pensions.

These details have been subject to audit.

Pension arrangements

Commissioners appointed prior to 2012/13, were entitled to a pension and may choose pension arrangements broadly by analogy with the Principal Civil Service Pension Schemes. They were entitled to receive such benefits from their date of appointment. There are no longer any active Commissioners in the scheme.

Commissioners' pension arrangements are unfunded, and the CCRC is responsible for paying retirement benefits as they fall due. Contributions were paid by Commissioners at the rate of 7.35% of pensionable earnings.

Pension benefits for the Chief Executive and Directors are provided through the Civil Service pension arrangements. From 1 April 2015, a new pension scheme for civil servants was introduced – the Civil Servants and Others Pension Scheme or alpha, which provides benefits on a career average basis with a normal pension age equal to the member's State Pension Age (or 65 if higher). From that date all newly appointed civil servants and the majority of those already in service joined alpha. Prior to that date, civil servants participated in the Principal Civil Service Pension Scheme (PCSPS). The PCSPS has four sections: three providing benefits on a final salary basis (classic, premium or classic plus) with a normal pension age of 60; and one providing benefits on a whole career basis (nuvos) with a normal pension age of 65.

These statutory arrangements are unfunded with the cost of benefits met by monies voted by Parliament each year. Pensions payable under classic, premium, classic plus, nuvos and alpha are increased annually in line with Pensions Increase legislation. Existing members

of the PCSPS who were within ten years of their normal pension age on 1 April 2012 remained in the PCSPS after 1 April 2015. Those who were between ten and 13 years and five months from their normal pension age on 1 April 2012 will switch to alpha sometime between 1 June 2015 and 1 February 2022. All members who switch into alpha have their PCSPS benefits "banked", with those with earlier benefits in one of the final salary sections of the PCSPS having those benefits based on their final salary when they leave alpha. (The pension figures quoted in this report show pension earned in PCSPS or alpha – as appropriate. Where the individual has benefits in both the PCSPS and alpha the figure quoted is the combined value of their benefits in the two schemes.) Members joining from October 2002 may opt for either the appropriate defined benefit arrangement or a "money purchase" stakeholder pension with an employer contribution (partnership pension account).

Employee contributions are salary-related and range between 4.6% and 8.05% of pensionable earnings for members of classic (and members of alpha who were members of classic immediately before joining alpha) and 4.6% and 8.05% for members of premium, classic plus, nuvos and all other members of alpha. Benefits in classic accrue at the rate of 1/80th of final pensionable earnings for each year of service. In addition, a lump sum equivalent to three years' initial 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.

Classic plus is essentially a hybrid with benefits for service before 1 October 2002 calculated broadly per classic and benefits for service from October 2002 worked out as in premium. In nuvos a member builds up a pension based on his or her pensionable earnings during their period of scheme membership. At the end of the scheme year (31 March) the member's earned pension account is credited with 2.3% of their pensionable earnings in that scheme year and the accrued pension is uprated in line with Pensions Increase legislation. Benefits in alpha build up in a similar way to nuvos, except that the accrual rate is 2.32%. In all cases members may opt to give up (commute) pension for a lump sum up to the limits set by the Finance Act 2004.

The partnership pension account is a stakeholder pension agreement. The employer makes a basic contribution of between 8% and 14.75% (depending on the age of the member) into a stakeholder pension product chosen by the employee from a panel of providers. The employee does not have to contribute, but where they do make contributions, the employer will match these up to a limit of 3% of pensionable salary (in addition to the employer's basic contribution). Employers also contribute a further 0.5% of pensionable salary to cover the cost of centrally-provided risk benefit cover (death in service and ill health retirement).

The accrued pension quoted is the pension the member is entitled to receive when they reach pension age, or immediately on ceasing to be an active member of the scheme if they are already at or over pension age. Pension age is 60 for members of classic, premium

and classic plus, 65 for members of nuvos, and the higher of 65 or State Pension Age for members of alpha. (The pension figures quoted for individuals show pension earned in PCSPS or alpha – as appropriate. Where the individual has benefits in both the PCSPS and alpha the figure quoted is the combined value of their benefits in the two schemes, but note that part of that pension may be payable from different ages).

Further details about the Civil Service pension arrangements can be found at the website www.civilservicepensionscheme.org.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 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. CETVs are calculated in accordance with The Occupational Pension Schemes (Transfer Values) (Amendment) Regulations 2008 and do not take account of any actual or potential reduction to benefits resulting from Lifetime Allowance Tax which may be due when pension benefits are taken.

The figures include the value of any pension benefit in another scheme or arrangement which the member has transferred to the Civil Service pension arrangements. They also include any additional pension benefit accrued to the member as a result of their purchasing additional pension or years of pension service in the scheme at their own cost. CETVs are worked out in accordance with The Occupational Pension Schemes (Transfer Values) (Amendment) Regulations 2008 and do not take account of any actual or potential reduction to benefits arising from Lifetime Allowance Tax which may be due when pension benefits are taken.

Real increase in CETV

This reflects the increase in CETV that is funded by the employer. It does not include 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.

Pension benefits

These details have been subject to audit.

	Accrued pension at normal retirement age at 31/3/20 and related lump sum £000	Real increase in pension and related lump sum at normal retirement age £000	CETV at 31/3/20 £000	CETV at 31/3/19 £000	Real increase in CETV £000
Miss Karen Kneller - Chief Executive	35-40 plus a lump sum of 110-115	0-2.5 plus a lump sum of 0	837	788	11
Mrs Sally Berlin - Director of Casework Operations	25-30 plus a lump sum of 5-10	2.5-5 plus a lump sum of 0-2.5	432	383	26
Mr Ian Brooks - Director of Finance and Corporate Services [until 30/04/19]	5-10	0-2.5	108	81	1
Mrs Heather Lees - Director of Finance and Corporate Services [from 16/04/19]	0-5	0-2.5	24	0	19
Mr Peter Ryan - Director of Finance and Corporate Services [from 13/12/19]	0-5	0-2.5	7	0	6

Notes

- 1 The Non-executive Directors are not entitled to pension benefits.
- 2 Commissioners appointed after 2012/13 are not entitled to pension benefits.
- 3 Total accrued pension may include benefits arising from transfers-in from other schemes, and may also be augmented by additional voluntary contributions paid by the individual.
- 4 CETVs are calculated using common market valuation factors for the start and end of the period, which may be different from the factors used in the previous year. Consequently, the CETV at 31/03/19 shown in the table above may differ from the CETV at 31/03/19 as disclosed in the 2018/19 remuneration report.
- 5 Peter Ryan acted as Interim Director of Finance and Corporate Services to cover short-term absence during the 2019/20.

Staff Report

Our staff numbers have remained relatively stable during 2019/20, but recruitment activity has increased compared to the previous year following a higher level of staff turnover. As at 31st March 2020, there were 95 (82 in 2018/19) permanent members of staff making up an average Full Time Equivalent (FTE) of 81.83 (76.15 in 2018/19). Within the staff cohort, the Chief Executive and two Directors are evaluated at Senior Civil Service staff band equivalent of SCS2 and SCS1 respectively. At the end of 2019/20 there were ten Commissioners (an average FTE 2.94) including the Chairman, (eight and FTE 4.34 2018/19). These details have been subject to audit.

