

# CCRC

Criminal Cases Review Commission

## Annual Report and Accounts

2020/21



# Criminal Cases Review Commission Annual Report and Accounts 2020/21

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**Last year was a year of reaction and reset.  
The global pandemic and subsequent lockdown  
hit us just as we entered the final month of the  
financial year.**





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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 our purpose, 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 2020/21 in areas such as casework function, finance and other areas.





# Overview

## Chairman's Foreword

Last year was a year of reaction and reset. The global pandemic and subsequent lockdown hit us just as we entered the final month of the financial year. At the time we were not best placed to adapt to wholesale remote working. However, our Senior Management Team (SMT) and IT responded quickly and sourced the right technology and office equipment for people's homes. This rapid response enabled us to maintain business as usual.

During the year plans to move offices have progressed which is now likely to take place in August 2021. Given the Government's aspirations to return us to a semblance of normality by then, as lockdown restrictions are lifted, we hope to be at the new offices over the summer. However, we anticipate that we will continue our journey of remote working to help maintain efficiencies and to provide us access to a much bigger pool of future staff and Commissioners.

We achieved our IT Transformation milestones ahead of plan and within budget. We also implemented a new and far superior casework system.

In March, following a lengthy review and consultation, we received the final report of the Westminster Commission on Miscarriages of Justice, which focused largely on the CCRC. The Commission was chaired by Lord Garnier and Baroness Stern. We were consulted widely over the duration of its focus on this topic. Many former Commissioners took part. Myself, Karen Kneller and the Scottish Criminal Case Review Commission (SCCRC), were amongst those that gave evidence.

There were some helpful recommendations, a number of which we were already progressing. The Board and all the Commissioners have reflected on these recommendations and a Working Group within the Commission was formed. The Group is chaired by me and consists of Group Leaders, Case Review Managers, two Commissioners and an independent NED. I have also taken part in several media interviews on this. Once we have formed a definitive view on those recommendations within our gift, we will publish our formal response, which will augment our initial response published on our website in March.

We also input to the House of Lords Constitution Committee in relation to Covid-19 issues and the Criminal Justice System (CJS). Issues highlighted can be found in its report.

We referred 70 cases over the course of the year. 16 of those (23%) were heard at the Court of Appeal with 54 pending and none were rejected. Our 750<sup>th</sup> case referred was successful in February 2021 – an important milestone worth noting.

Other developments included a Public Board Meeting in November, further Commissioner and Case Review Manager (CRM) recruitment, attracting a more diverse range of candidates needing to work remotely, and setting up a Mentoring Scheme to support staff development and facilitate the sharing of knowledge. We also continued our Stakeholder Forum, with the highest number of attendees ever, proving that doing these remotely, enables greater interaction and inclusion.

Not surprisingly, staff welfare and wellbeing continues to be a key focus for us, signposting staff to support and introducing online tools and coffee mornings.

## ► Performance Report

Internationally, before the lockdown I visited the Norwegian CCRC and we remotely attended the inauguration ceremony for the New Zealand CCRC. Throughout the year we also continued to liaise with our Scottish counterparts.

We were delighted when the judgment of the administrative court in Warner confirmed and emphasised our constitutional and operational independence from the Ministry of Justice (MoJ). Sadly, a report in The Times, which was wholly inaccurate, suggested a different outcome. We complained to the Independent Press Standards Organisation (IPSO) who found in our favour and instructed the Times to publish a complete retraction for inaccurate publication.

Two members of the senior team have moved on to other exciting roles, firstly Sally Berlin who has served us loyally for 20 years and secondly Commissioner Cindy Butts. Both leave with our very best wishes for the future.

Our Board and Body Corporate continue to function effectively, and the SMT has been strengthened by the confirmation in post of Peter Ryan as Finance and Corporate Services Director. We would not have achieved our transformation goals without his leadership.

My team has continued to work tirelessly and adapt to the many challenges created by several lockdowns, hence referrals this year being at a record high and the Long Running Cases list reducing. Cases that received significant media interest were the Stockwell Six, the Oval 4, the Shrewsbury 24 and the Post Office Horizon cases.