Staff Composition

At the 31st March 2020, the Commission had 57 female and 38 male staff, three male and seven female Commissioners and two male Non-executive Directors. At the end of March 2020, 17.8% of our employees (including Commissioners and Non-executive Directors) identified themselves as being from a BAME (Black and Minority Ethnic) background.

Staff Costs

Full details of staff costs, which have been subject to audit, are presented in the table below:

	2019/20 £000	2018/19 £000
Commissioners		
Salaries and Emoluments	390	528
Social Security Contributions	45	56
Total Commissioners' Costs	435	584
Non-executive Directors		
Salaries and Emoluments	15	18
Social Security Contributions	2	-
Total Non-executive Directors' Costs	17	18
Staff		
- Staff with permanent employment contracts		
Salaries and Emoluments	3,043	2,765
Social Security Contributions	289	277
Pension Costs	730	549
- Other staff (contract, agency/temporary)		
Salaries and Emoluments	0	3
Total Staff Cost	4,062	3,594
Total	4,514	4,196

Sickness Absence Data

We aim for sickness absence in the Commission to be less than 7.5 days per person (FTE) per year (see KPI8 on page 106). The actual average in 2019/20 was 8.9 (9.6 in 2018/19).

For 2019/20 we have amended our calculations to report Average Working Days Lost (AWDL). The change makes the number lower than in previous years, but brings the Commission in line with MoJ and the Civil Service. Because the Commission has relatively few staff, even a few long-term absences can have a significant impact on our sickness average.

Staff Policies

We operate a wide range of staff policies, which are regularly reviewed, designed to promote a working environment that supports staff and the productivity and effectiveness of our work. While not an exhaustive list, we have policies that support:

- Dignity at Work
- Equality and Diversity
- Fair recruitment including a Guaranteed Interview Scheme for applicants who identify as disabled
- Sickness and absence management
- Performance and Appraisal
- Training and development including capability
- Flexitime working
- Whistleblowing

We were particularly pleased to introduce this year a staff volunteering policy as a way of enhancing our reward package and supporting our communities. It was introduced late in the year so we look forward to providing an update on it in our next annual report.

Line managers and staff are supported in their awareness of the policies by appropriate training, routine reminders and the involvement of Human Resources specialists in matters affecting staff working conditions.

Expenditure on Consultancy

The Commission has incurred no consultancy spend in 2019/20. This compares to a total of £26,000 spent on consultancy in 2018/19.

Off-payroll Contractors

During the current period, we have reviewed the process of how we verify the tax arrangements of any off-payroll appointments. All contractors within the scope of this exercise must now provide evidence of tax compliance before their contract starts. Further details of off-payroll engagements can be found in the Ministry of Justice consolidated accounts.

Payments to Past Directors

There were no payments to past Directors (£0 in 2018/19).

These details have been subject to audit.

Compensation for loss of office

None of the Commissioners, Non-executive Directors or senior management received any compensation for loss of office in the year (£0 in 2018/19).

These details have been subject to audit.

Exit Packages

There have been no exit packages in 2019/20 (£0 in 2018/19).

These details have been subject to audit.

CCRC Staff and Union Activity

Trade Union (Facility Time Publication Requirements) Regulations 2017 implements the requirement provided by the Trade Union Act 2016 for specified public-sector employers, including the CCRC, to report annually on paid time off provided to trade union representatives for trade union duties and activities (this is known as union facility time). It requires that we publish a report on our website by 31st July 2020 and that we include the details in this annual report and accounts.

In 2019/20, three Commission employees (FTE 2.75) were relevant union officials during the reporting period.

All three employees spent between 0% and 0.99% of their time on facility time. The percentage of the total pay bill spent on facility time was 0.01%. One hundred per cent of paid facility time hours were spent on paid union activities.

Parliamentary Accountability and Audit Report

Regularity of Expenditure

The CCRC operates within a framework agreement between the sponsor department and the Commission, which sets out the financial transaction limits to which the Commission may operate without further referral to the Ministry of Justice. The Commission also operates to the standards set out in HM Treasury's "Managing Public Money", and can confirm no irregularity with any of the provisions contained therein.

This has been subject to audit.

Remote Contingent Liabilities

International Accounting Standard 37 (IAS 37) sets out the requirements for provisions, contingent liabilities and contingent assets. Parliamentary reporting also requires that organisations disclose remote contingent liabilities. The CCRC has no remote contingent liabilities.

This has been subject to audit.

Losses and Special Payments

The CCRC has not incurred any losses or made any special payments in the year 2019/20 (£0 in 2018/19).

This has been subject to audit.

Gifts

The CCRC has neither received nor given any gifts above a trivial value during 2019/20 or 2018/19.


This has been subject to audit.

Fees and Charges

The CCRC does not levy any fees or charges. This has been subject to audit.

Long Term Expenditure Trends

As part of the Spending Review Process in 2015 (SR15), the Ministry of Justice agreed a long-term settlement of resource and capital budgets for the period up to 2020/21. The CCRC works with the Ministry of Justice to agree its budgets on an annual basis.



Karen Kneller

Chief Executive and Accounting Officer
2nd July 2020

The certificate and report of the comptroller and auditor general to the houses of parliament

Opinion on financial statements

I certify that I have audited the financial statements of the Criminal Cases Review Commission for the year ended 31 March 2020 under the Criminal Appeal Act 1995. The financial statements comprise: the Statements of Comprehensive Net Expenditure, Financial Position, Cash Flows, Changes in Taxpayers' Equity; and the related notes, including the significant accounting policies. These financial statements have been prepared under the accounting policies set out within them. I have also audited the information in the Accountability Report that is described in that report as having been audited.

In my opinion:

- the financial statements give a true and fair view of the state of the Criminal Cases Review Commission's affairs as at 31 March 2020 and of net expenditure for the year then ended; and
- the financial statements have been properly prepared in accordance with the Criminal Appeal Act 1995 and Secretary of State directions issued thereunder.

Opinion on regularity

In my opinion, in all material respects the income and expenditure recorded in the financial statements have been applied to the purposes intended by Parliament and the financial transactions recorded in the financial statements conform to the authorities which govern them.

Basis of opinions

I conducted my audit in accordance with International Standards on Auditing (ISAs) (UK) and Practice Note 10 'Audit of Financial Statements of Public Sector Entities in the United Kingdom'. My responsibilities under those standards are further described in the Auditor's responsibilities for the audit of the financial statements section of my certificate. Those standards require me and my staff to comply with the Financial Reporting Council's Revised Ethical Standard 2016.

I am independent of the Criminal Cases Review Commission in accordance with the ethical requirements that are relevant to my audit and the financial statements in the UK. My staff and I have fulfilled our other ethical responsibilities in accordance with these requirements. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

Conclusions relating to going concern

I have nothing to report in respect of the following matters in relation to which the ISAs (UK) require me to report to you where:

- the Criminal Cases Review Commission's use of the going concern basis of accounting in the preparation of the financial statements is not appropriate; or
- the Criminal Cases Review Commission has not disclosed in the financial statements any identified material uncertainties that may cast significant doubt about the Criminal Cases Review Commission's ability to continue to adopt the going concern basis for a period of at least twelve months from the date when the financial statements are authorised for issue.