This year will bring new and exciting challenges, greater outreach work and continued input into the development of the wider CJS. We anticipate an increased rate of applications once Prison lockdowns are over and current Court backlogs are addressed. We remain firm in our core purpose to uncover miscarriages of justice – wherever they might be.

I am enormously proud of how my team have performed and thank each and every one of them. Teamwork has been even more exceptional this year.

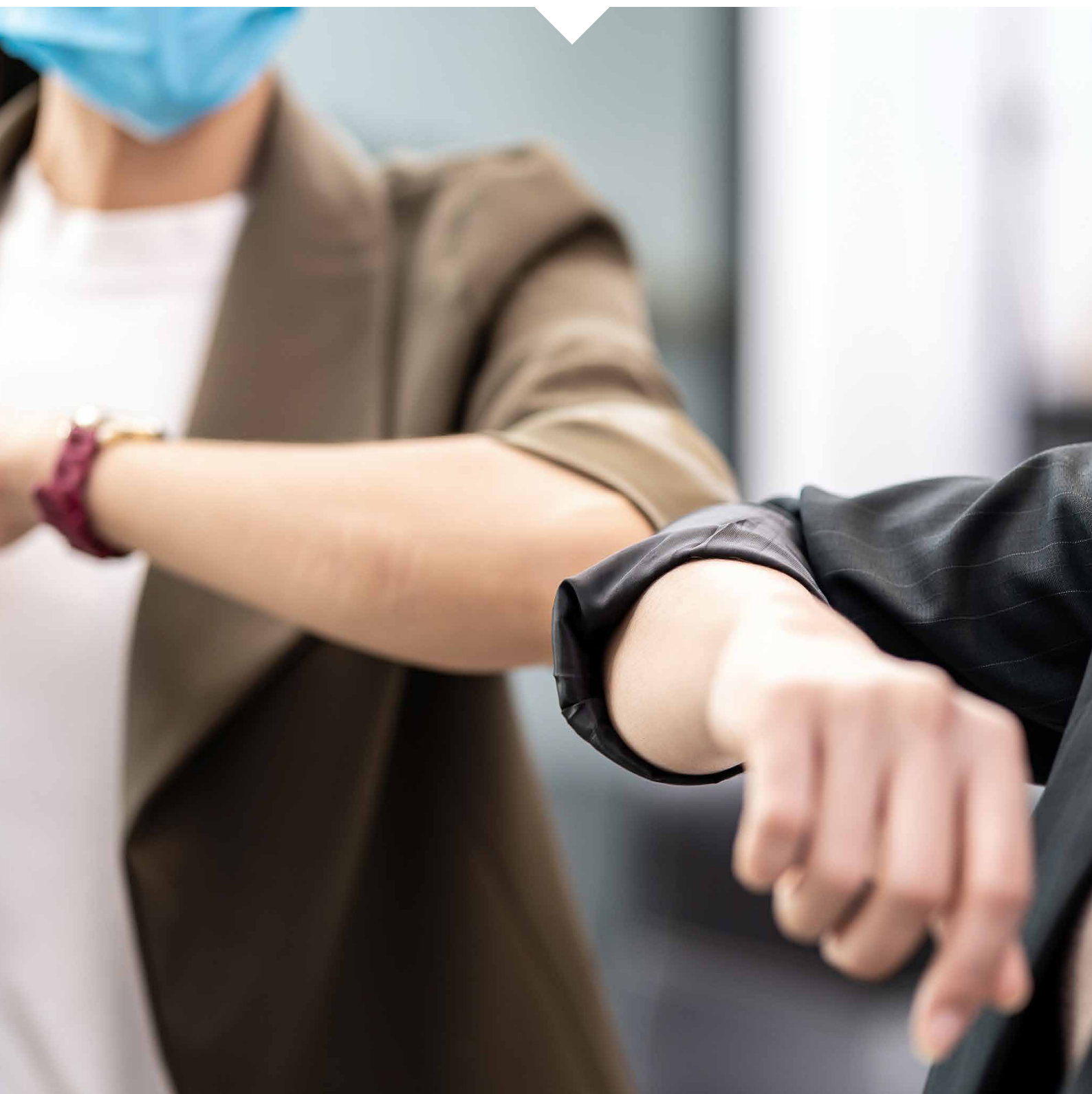


**CCRC Chairman Helen Pitcher OBE**



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I am enormously proud of how my team have performed and thank each and every one of them. Teamwork has been even more exceptional this year.