Responsibilities of the Accounting Officer for the financial statements

As explained more fully in the Statement of Accounting Officer's Responsibilities, the Accounting Officer is responsible for the preparation of the financial statements and for being satisfied that they give a true and fair view.

Auditor's responsibilities for the audit of the financial statements

My responsibility is to audit, certify and report on the financial statements in accordance with the Criminal Appeal Act 1995.

An audit involves obtaining evidence about the amounts and disclosures in the financial statements sufficient to give reasonable assurance that the financial statements are free from material misstatement, whether caused by fraud or error. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with ISAs (UK) will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

As part of an audit in accordance with ISAs (UK), I exercise professional judgment and maintain professional scepticism throughout the audit. I also:

- identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a

basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.

- obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Criminal Cases Review Commission's internal control.
- evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.
- conclude on the appropriateness of the Criminal Cases Review Commission's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Criminal Cases Review Commission's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify my opinion.

My conclusions are based on the audit evidence obtained up to the date of my report. However, future events or conditions may cause the Criminal Cases Review Commission to cease to continue as a going concern.

I communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.

In addition, I am required to obtain evidence sufficient to give reasonable assurance that the income and expenditure reported in the financial statements have been applied to the purposes intended by Parliament and the financial transactions conform to the authorities which govern them.

Other Information

The Accounting Officer is responsible for the other information. The other information comprises information included in the annual report, other than the parts of the Accountability Report described in that report as having been audited, the financial statements and my auditor's report thereon. My opinion on the financial statements does not cover the other information and I do not express any form of assurance conclusion thereon. In connection with my audit of the financial statements, my responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or my knowledge obtained in the audit or otherwise appears to be materially misstated. If, based on the work I have performed, I conclude that there is a material misstatement of this other information, I am required to report that fact. I have nothing to report in this regard.

Opinion on other matters

In my opinion:

- the parts of the Accountability Report to be audited have been properly prepared in accordance with Secretary of State directions made under the Criminal Appeal Act 1995;

- in the light of the knowledge and understanding of the entity and its environment obtained in the course of the audit, I have not identified any material misstatements in the Performance Report or the Accountability Report; and
- the information given in the Performance Report and Accountability Report for the financial year for which the financial statements are prepared is consistent with the financial statements.

Matters on which I report by exception

I have nothing to report in respect of the following matters which I report to you if, in my opinion:

- adequate accounting records have not been kept or returns adequate for my audit have not been received from branches not visited by my staff; or
- the financial statements and the parts of the Accountability Report to be audited are not in agreement with the accounting records and returns; or
- I have not received all of the information and explanations I require for my audit; or
- the governance statement does not reflect compliance with HM Treasury's guidance.

Report

I have no observations to make on these financial statements.

Gareth Davies

Comptroller and Auditor General
9th July 2020

National Audit Office
157-197 Buckingham Palace Road
Victoria
London
SW1W 9SP

Financial Statements

This section presents the Commission's audited accounts for the period 1st April 2019 to 31st March 2020 in Financial Statements and Notes to the Accounts.



Statement of Comprehensive Net Expenditure

for the year ended 31 March 2020

	Note	2019/20 £000	2018/19 £000
Expenditure			
Staff Costs	3	4,514	4,196
Depreciation & Amortisation	9, 10	282	191
Other Expenditure	5	1,687	1,803
Total Operating Expenditure		6,483	6,190
Income			
Income from Activities	7	(5)	(4)
Net Operating Expenditure		6,478	6,186
Finance Expense	6	182	156
Net Expenditure for the year		6,660	6,342
Other Comprehensive Net Expenditure			
Pensions: actuarial losses/(gains)	4	406	(103)
Comprehensive Net Expenditure for the year		7,066	6,239

The notes on pages 80 to 94 form part of these accounts.

Statement of Financial Position

as at 31 March 2020

	Note	31 March 2020 £000	31 March 2019 £000
Non-current assets			
Property, plant & equipment	9	228	188
Intangible assets	10	357	357
Trade & other receivables	11	3	0
Total non-current assets		588	545
Current assets			
Trade & other receivables	11	192	180
Cash and cash equivalents	12	62	149
Total current assets		254	329
Total assets		842	874
Current liabilities			
Trade payables & other current liabilities	13	(340)	(382)
Provisions	14	(0)	(170)
Total assets less current liabilities		502	322
Non-current liabilities			
Provisions	14	(154)	(151)
Pension liabilities	4	(6,598)	(6,307)
Total non-current liabilities		(6,752)	(6,458)
Total assets less total liabilities		(6,250)	(6,136)
Taxpayers' equity			
General reserve		(6,250)	(6,136)
Total taxpayers' equity		(6,250)	(6,136)

The notes on pages 80 to 94 form part of these accounts.

The financial statements on pages 76 to 94 were approved by the Board on 23rd June 2020, and were signed on behalf of the Criminal Cases Review Commission by:



Karen Kneller

Chief Executive and Accounting Officer
2nd July 2020

Statement of Cash Flows

for the year ended 31 March 2020

	Note	2019/20 £000	2018/19 £000
Cash flows from operating activities			
Net cash outflow from operating activities	15	(6,023)	(5,259)
Cash flows from investing activities			
Purchase of property, plant and equipment	9	(141)	(64)
Purchase of intangible assets	10	(181)	(60)
Total cash outflow from investing activities		(322)	(124)
Cash flows from financing activities			
Capital Grant in Aid	2	322	125
Revenue Grant in Aid	2	5,936	5,354
Total financing		6,258	5,479
Net (decrease)/increase in cash and cash equivalents	12	(87)	96
Cash and cash equivalents at beginning of year	12	149	53
Cash and cash equivalents at end of year	12	62	149

The notes on pages 80 to 94 form part of these accounts.

Statement of Changes in Taxpayers' Equity

for the year ended 31 March 2020

	Note	General reserve £000	Total reserve £000
Balance at 1 April 2018		(6,128)	(6,128)
Changes in taxpayers' equity for 2018/19			
Comprehensive net expenditure for 2018/19		(6,239)	(6,239)
Grant from sponsor department	2	5,479	5,479
Reversal of notional transactions:	18	752	752
Balance at 31 March 2019		(6,136)	(6,136)
Changes in taxpayers' equity for 2019/20			
Comprehensive net expenditure for 2019/20		(7,066)	(7,066)
Grant from sponsor department	2	6,258	6,258
Reversal of notional transactions:	18	694	694
Balance at 31 March 2020		(6,250)	(6,250)

The notes on pages 80 to 94 form part of these accounts.

Notes to the accounts

1 Accounting Policies

Basis of Accounts

These financial statements have been prepared in accordance with the Accounts Direction given by the Secretary of State for Justice with the consent of the Treasury in accordance with paragraph 9(2) of Schedule 1 to the Criminal Appeal Act 1995. The Accounts Direction requires the financial statements to be prepared in accordance with the 2019/20 Government Financial Reporting Manual (FReM) issued by HM Treasury. The accounting policies contained in the FReM apply International Financial Reporting Standards (IFRS) as adapted or interpreted for the public sector context. Where the FReM permits a choice of accounting policy, the accounting policy which is judged to be most appropriate to the particular circumstances of the Commission for the purpose of giving a true and fair view has been selected. The particular policies adopted by the Commission are described below. They have been applied consistently in dealing with items that are considered material to the accounts.