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► Performance Report

## Introduction from the Chief Executive

2020 was a year of growth and consolidation. My focus was on Covid-19 and the impact of that on ourselves, our applicants and potential applicants. I also reflected on the increasing trend in referrals – with 29 cases that year. I am writing my introduction in April 2021 and can report that those two features, Covid-19 and increasing referrals, remain.

Covid-19 accelerated us into agile working. We were already on that journey, but the pandemic moved us to remote working overnight, accelerating our digital transformation project. We have built on that; we are moving in August 2021 to a new office in Birmingham, an office which is much more fit for purpose. We anticipate that most of our roles can be carried out by and large remotely, with small numbers coming into the office. Having that opportunity to work remotely provides us with exciting opportunities in terms of national searches for new staff in a way which hasn't been sensibly possible before now. People will no longer need to commute every day to the Birmingham office. This flexibility will increase the pool of people we can recruit from and protect us from further lockdowns or restrictions in the event of a resurgence of Covid-19. Continuing our casework in an uncertain environment is very important to us.

Many of us continue to be affected by the impact of coronavirus. I am proud of the supportive team I work with; everyone here looks out for each other. That sense of belonging is in no doubt related to the fact that everyone who works here does so because they share our core purpose and have a passion for uncovering miscarriages of justice. That core purpose has been fundamental to navigating our way through this pandemic.

Our referrals continued to increase during the year. We made 70 referrals. 51 of these were what we call Post Office Horizon cases. Further details about these referrals can be found later in this annual report. On 23 April 2021, the Court of Appeal Criminal Division quashed the convictions in 39 of our 42 Post Office Horizon referrals it was considering. Much has been said in the press about this being the biggest miscarriage of justice. Hearing the stories of the individuals who were wrongfully convicted, and the impact it has had on them is truly heart-breaking. Not only were these very sad cases to deal with, but they were also incredibly challenging. As the Court of Appeal itself said early on, during the substantive hearing in March 2021, this series of cases is without doubt one of the most complex series of appeals the Court has had to grapple with. Similarly, we found them to be the most complex of reviews. It was not a case of find one referral, and they can all be referred; each case was different, and each case had to be considered on its own merits.

One of the things that we saw in the first part of the pandemic was an understandable fall in the number of applicants applying to us. That is because many applicants are in prison (around 80%) and there were substantial issues around continuing our outreach work with prisons. This reduction in new cases, whilst temporary, did give us the opportunity to refocus on some of our long running cases. Some of our very complex cases will always take time to resolve. However, undoubtedly, case review managers have been juggling portfolios far larger than is optimal and as a result cases have taken longer than they should. So having two or three months with fewer new cases arriving did enable us to refocus our efforts on some of those longer running cases and as a result a substantial number have been closed.



## ► Performance Report

Whilst intake has returned to more normal levels, it is vital that we can reach those who may need us. That has been understandably more challenging than usual during the pandemic but, as things start to return to normal, we are looking to enhance our outreach and engagement work whilst protecting and expanding the casework front-line. Much of this will be budget dependent, and at the time of writing we await news about funding. We are clear that casework is our core business and our passion – it is why people come to work every day; we are equally clear that without outreach and engagement we will struggle to make ourselves known and accessible to those in need.


In her foreword, Helen talked about changes in the executive team. I echo her words regarding the loss of Sally Berlin, Director of Casework Operations. I worked with Sally closely for many years and she has always been the most dedicated and driven of people. And we were delighted to appoint Peter Ryan as Finance and Corporate Services Director. Just outside of the reporting period, we said goodbye to two long-serving members of staff after they retired in April and May 2021. Jon Head, a member of our IT team, and Alan Mould, one of our Case Review Managers, have been with us for more than 40 years between them. We will miss their experience and knowledge and wish them well in their retirement.

We performed strongly during the year in the grips of the pandemic, so I would like to thank staff and Commissioners for their continued hard work and commitment to uncovering and investigating miscarriages of justice.

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**We will continue to build on our current strong performance, investigating and reviewing miscarriages of justice – ever mindful of the impact of this work on peoples’ lives.**

As we move into the new business year and a new post-pandemic normal, I am confident that with this dedicated team, we will continue to build on our current strong performance, investigating and reviewing miscarriages of justice – ever mindful of the impact our work has on peoples’ lives.