These Accounts have been prepared on an accruals basis under the historical cost convention, modified to account for the revaluation of non-current assets where material.

Changes in Accounting Policy and Disclosures

There have been no changes in accounting policies during the period ended 31st March 2020.

Going Concern

The Statement of Financial Position at 31 March 2020 shows negative total taxpayers' equity of £6,250,000. This reflects the inclusion of liabilities falling due in future years which, to the extent that they are not to be met from the Commission's other sources of income, may only be met by future Grants-in-Aid from the Commission's sponsoring department, the Ministry of Justice. This is because, under the normal conventions applying to parliamentary control over income and expenditure, such grants may not be issued in advance of need.

Grant in Aid for 2020/21, taking into account the amounts required to meet the Commission's liabilities falling due in that year, has already been included in the sponsor department's Main Estimates for that year, which have been approved by Parliament, and there is no reason to believe that the department's sponsorship and future parliamentary approval will not be forthcoming.

The tailored review conducted by the Ministry of Justice during 2018/19 confirmed that the functions of the Commission should be retained unchanged, and that the Commission should continue in its current form. It is accordingly considered appropriate to adopt a going concern basis for the preparation of these financial statements.

Grant in Aid

Grant in Aid received is credited direct to the General Reserve in accordance with the FReM.

Notional expenditure

Accommodation costs are borne by the Ministry of Justice on the Commission's behalf. To enable the accounts to show a true and fair view, and to comply with the FReM, such expenditure is included in the Statement of Comprehensive Net Expenditure as notional expenditure under the appropriate expense headings, with a full analysis shown in note 18 to the accounts. An equivalent credit entry to finance the notional expenditure is recognised in the Statement of Changes in Taxpayers' Equity.

Non-current Assets

Assets are capitalised as non-current assets if they are intended for use on a continuing basis and their original purchase cost, on an individual or grouped basis, is £500 or more.

Depreciated historical cost is used as a proxy for current value in existing use of all non-current assets due to short lives and/or low values.

Depreciation and Amortisation

Depreciation or amortisation is provided on all non-current assets on a straight-line basis to write off the cost or valuation evenly over the asset's estimated useful life as follows:

IT hardware / development	four years
Software systems and licences	four years
Furniture and fittings	10 years
Office equipment	10 years
Refurbishment costs	over the remaining term of the lease
Assets under development	no depreciation as assets are not yet in use

Impairment

The Commission annually performs an asset review across significant asset categories and, if indicators of impairment exist, the assets in question are tested for impairment by comparing the carrying value of those assets with their recoverable amounts. When an asset's economic carrying value decreases as a result of a permanent diminution in the value of the asset due to clear consumption of economic benefit or service potential, the decrease is charged to net operating costs on the Statement of Comprehensive Net Expenditure.

Employee Benefits

Employee Leave Accrual

An accrual is made for untaken annual leave. Employees accrue one twelfth of their annual paid leave entitlement for each month worked which is calculated as paid time owing to the employee until the leave is actually taken. The value accrued also includes an allowance for the associated employers national insurance and employers pension contributions.

Pensions

(i) Staff pensions

Pension benefits are provided through the Civil Service pension arrangements. From 1 April 2015 a new pension scheme for civil servants was introduced - the Civil Servants and Others Pension Scheme, or alpha, which provides benefits on a career average basis with a normal pension age equal to the member's State Pension Age (or 65 if higher). From that date all newly appointed civil servants and the majority of those already in service joined alpha. Prior to that date, civil servants participated in the Principal Civil Service Pension Scheme (PCSPS). The pension arrangements are managed independently from the Commission as part of a multi-employer defined benefit scheme, i.e. one where the benefits are based on an employee's earnings, rather than on contributions made by them and the employer. The scheme is unfunded, but underwritten by Government, and the Commission is unable to identify its share of the underlying liabilities. In accordance with IAS 19 (Employee Benefits), the Statement of Comprehensive Net Expenditure is charged with contributions made in the year.

(ii) Commissioners' pensions

Commissioners appointed before 2012/13 were provided with individual defined benefit schemes which are broadly by analogy with the PCSPS. These schemes are unfunded, and the Commission is liable for the future payment of pensions. The last commissioner entitled to this benefit left the Commission in 2016/17. The increase in the present value of the schemes' liabilities arising from the passage of time is charged as interest payable to the Statement of Comprehensive Net Expenditure after operating expenditure. Actuarial gains and losses are recognised as Other Comprehensive Expenditure in the Statement of Comprehensive Net Expenditure.

The Statement of Financial Position includes the actuarially calculated scheme liabilities, discounted at the pensions discount rate as prescribed by HM Treasury to reflect expected long term returns.

Operating Leases

Payments made under operating leases (net of any incentives received from the lessor) are charged to the Statement of Comprehensive Net Expenditure on a straight-line basis over the period of the lease. Operating lease incentives (such as rent-free periods or contributions by the lessor to the lessee's relocation costs) are treated as an integral part of the net consideration agreed for the use of the leased asset and are spread appropriately over the lease term.

Provisions

Provisions are recognised when the Commission has a present legal or constructive obligation, as a result of past events, for which it is probable that an outflow of economic benefits will be required to settle the obligation, and for which a reliable estimate can be made for the amount of the obligation.

Provision is made for the estimated costs of returning the office premises occupied under a Memorandum of Terms of Occupation (MOTO) to an appropriate condition. The estimated amount is adjusted to take account of actual inflation to date when the cash flow is expected to occur (i.e. the end of the period of occupation), and then discounted to the present value.

The rates used are the short and medium term official inflation and nominal discount rates for general provisions advised by HM Treasury.

In previous years some small building alterations have been made which gave access to future economic benefits, therefore a non-current asset has also been created corresponding to the amount of the provision, in accordance with IAS 37 (Provisions, Contingent Assets and Contingent Liabilities). This non-current asset is amortised over the period of the MOTO on a straight line basis, and the amortisation charged to the Statement of Comprehensive Net Expenditure. The interest cost arising from the unwinding of the discount is also charged each year as a finance expense to the Statement of Comprehensive Net Expenditure.

Taxation

The Commission is not registered for VAT and all costs are shown inclusive of VAT. The Commission is registered with HM Revenue & Customs for corporation tax. There was no taxable income in the year ended 31 March 2020.

New standards, amendments and interpretations issued but not effective for the financial year beginning 1 April 2019 and not early adopted

IFRS 16: Leases will change the way the Commission recognises, measures, presents and discloses leases that it holds. The standard provides a single lessee accounting model, requiring lessees to recognise assets and liabilities for all leases unless the lease term is short term (less than 12 months) or the underlying asset has a low value. The full impact of IFRS 16: Leases on the Commission has not yet been assessed. See Note 17 for details of the CCRC's operating leases. Effective from 2021-22. (IFRS16 implementation was deferred another year due to Covid-19).

2 Grant in Aid

	2019/20 £000	2018/19 £000
Received for revenue expenditure	5,936	5,354
Received for capital expenditure	322	125
Total	6,258	5,479

Grant in Aid has been received in accordance with the Ministry of Justice main estimate Part III note E as adjusted by the supplementary estimate.