**Karen Kneller**

Chief Executive and Accounting Officer

# The CCRC in 2020/21

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.

Since starting work in 1997, the CCRC has referred around 3% of applications to the appeal courts. Between then and 31 March 2021 we referred 762 cases to the appeal courts at an average rate of around 32 cases per year. Those referrals came from 26,640 cases completed in that time. We are an independent Non-Departmental Public Body (NDPB). We get a cash grant from the MoJ 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



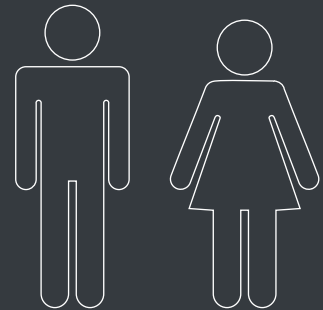
70

Cases completed



1,109

## People working at CCRC



39

55

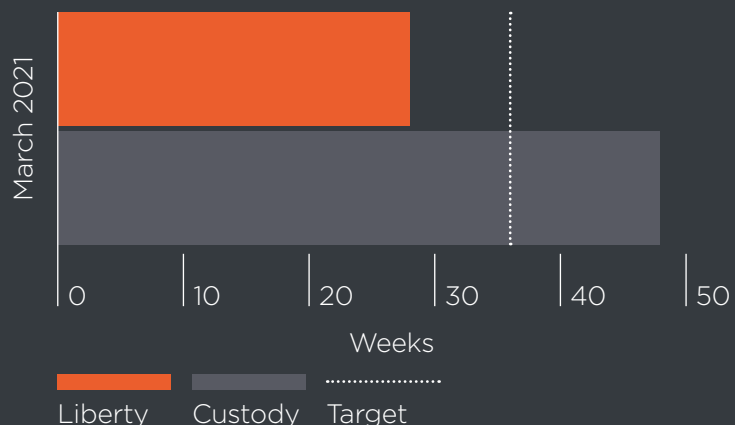
At the end of March 2021, 17.8% of our people identified themselves as being from a BAME background.

## At the end of March 2021 there were:



## Duration of reviews for 2021

We aim to make a decision within an average of 36 weeks of a case review beginning (i.e. from when a case is allocated to a Case Review Manager).



During 2020/21, the courts heard appeals in relation to 34 cases resulting from CCRC referrals. Of these, 30 appeals were allowed and four dismissed.

## ► Performance Report

# About the CCRC and our performance in 2020/21

We are the public body with statutory responsibility for investigating alleged miscarriages of justice in England, Wales and Northern Ireland. Established by Section 8 of the Criminal Appeal Act 1995, we began investigating possible miscarriages of justice on 31 March 1997.

We have the power to send or refer a case back to an appeal court if we consider that there is a real possibility the court will quash the conviction or reduce the sentence in that case.

If a case is referred, it is then for the appeal court to decide whether the conviction is unsafe or the sentence unfair. We usually receive around 1,400 applications for review (convictions and/or sentences) each year.

Since 1997, we have referred around 3% of applications to the appeal courts. Between then and 31 March 2021 we referred 762 cases to the appeal courts at an average rate of around 32 cases per year. Those referrals came from 26,640 cases completed in that time.

Of the cases referred that had been decided by the appeal courts, 481 appeals succeeded and 211 failed<sup>1</sup>.

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

Many of the most significant and high-profile miscarriages of justice cases in recent decades have been resolved by way of our referrals 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 designed to be simple to use.

We were created to deal with post-appeal claims of miscarriage of justice. As such, our principal role is to investigate cases where someone maintains they were wrongly convicted, or incorrectly sentenced 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. Despite this, around 40% of all our applications have come from people who still could, and in most cases should, appeal directly to the courts.

## Performance in 2021

The Covid-19 pandemic has had a significant impact on our performance during the year with most of our staff working from home, some with limited access to our systems. Visits to prisons significantly reduced and the ability of other public bodies to complete section 17 requests was also affected. At the same time we were in the final year of our IT Transformation Programme which was due to finish in 2021. The programme was replacing old IT systems with newer cloud-based technologies, including a new Case Management System.