3 Staff Costs

	2019/20 £000	2018/19 £000
Commissioners		
Salaries and emoluments	390	528
Social security contributions	45	56
Total Commissioners cost	435	584
Non-Executive Directors		
Salaries and emoluments	15	18
Social security contributions	2	-
Total Non-executive Directors cost	17	18
Staff		
- Staff with permanent employment contracts		
Salaries and emoluments	3,043	2,765
Social security contributions	289	277
Pension costs	730	549
- Other staff (contract, agency/temporary)		
Salaries and emoluments	-	3
Total Staff cost	4,062	3,594
Total	4,514	4,196

There were no exit packages in 2019/20 (2018/19 nil).

4 Pensions

(i) Staff

Pension benefits are provided through the Civil Service pension arrangements. From 1 April 2015 a new pension scheme for civil servants was introduced – the Civil Servants and Others Pension Scheme, or alpha, which provides benefits on a career average basis with a normal pension age equal to the member's State Pension Age (or 65 if higher). From that date all newly appointed civil servants and the majority of those already in service joined alpha. Prior to that date, civil servants participated in the Principal Civil Service Pension Scheme (PCSPS). Existing members of the PCSPS who were within 10 years of their normal pension age on 1 April 2012 remained in the PCSPS after 1 April 2015.

Those who were between 10 years and 13 years and 5 months from their normal pension age on 1 April 2012 will switch into alpha sometime between 1 June 2015 and 1 February 2022. These statutory arrangements are part of an unfunded multi-employer defined benefit scheme but the Commission is unable to identify its share of the underlying liabilities. The last formal actuarial valuation undertaken for the PCSPS was as at 31 March 2016. The next valuation of the scheme is due to be undertaken as at 31 March 2020. Details can be found in the Government Actuary's Department Report by the Scheme Actuary, "PCSPS: Actuarial valuation as at 31 March 2012". (www.civilservicepensionscheme.org.uk).

The cost of the Commission's pension contributions to the Principal Civil Service Pension Schemes is included in employment costs. For 2019/20, employers' contributions of £692,000 (2018/19 £511,000) were payable to the PCSPS at one of four rates in the range 26.6% to 30.3% (2018/19 20% to 24.5%) of pensionable pay, based on salary bands. The Scheme Actuary reviews employer contributions usually every four years following a full scheme valuation. The contribution rates are set to meet the cost of the benefits accruing during 2019/20 to be paid when the member retires and not the benefits paid during this period to existing pensioners.

Employees can opt to open a partnership pension account, a stakeholder pension with an employer contribution. Employers' contributions of £37,000 (2018/19 £37,000) were paid to one or more of the panel of two appointed stakeholder pension providers. Employer contributions are age-related and ranged from 8% to 14.75% from 1 October 2015. Employers also match employee contributions up to 3% of pensionable pay. In addition, employers also contribute a further 0.5% of pensionable salary from 1 October 2015 to cover the cost of centrally-provided risk benefit cover (death in service and ill health retirement) amounting to contributions of £1,000 (2018/19 £1,000).

There were no outstanding contributions due to the partnership pension providers at the Statement of Financial Position date, nor any prepaid amounts.

(ii) Commissioners

Commissioners appointed before November 2012 were offered pension arrangements broadly by analogy with the Principal Civil Service Pension Schemes from their date of appointment.

Commissioners' pension arrangements are unfunded, and the Commission is responsible for paying retirement benefits as they fall due. Contributions were paid by Commissioners at the rate of 7.35% of pensionable earnings.

The value of the scheme liabilities for the current and four previous years are as follows:

	2019/20 £000	2018/19 £000	2017/18 £000	2016/17 £000	2015/16 £000
Liability in respect of					
Active members	0	0	0	0	1,022
Deferred pensioners	666	620	615	626	519
Current pensioners	5,932	5,687	5,917	6,300	5,070
Total present value of scheme liabilities	6,598	6,307	6,532	6,926	6,611

The scheme liabilities have been valued by the Government Actuary's Department using the Projected Unit Method. The main actuarial assumptions are as follows:

	2019/20 £000	2018/19 £000	2017/18 £000	2016/17 £000	2015/16 £000
Discount rate	1.80%	2.90%	2.55%	2.80%	3.60%
Rate of increase in salaries	0.00%	0.00%	0.00%	0.00%	0.00%
Price inflation	2.35%	2.60%	2.45%	2.55%	2.20%
Rate of increase in pensions (deferred and in payment)	2.35%	2.60%	2.45%	2.55%	2.20%

The mortality assumptions use the 2016 PCSPS valuation assumptions with ONS 2018-based UK principal population projections, which give the following life expectancies at retirement:

	31 March 2020		31 March 2019	
	Men	Women	Men	Women
Current pensioners				
At age 60	26.8	28.4	27.6	29.3
At age 65	21.9	23.5	22.7	24.3
Future pensioners				
At age 60	28.5	30.2	29.6	31.2
At age 65	24.0	25.6	25.1	26.7

The main financial assumptions are as prescribed by HM Treasury. The principal assumptions adopted by the Commission relate to earnings inflation and mortality, and the sensitivity of the valuation of the liability to these assumptions is set out below.

An increase of 0.5% in the discount rate would decrease the present value of the scheme liability by approximately 6% or £379,000.

An increase of 0.5% in the rate of increase in Customer Prices Index would increase the scheme liability by approximately 7% or £420,000.

An increase of one year in the life expectancies would increase the present value of the scheme liability by approximately 3% or £193,000.

The actuary has considered the potential implications of the Covid-19 pandemic on the actuarial calculations.

The assumptions for the discount rate and pension increases are specified by HM Treasury in the PES (2019) 11 Revised, dated 6 December 2019, and remain unchanged for these accounts. The PES assumptions reflect market conditions as at 30 November 2019 and are typically not amended for any changes between November and the accounting date.

The current population mortality projections make no specific allowance for the impact of Covid-19 or any other pandemics. The starting rates of mortality improvement are based on projections of past trends in UK mortality and the effects of past pandemics will already be reflected in these trends.

In general, the effects of pandemics on mortality rates are usually expected to be short term, with rates going back to what they would have been before the pandemic after a year or two, unless the pandemic remains over several years. It is considered too early in the pandemic to determine whether Covid-19 changes the long-term view of life expectancy in the UK, therefore the existing mortality assumptions have been retained.

4 Pensions continued

The following amounts have been recognised in the Statement of Comprehensive Net Expenditure for the year:

	2019/20 £000	2018/19 £000
Past service cost	-	2
Total charge to Staff Costs	-	2
Interest on pension scheme liabilities	179	163
Total charge to Finance Expense	179	163

The estimated current service cost for the next year is £0, following the retirement from the Commission of the final three Commissioners entitled to pension benefits during 2016/17.