The programme was actually delivered ahead of schedule in November 2020 which gave all staff working from home full access to our system.

<sup>1</sup>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.

## ► Performance Report

Working through Covid-19 meant adapting the way we work remotely away from the office. As with most organisations we quickly switched to having virtual meetings throughout the Commission whether it be for internal team meetings, a quick call to a colleague, for casework decision-making committees or for meetings with external parties; it was essential in keeping the Commission operating.

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 several other places in this report.

The headline figures for 2020/21 are that we received 1,142 applications (down 14% on 2019/20) and completed 1,109 of these (down 24% on 2019/20). Of the cases closed during the year, 70 (up 141% on 2019/20) were referred to the appeal courts. This increases the historic average of referrals a year from 30 last year to 32.

The casework section of this report (see pages 17 to 24) explains in detail how we have performed in reviewing alleged miscarriages of justice through 2020/21.

### Our Powers and Investigations

The Commission's principal investigatory power comes from section 17 of our founding legislation, the Criminal Appeal Act (CAA) 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) to the intelligence services, Government papers, social services files and medical records.

Section 18A of the Act provides us<sup>2</sup> 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 CAA 1995 gives us the power to require a police force to appoint an investigating officer to carry 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 concerning ongoing appeals. The Court can direct us to investigate and report to it under section 23A of the CAA 1968 (and section 15 of the CAA 1995). Such investigations have typically, but not exclusively, involved us looking into allegations of juror irregularity or misconduct. Our activity in this area during 2020/21 is reported on page 33 in the Investigations for the Court of Appeal section.

<sup>2</sup> As added to the CAA95 by the CCRC (Information) Act 2016.



## ► Performance Report

### Strategic Risks

Our risk management framework is set out in the Governance Statement. The major threats to our organisational aims, in our view, include Cyber/Data Security, making sure we recruit and retain staff with the right skills and capabilities. We continue to deal with the impact of Covid-19 on our service delivery.

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 updating 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.

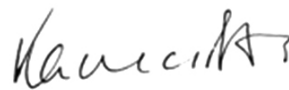
### Going Concern

We are an independent NDPB funded by way of a Grant in Aid (i.e. a cash grant) from the MoJ. The Grant in Aid funding allows us to maintain our independence from the Government and other parts of the criminal justice system including the courts, the police and the prosecution.

Our Grant in Aid for 2021/22, considering the amounts required to meet the liabilities falling due in that year, has been included in the MoJ overall estimates for the year and 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 we will not continue in our 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 2020/21 comprehensive net expenditure for the year was £7.533 million (2019/20 £7.066m). The Statement of Financial Position at 31 March 2021 showed a total negative taxpayers' equity of £6.375 million. This reflects the inclusion of 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 MoJ. This is because, under the normal conventions, such grants cannot be issued in advance of need.



#### **Karen Kneller**

Chief Executive and Accounting Officer  
1 July 2021

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**Each prosecution amounted to an abuse of process and arose from issues with the Post Office’s Horizon computer system.**



## ► Performance Analysis

# CCRC cases referred for appeal and decided in 2020/21

**In this section we discuss some CCRC cases that were either referred in 2020/21, heard by the appeal courts during the year, or both. The graphs on pages 29 to 33 of this report shows all cases referred, and all cases dealt with by the courts in 2020/21.**

## Post Office cases

Towards the end of March 2020, we took the decision to refer 39 linked cases for appeal. They all related to former Post Office workers who blamed the Post Office's Horizon computer system for the offences for which they were convicted such as theft, fraud and false accounting. The basis of the argument was that each prosecution had amounted to an abuse of process and arose from issues with the Post Office's Horizon computer system. The argument was linked to two civil court judgments: *Bates v Post Office* [2019] EWHC 606 (QB) and *Bates v Post Office* [2019] EWHC 3408 (QB).

In the Annual Report for 2019/20, we noted that this set of decisions constituted a significant event and was taken by Commissioners during March 2020. However, we also explained that the formal date for publishing most of these decisions was 3 June 2020. There were associated difficulties in dealing with considerable materials for the courts due to the lockdown. Consequently, these cases were formally referred this year.