The movement in scheme liabilities is analysed as follows:

	2019/20 £000	2018/19 £000
Present value of scheme liabilities at start of year	6,307	6,532
Past service cost	-	2
Interest cost	179	163
Actuarial losses/(gains)	406	(103)
Benefits paid	(294)	(287)
Present value of scheme liabilities at end of year	6,598	6,307

Cumulative actuarial gains and losses recognised in taxpayers' equity are as follows:

	2019/20 £000	2018/19 £000
Loss at start of year	2,109	2,212
Net actuarial losses/(gains) recognised in the year	406	(103)
Loss at end of year	2,515	2,109

Actuarial gains and losses recognised in the Statement of Comprehensive Net Expenditure for the year and the previous four years are set out below, shown as an amount and as a percentage of the present value of the scheme liabilities at the Statement of Financial Position date:

		2019/20	2018/19	2017/18	2016/17	2015/16
Experience losses/(gains)						
pension liabilities	£000	8	56	(4)	(734)	106
		-0.1%	-0.9%	0.1%	10.6%	1.6%
Changes in demographic and financial assumptions	£000	398	(159)	(300)	1,084	(201)
		-6.0%	2.5%	4.6%	15.7%	-3.0%
Net actuarial losses/ (gains)	£000	406	(103)	(304)	350	(95)

5 Other Expenditure

	2019/20 £000	2018/19 £000
Accommodation - operating lease	694	752
IT costs	256	219
Travel, subsistence and external case-related costs	201	162
Recruitment	97	28
Training and other HR	97	57
Records management	67	72
Legal and professional costs	62	281
Information and publications	48	61
Audit fee - external	27	26
Telephones	26	25
Office services	25	28
Audit fee - internal	23	25
Payroll and pension costs	16	19
Office supplies	15	15
Case storage	14	15
Library and reference materials	9	10
Equipment rental under operating lease	6	5
Bank charges	2	2
Health & safety	2	1
Total	1,687	1,803

Comparatives figures have been re-presented compared to prior year financial statements due to the restructuring of the nominal accounts generated by our financial software and integrating the new project accounts. Other Expenditure includes notional expenditure – details are given in notes 1 and 18.

6 Finance Expense

	2019/20 £000	2018/19 £000
Interest on pension scheme liabilities	179	163
Unwinding of discount on dilapidations provision	3	(7)
Total	182	156

7 Income from Activities

	2019/20 £000	2018/19 £000
Kalisher Trust internships	4	4
Skills Fund Agency	1	–
Total	5	4

8 Analysis of Net Expenditure by Programme & Administration Budget

	2019/20			2018/19		
	Programme £000	Administration £000	Total £000	Programme £000	Administration £000	Total £000
Expenditure						
Staff costs	3,885	629	4,514	3,704	492	4,196
Depreciation & amortisation	282	-	282	191	-	191
Accommodation - operating lease	694	-	694	752	-	752
Other expenditure	699	294	993	870	181	1,051
Total Expenditure	5,560	923	6,483	5,517	673	6,190
Income						
Income from activities	(5)	-	(5)	(4)	-	(4)
Net Operating Expenditure	5,555	923	6,478	5,513	673	6,186
Finance Expense	182	-	182	156	-	156
Net Expenditure	5,737	923	6,660	5,669	673	6,342

9 Property, Plant & Equipment

	Refurbishment Costs £000	Plant and Equipment £000	Furniture and Fittings £000	IT Hardware £000	Total £000
Cost/valuation at 1 April 2019	110	77	136	482	805
Additions	-	-	1	140	141
Disposals	-	-	-	(26)	(26)
Cost/valuation at 31 March 2020	110	77	137	596	920
Depreciation at 1 April 2019	89	65	108	355	617
Charged during the year	12	6	16	67	101
Depreciation on disposals	-	-	-	(26)	(26)
Depreciation at 31 March 2020	101	71	124	396	692
Carrying amount at 31 March 2020	9	6	13	200	228
Carrying amount at 31 March 2019	21	12	28	127	188
Cost/valuation at 1 April 2018	110	101	137	505	853
Additions	-	-	-	65	65
Disposals	-	(24)	(1)	(88)	(113)
Cost/valuation at 31 March 2019	110	77	136	482	805
Depreciation at 1 April 2018	77	85	98	404	664
Charged during the year	12	4	11	39	66
Depreciation on disposals	-	(24)	(1)	(88)	(113)
Depreciation at 31 March 2019	89	65	108	355	617
Carrying amount at 31 March 2019	21	12	28	127	188
Carrying amount at 31 March 2018	33	16	39	101	189

All assets are owned by the Commission.

10 Intangible Assets

	Assets Under Development £000	Software Licences £000	Total £000
Cost/valuation at 1 April 2019	–	772	772
Additions	–	181	181
Cost/valuation at 31 March 2020	–	953	953
Amortisation at 1 April 2019	–	415	415
Charged during the year	–	181	181
Amortisation on disposals	–	–	–
Amortisation at 31 March 2020	–	596	596
Carrying amount at 31 March 2020	–	357	357
Carrying amount at 31 March 2019	–	357	357
Cost/valuation at 1 April 2018	22	1,005	1,027
Additions	–	60	60
Disposals	–	(315)	(315)
Reclassification	(22)	22	–
Cost/valuation at 31 March 2019	–	772	772
Amortisation at 1 April 2018	–	605	605
Charged during the year	–	125	125
Amortisation of Disposals	–	(315)	(315)
Amortisation at 31 March 2019	–	415	415
Carrying amount at 31 March 2019	–	357	357
Carrying amount at 31 March 2018	22	400	422

All assets are owned by the Commission.

11 Other Receivables

	31 March 2020 £000	31 March 2019 £000
Amounts falling due within one year		
Travel loans to staff	18	22
Prepayments	174	158
Total	192	180
Amounts falling due after more than one year		
Prepayments	3	-
Total	3	-

12 Cash & Cash Equivalents

	2019/20 £000	2018/19 £000
Balance at 1 April	149	53
Net change in cash balances	(87)	96
Balance at 31 March	62	149

The following balances at 31 March 2020 were held at:

Government Banking Service	62	149
Balance at 31 March	62	149

No cash equivalents were held at any time.

There are no liabilities arising from financing activities in the current year or prior year.

13 Trade Payables & Other Liabilities

	31 March 2020 £000	31 March 2019 £000
Amounts falling due within one year		
Intra-government balances:		
UK taxation & social security	101	95
Trade payables	40	45
Capital payables	-	4
Accruals	199	238
Total	340	382

14 Provisions

The movements in the provisions are analysed as follows:

	2019/20 Professional Fees £000	2019/20 Dilapidations £000	2019/20 Total £000	2018/19 Total £000
Balance at 1 April	170	151	321	158
Provided in year	-	-	-	170
Provision utilised	(110)	-	(110)	-
Unwinding of discount	-	3	3	(7)
Provision reversed unused	(60)	-	(60)	-
Balance at 31 March	-	154	154	321

The expected timing of discounted cash flows is as follows:

	31 March 2020 £000	31 March 2019 £000
Professional fees		
Not later than one year	-	170
Dilapidations:		
Later than one year and not later than five years	154	151
Balance at 31 March	154	321

15 Reconciliation of Net Expenditure to Net Cash Outflow from Operating Activities

	Note	2019/20 £000	2018/19 £000
Net expenditure		(6,660)	(6,342)
Finance Expense	6	182	156
Depreciation and amortisation	9,10	282	191
(Increase)/decrease in receivables	11	(15)	13
(Decrease)/increase in payables	13	(42)	86
(Decrease)/increase in provisions	14	(170)	170
Pension provision:			
Past service cost	4	-	2
Benefits paid	4	(294)	(287)
Notional expenditure	18	694	752
Net cash outflow from operating activities		(6,023)	(5,259)

16 Capital Commitments

Capital commitments contracted for at 31 March 2020 were £nil (2019 £nil).