After referring the first group of applications affected, our Chairman wrote to the Justice Select Committee (JSC) and the Attorney General to suggest a review of private prosecutions. We were delighted when the JSC felt that such a review was appropriate and we engaged with the Committee to assist. The outcome of that review was published on 2 October 2020.

The Business, Energy and Industrial Strategy Select Committee also launched an enquiry into Post Office and the Horizon System and we have engaged, similarly, with that enquiry.

On 31 July 2020, we announced that we had decided to refer a further seven similar cases and there have been five others throughout the year, taking the total to 51. And on 11 December 2020, the Crown Court set aside the convictions in six of those cases. Those convictions were uncontested. A further two convictions were set aside on 14 May 2021. During March 2021, the Court of Appeal heard consolidated appeals in respect of 42 cases: *R v Hamilton* and others [2021] EWCA Crim 577. Judgment was given on 23 April 2021 when 39 convictions were quashed.

One other Post Office reference remains outstanding at the Court of Appeal (this being a prosecution by the Department of Work and Pensions). Currently we have 27 new Post Office applications under consideration. We will decide in due course whether any of those cases will be referred for appeal. We have also assisted the Scottish CCRC in respect of its review of similar convictions in Scotland and the Public Prosecution Service for a review of those in Northern Ireland.

These Post Office cases informed our submissions about the issues with private prosecutions. We have expressed concern to both the JSC and the Law Commission (LC) about the status of an organisation that purports to be a victim and is also responsible for investigations and prosecutions.

## Shrewsbury 24 cases

In February 2021 and following references in March 2020, the Court of Appeal heard appeals in respect of 14 applicants: *R v Warren* and others [2021] EWCA Crim 413.

## ► Performance Analysis

All 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. Some served custodial sentences of two to three years. One of the men convicted was Eric 'Ricky' Tomlinson (actor from Brookside and the Royle Family).

Judgment was given on 23 March 2021. The appeals were allowed, and all convictions were quashed.

The Court accepted arguments relating to unfairness caused by the destruction of material including handwritten witness statements by the police. Critically, this had not been communicated to the trial judge or defence counsel. As such, it was inconsistent with modern standards of fairness. The Court dismissed grounds relating to the transmission of a television programme entitled 'Red under the Bed' that may have influenced jurors. Importantly, the Vice President urged that consideration be given to the retention of material in a digital format saying at paragraphs 100-101:

"This trial took place 50 years ago, in the pre-digital era, when the court records (self-evidently in paper form only) were retained for a set period following the convictions and any subsequent appeals, and thereafter destroyed. Serendipity governed what, if anything, survived beyond that date, in the chambers of counsel, the offices of solicitors, with the relevant investigating police force, at the National Archive, with the accused or with others with an interest in the proceedings.

This case provides the clearest example as to why injustice might result when a routine date is set for the deletion and destruction of the papers that founded criminal proceedings (the statements, exhibits, transcripts, grounds of appeal etc.), particularly if they resulted in a conviction. At the point when the record is extinguished by way of destruction of the paper file (as hitherto) or digital deletion (as now), there is no way of predicting whether something may later emerge that casts material doubt over the result of the case.

Given most, if not all, of the materials in criminal cases are now presented in digital format, with the ability to store them in a compressed format, we suggest that there should be consideration as to whether the present regimen for retaining and deleting digital files is appropriate, given that the absence of relevant court records can make the task of this court markedly difficult when assessing – which is not an uncommon event – whether an historical conviction is safe."

### Stockwell Six

These references flowed from work in five other quashed convictions and concerned the same team of discredited police officers.

Courtney Harriot, Paul Green and Cleveland Davidson were part of a group of six young Black men who later became known as the Stockwell Six. The men were charged with assault with intent to rob a police officer in plain clothes on the London Underground in 1972.

The six men stood trial at the Old Bailey in September 1972. All pleaded not guilty, Mr Green and Mr Davidson were convicted and sent to Borstal (youth detention centre); and Mr Harriot was sentenced to three years in prison.



## ► Performance Analysis

Each of the convictions rested on the evidence of a police officer: Detective Sergeant Derek Ridgewell. In 1978, DS Ridgewell was convicted for conspiracy to steal whilst working as an officer for the British Transport Police in 1978. Recent successful appeals in our earlier references of *R v Simmons* [2018] EWCA Crim 114 and *R v Trew, Christie and Griffiths* [2019] EWCA Crim 2474 concerned the accumulating body of information that undermines the integrity of DS Ridgewell and his team.

We are keen to contact the remaining members of the Stockwell Six as well as others convicted on the evidence of DS Ridgewell.

British Transport Police is conducting a review of other cases concerning DS Ridgewell's activities during his time with the force.

### Justin Plummer

On 16 December 1998, following a trial at St Albans Crown Court, Justin Plummer was convicted of the murder of Janice Cartwright-Gilbert. He was sentenced to life imprisonment, with a minimum term of 16 years, and remains in prison.

Janice Cartwright-Gilbert was found dead inside the mobile home she shared with her partner on 28 February 1997. She had been stabbed multiple times and the mobile home had been set on fire. Her body had bruising to the head consistent with stamping.

Mr Plummer was a prolific burglar in the local area and the prosecution's case was that he had murdered Ms Cartwright-Gilbert during a burglary, attacking her when she disturbed him. The key issue at trial was whether Mr Plummer's right shoe could be attributed to marks found on her face.

The Court of Appeal rejected an appeal made in January 2001 and we turned down an application made shortly after that. Following developments in forensic practices and evolving standards in expert evidence, we conducted a second detailed review.

We relied on the work of the Forensic Science Regulator (FSR), a post created in 2007, developments in the Criminal Practice Direction on expert evidence and a body of case law that primarily post-dates both Mr Plummer's trial and our first review.

We decided to refer Mr Plummer's conviction because of what could now be seen as fundamental flaws in the expert footwear mark evidence and that potentially misled the jury.

In particular:

- Two prosecution experts gave evidence (one of whom was a dentist and bite marks expert) that would not meet modern standards required to conduct reliable footwear marks comparison. These experts gave subjective opinions, in persuasive terms, with the appearance of expertise they did not, in fact, possess.
- New expert evidence highlighted errors in the evidence given at trial. Consequently, we concluded that the strength of the original expert evidence was diminished.

### Robert Firkins and Lee Firkins

Robert and Lee Firkins were convicted in January 2006, at Exeter Crown Court, for the 2005 murders of Carol and Graham Fisher at their home near Wadebridge in Cornwall.

The brothers pleaded not guilty to the murders. Both pleaded guilty to other offences including causing grievous bodily harm, actual bodily harm, possession of a firearm and robbery.

## ► Performance Analysis

They were sentenced to life imprisonment, each with a minimum term of 26 years.

Appeals against the murder convictions were dismissed in February 2006. They applied to us for reviews of their convictions in January 2015.

Using our statutory powers, we identified some sensitive information that had the potential to assist the defence and undermine the prosecution case. Due to the sensitivity of the material, the brothers' solicitors received an outline of the reference. We sent full details of the reasons for this decision to the Court of Appeal and the CPS.

### F

In June 2017, F was aged 14. He was convicted of murder, wounding with intent and attempting to wound with intent. He was ordered to be detained at Her Majesty's Pleasure for a minimum of 10 years.

The trial related to a series of incidents in which three young men were attacked with knives in South Harrow on 18 November 2016. The prosecution case was that F and three others had taken part in a joint plan to commit a serious act of revenge violence. It was alleged that, although F had not been directly involved in the attacks on the victims, he had provided "assistance and encouragement" and thus was guilty by way of "joint enterprise."

F's application for leave to appeal was rejected by the Court of Appeal in 2018 and he applied to us in 2019. In March 2020, we decided to refer these convictions based on new psychological evidence which indicates that F has Autism Spectrum Disorder and several accompanying vulnerabilities and traits. In our view, had this new evidence been

available at Fs' trial, it might reasonably have had a material effect on the jury's assessment of his credibility and its verdicts.

Although this was a joint enterprise case, the reference was not linked to the UK Supreme Court's decision in *R v Jogee* [2016] UKSC 8. This was because the case post-dated *Jogee* and a compliant direction was given to the jury.

### Colin Norris

On 3 March 2008 Colin Norris was convicted, by a majority, of murdering four women and attempting to murder another, by injecting them with insulin. All five women were elderly inpatients on orthopaedic wards where Mr Norris worked as a nurse. Following a detailed review of this complex and difficult case, we decided to refer all five of Mr Norris's convictions to the Court of Appeal.