17 Commitments Under Operating Leases

At 31 March 2020 the Commission had the following total future minimum lease payments under non-cancellable operating leases for each of the following periods:

	31 March 2020 £000	31 March 2019 £000
Buildings:		
Not later than one year	521	741
Later than one year and not later than five years	-	556
Total buildings	521	1,297
Equipment:		
Not later than one year	1	4
Later than one year and not later than five years	1	2
Total equipment	2	6
Total commitments under operating leases	523	1,303

The above commitment in respect of building leases relates to the Commission's current office accommodation at St Philip's Place, Birmingham. This is occupied under a Memorandum of Terms of Occupation (MOTO) issued in accordance with the Departmental Estate Occupancy Agreement for Crown Bodies. The MOTO is between the Ministry of Justice on behalf of the Commission and the Department for Communities and Local Government. The costs of occupation are payable by the Ministry of Justice, but are included in the Commission's accounts as notional expenditure. Accordingly, the commitment shown above is also notional.

18 Notional Expenditure

The Ministry of Justice incurred costs in respect of accommodation on behalf of the Commission.

	2019/20 £000	2018/19 £000
Notional expenditure		
Other expenditure - incurred by MoJ:		
Accommodation - operating lease	694	752
Total notional other expenditure	694	752
Total notional expenditure	694	752

Items shown as notional expenditure are items of expenditure which would otherwise have been recognised in the financial statements in the current year if they had been incurred by the Commission.

19 Related Party Transactions

The Ministry of Justice is a related party to the Commission. During the period 1 April 2019 to 31st March 2020, the Ministry of Justice provided the Commission with Grant in Aid and made certain payments on behalf of the Commission disclosed in these financial statements and notes as notional expenditure.

In addition, the Commission has had a small number of transactions with other government departments and other central government bodies.

During the period 1st April 2019 to 31st March 2020, none of the Commissioners, key managerial staff or other related parties undertook any related party transactions.

20 Financial Instruments

IFRS 7 (Financial Instruments: Disclosures) requires disclosure of the significance of financial instruments for the entity's financial position and performance, and the nature and extent of risks arising from financial instruments to which the entity is exposed, and how the entity manages those risks. Because of the largely non-trading nature of its activities and the way it is financed, the Commission is not exposed to the degree of financial risk faced by business entities. Moreover, financial instruments play a much more limited role in creating or changing risk than would be typical of the listed companies to which IAS 32 (Financial Instruments: Presentation) and IFRS 9 (Financial Instruments), and IFRS 7 mainly apply. The Commission has limited powers to borrow or invest funds and financial assets and liabilities are generated by day-to-day operational activities and are not held to change the risks facing the Commission in undertaking its activities.

The Commission is not therefore exposed to significant liquidity risks, interest rate risk or foreign currency risk.

21 Events after the Reporting Period

In accordance with the requirements of IAS 10 (Events After the Reporting Period), events after the reporting period are considered up to the date the accounts are authorised for issue. This is interpreted as the date of the audit certificate of the Comptroller and Auditor General.

There are no significant events after the reporting period to report.

Tables and Appendices



Commission referrals to the appeal courts during 2019/20

Name	Ref	Referral date	Offence	Sentence only
DEVINE, Michael (Liberty)	111/14	09 Apr 19	Having a firearm with intent. Possession of a firearm and ammunition with intent. Conspiracy to cause grievous bodily harm with intent S18. Causing grievous bodily harm with intent S18. Conspiracy to pervert the course of public justice. Attempted murder. Wounding with intent S18. Possession of a firearm and ammunition with intent. Possession of a firearm and ammunition. Belonging to a proscribed organisation.	
Miss S (Liberty)	140/18	24 Jul 19	Failure to produce an immigration document pursuant to sections 2(1) and 2(9) of the Asylum and Immigration (Treatment of Claimants) Act 2004.	
Mr C (Liberty)	1321/17	25 Jul 19	Entering the United Kingdom without a passport, contrary to section 2(1) and (9) of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004. Entering the United Kingdom without a passport, contrary to section 2(1) and (9) of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004. Entering the United Kingdom without a passport, contrary to section 2(1) and (9) of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004.	
NEWELL, Tracey (Liberty)	53/16	08 Aug 19	Dishonestly failing to give prompt notification of a change in circumstances affecting an entitlement to benefit (x7)	•
CHRISTIE, Sterling (Liberty)	173/19	07 Oct 19	Attempted theft Assault on police Theft	
TREW, Winston (Liberty)	228/18	07 Oct 19	Attempted theft Assault on police	

Name	Ref	Referral date	Offence	Sentence only
Mr L (Liberty)	999/18	16 Oct 19	Failure to produce a satisfactory immigration document contrary to section 2(1) Asylum and Immigration (Treatment of Claimants, etc.) Act 2004	
JONES, Adrian (Custody)	1171/15	18 Oct 19	Murder	
TREDGET, Peter (Custody)	825/11	23 Oct 19	Arson, Manslaughter	
WILLIAMS, Gary (Liberty)	785/17	23 Oct 19	Possession of a firearm with intent to endanger life (Count 1) Possession of a prohibited firearm (Count 3) Possession of expanding ammunition (Count 5) Violent disorder (Count 9) Wounding with intent to cause grievous bodily harm (Count 10)	
GRIFFITHS, George (Liberty)	1115/19	25 Oct 19	Attempted theft Assault on police	
M, a minor (Liberty)	1152/16	29 Oct 19	Contrary to the Sexual Offences Act 2003: Rape of a child under 13 Assault by penetration of a child under 13	
KAVEH, Amin (Custody)	988/18	20 Nov 19	Conspiracy to Supply mephedrone. Supply of mephedrone x 3	
Ms A (Liberty)	747/18	05 Dec 19	Possession of a false instrument Obtaining a pecuniary advantage Theft (two counts) Dishonestly obtaining communication services (two counts)	
ROBSON, James (Liberty)	936/18	17 Dec 19	Using threatening, abusive or insulting words or behaviour to cause harassment, alarm or distress contrary to s.4A of the Public Order Act 1986	
HUNNISETT, Crystal (Custody)	607/18	18 Dec 19	Murder	
BOUCHER, Constantine (Liberty)	1348/19	02 Jan 20	Attempted theft Assault on police	

Name	Ref	Referral date	Offence	Sentence only
Ms T (Liberty)	1099/18	09 Jan 20	Production of cannabis	
C, a minor (Custody)	149/18	27 Jan 20	Attempted murder	
Mr D (Custody)	693/19	14 Feb 20	Burglary (dwelling) x6	•
Mr E (Liberty)	123/17	19 Feb 20	Using a false instrument with intent (section 3 and 6 Forgery and Counterfeiting Act 1981)	
BUTCHER, Patrick (Liberty)	533/19	04 Mar 20	Pleaded guilty to threatening behaviour	
CLEE, John (Liberty)	529/19	04 Mar 20	Unlawful assembly	
JONES, John (Liberty)	524/19	04 Mar 20	Conspiracy to intimidate Unlawful assembly	
OSHEA, Kenneth (Liberty)	527/19	04 Mar 20	Unlawful assembly	
PIERCE, William (Liberty)	530/19	04 Mar 20	Affray Unlawful assembly	
RENSHAW, Terence (Liberty)	532/19	04 Mar 20	Unlawful assembly	
WILLIAMS, Bernard (Liberty)	534/19	04 Mar 20	Unlawful assembly	
WARREN, Dennis (Liberty)	522/19	04 Mar 20	Conspiracy to intimidate Unlawful assembly	

Commission referrals decided by appeal courts during 2019/20

Name	Referral date	Offence	Sentence only	Outcome	Appeal Decision
DALBY, James (Liberty)	10 Feb 17	Rape (x2)		U	10 Apr 19
DALEY, Kyrone (custody)	16 Jul 18	Murder		U	11 Apr 19
SMITH, William (Liberty)	06 Feb 19	Driving with excess alcohol		Q	03 May 19
Ms E	25 Mar 19	Failure to produce an immigration document pursuant to sections 2(1) and 2(9) of the Asylum and Immigration (Treatment of Claimants) Act 2004.		Q	13 May 19
JOHNSON-HAYNES, Andre (Custody)	14 Jan 19	Murder		U	18 Jun 19
Ms B (Liberty)	28 Feb 19	Possession of false documents with intent		Q	22 Oct 19
CHRISTIE, Sterling (Liberty)	07 Oct 19	Attempted theft. Assault on police. Theft		Q	05 Dec 19
TREW, Winston (Liberty)	07 Oct 19	Attempted theft Assault on police		Q	05 Dec 19
GRIFFITHS, George (Liberty)	25 Oct 19	Attempted theft Assault on police		Q	05 Dec 19

Name	Referral date	Offence	Sentence only	Outcome	Appeal Decision
Miss S (Liberty)	24 Jul 19	Failure to produce an immigration document pursuant to sections 2(1) and 2(9) of the Asylum and Immigration (Treatment of Claimants) Act 2004.		Q	06 Dec 19
Mr C (Liberty)	25 Jul 19	Entering the United Kingdom without a passport, contrary to section 2(1) and (9) of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 Entering the United Kingdom without a passport, contrary to section 2(1) and (9) of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 Entering the United Kingdom without a passport, contrary to section 2(1) and (9) of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004		Q	06 Dec 19
ABDURAHMAN, Ismail (Liberty)	06 Feb-19	Assisted an offender with intent to impede his apprehension or prosecution. Failed to disclose information about acts of terrorism (4 counts)		U	17 Dec 19
Mr L (Liberty)	16 Oct 19	Failure to produce a satisfactory immigration document contrary to section 2(1) Asylum and Immigration (Treatment of Claimants, etc.) Act 2004		Q	10 Jan 20
SECKER, Neil (Custody)	26 Oct 18	Assault by penetration (x2) and sexual assault		U	21 Jan 20

Name	Referral date	Offence	Sentence only	Outcome	Appeal Decision
Mr D (Custody)	14 Feb 20	Burglary	•	U	06 Mar 20
ROBSON, James (Liberty)	17-Dec 19	Using threatening, abusive or insulting words or behaviour to cause harassment, alarm or distress contrary to s.4A of the Public Order Act 1986		Q	12 Mar 20
RODDIS, Nicholas (Liberty)	25 Mar 19	Placing a hoax bomb with intent Engaging in the preparation of an act of terrorism		U	17 Mar 20
BOUCHER, Constantine (Liberty)	02 Jan 20	Attempted theft Assault on police		Q	24 Mar 20

Key Performance Indicators

KPI1 – 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%

Percent of cases closed within 12 months of application (all applications):

Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
79.9%	80.2%	80.7%	80.7%	80.9%	81.5%	80.9%	81.4%	82.4%	82.4%	82.6%	83.7%

Percent of cases closed within 12 months of application (Custody):

Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
85.1%	84.6%	84.4%	84.6%	84.4%	85.0%	83.9%	84.0%	84.6%	84.3%	84.3%	85.1%

Percent of cases closed within 12 months of application (Liberty):

Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
68.0%	69.4%	69.2%	69.7%	70.7%	71.3%	72.0%	73.5%	75.0%	75.7%	77.2%	78.9%

KPI2 – 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 – Fewer than 30 weeks

Actual monthly average time for review cases in weeks (All applications):

Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
28.2	31.9	26.6	30.9	33.6	32.0	43.0	28.5	26.4	35.6	44.0	27.5

Rolling 12 months average time for review cases: 31.7 weeks.

Actual monthly average time for review cases in weeks (Custody):

Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
23.6	30.1	27.6	33.1	31.9	24.4	41.5	32.6	26.7	38.5	36.5	29.9

Rolling 12 months average time for review cases: 31.09 weeks.

Actual monthly average time for review cases in weeks (Liberty):

Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
41.3	36.5	22.5	28.9	53.4	32.5	43.9	17.9	27.4	26.4	53.3	21.1

Rolling 12 months average time for review cases: 34.2 weeks.

KPI3 – The percentage 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 – Less than 3%

Percent of cases under review for 2 years or more (All applications):

Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
4.3%	4.5%	5.1%	5.0%	4.8%	4.8%	4.8%	5.1%	4.8%	5.1%	5.0%	5.2%

Percent of cases under review for 2 years or more (Custody):

Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
1.5%	1.6%	2.0%	2.2%	2.1%	2.0%	2.1%	2.3%	2.1%	2.2%	2.0%	2.1%

Percent of cases under review for 2 years or more (Liberty):

Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
2.8%	2.9%	3.0%	2.8%	2.7%	2.8%	2.8%	2.9%	2.7%	3.0%	3.0%	3.2%

KPI4 – Service User Feedback / Satisfaction

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

Responses for 2019/20: Overall 67.8% positive

	Very satisfied	Satisfied	Not satisfied
Q1	32.4%	34.3%	33.3%
Jul/Aug19	26.3%	32.9%	40.7%
Sep/Oct19	38.6%	29.9%	31.5%
Nov/Dec19	38.5%	32.4%	29.1%
Jan/Feb20	37.6%	35.4%	27.1%
Mar20 – No data			
2019/20 Total (no March data)	34.5%	33.3%	32.2%

KPI5 – 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.

Actual – 0.0% over the last 12 months.

KPI6 – 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	Actual	Target rate	Actual rate
Cases re-opened	<3	2	<4%	4.8%
Other	<7	13	<9.5%	14.6%

KPI7 – 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 7 was introduced at the start of 2018/19. During 2019/20 we stopped reporting the elements of the KPI for a number of reasons including issues around the reliability of the available data in relation to news reach and advertising equivalent value, and because of the lack of a reliable estimate of the sentiment of news stories about the CCRC. More meaningful media monitoring metrics are being explored.

KPI8 – Staff 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 average total staff FTE.

Frequency – Monthly

Data Source – HR Statistics

Plan – Less than an average of 7.5 days sickness absence per FTE.

Actual – Sickness absence: 8.90 days per annum per FTE.

KPI9 – 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.

Plan and performance:

	Target		Actual
	Budget %		Budget %
	<	>	
Resource (RDEL)	0%	-2.5%	-3.51% (subject to adjustment post audit)
Capital (CDEL)	0%	-12.5%	3.00% (subject to adjustment post audit)

This KPI presents the Business as Usual budget only. Figures do not include budget for IT Transformation Project.