Ethel Hall developed severe hypoglycaemia whilst in hospital and died on 11 December 2002. There is no dispute that she was murdered by the injection of insulin. An investigation concluded that over several months four other elderly female patients in the area had also developed severe unexplained hypoglycaemia and three of them had died shortly afterwards.

Following a five-month trial in the Crown Court, Newcastle-upon-Tyne, Mr Norris was convicted of four counts of murder and a single count of attempted murder. He was sentenced to life imprisonment with a minimum term of 30 years. The case against him was wholly circumstantial and heavily reliant on expert opinion evidence. A total of 20 experts gave evidence at the trial concerning several complex medical and scientific issues.

## ► Performance Analysis

The prosecution said that spontaneous hypoglycaemia was extremely rare, and it was extraordinary to have a cluster of cases in one place in such a short space of time. They alleged that Mr Norris was present when, or shortly before, each of the patients became hypoglycaemic, and that his presence was the only factor common to all five cases. Mr Norris denied any wrongdoing and maintained that he had done nothing to induce hypoglycaemia in any of the patients.

Mr Norris appealed against his conviction but was turned down by the Court of Appeal in December 2009. He applied to us in October 2011.

This lengthy review has been the subject of significant media interest. The scarcity of medical experts in this field, their availability and the highly complex nature of this case caused notable delays. We considered new expert evidence presented by Mr Norris's representatives and instructed our own expert to provide several reports. The experts agree that the hypoglycaemia in the four patients other than Ethel Hall may be accounted for by natural causes. The new expert evidence has also highlighted several other relevant developments in the understanding of hypoglycaemia, including its prevalence in the elderly and frail, which cast further doubt on the expert opinion relied upon by the prosecution at trial. This new expert evidence explored recent developments in a complex area where scientific understanding is still developing.

As a result of the new expert evidence, we concluded that there is a real possibility that the Court of Appeal will decide that Mr Norris's conviction for the murder / attempted murder of one or more of the four patients is unsafe.

As regards the murder of Mrs Hall, we considered that this conviction depended upon support from the other four cases and the prosecution's assertion that no-one other than Mr Norris could have been responsible.

### Asylum, Immigration and Victims of Human Trafficking

We continue to receive applications from refugees and victims of human trafficking. This year we referred three such cases; HA, MU, KI (and five last year).

During 2020-2021, the appellate courts allowed appeals in four references. The four appeals quashed were MA, TX, SA and HA.

#### MA

MA was born and raised in Cameroon. She was subjected to sexual abuse, torture, and violence. She escaped and made a claim for asylum on arrival in the UK in 2003. Her claim was refused, and she became homeless.

MA 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. MA was arrested when the theft of SIM cards became known, and the police discovered she was using a false identity document.

In August 2005, MA 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.

## ► Performance Analysis

In 2009, MA was granted asylum and in 2018, the Home Office recognised that she was a victim of trafficking and forced labour. Because MA pleaded guilty in the magistrates' court in 2005, she did not have an ordinary right to appeal.

It was recognised that the law has evolved considerably and now gives greater protection to victims of trafficking. Specifically, changes to the CPS guidance indicate that MA should not have been prosecuted at the time and that *R v GS* [2018] EWCA Crim 1824 would suggest that she would have had a good defence to any charges brought.

### TX

TX was a Vietnamese national who was trafficked to the UK and arrested in July 2014 following a police raid on a property adapted for growing cannabis. Later that month and following legal advice, she pleaded guilty to a charge relating to the cultivation of cannabis and was sentenced to six months' imprisonment.

In 2016, the Home Office recognised TX as a refugee and, in 2019, as a victim of modern slavery for the purposes of forced criminality. These findings suggested that the conviction was an affront to justice. She was permitted to vacate her guilty plea and her conviction was quashed.

### Ahmed Mohammed

Ahmed Mohammed's conviction was our 750<sup>th</sup> case to be referred by the Commission.

In February 2004, at Kingston-upon-Thames Crown Court, Mr Mohammed was convicted of indecently assaulting two women in separate incidents in Tooting, South London, in the summer of 2001.

Mr Mohammed denied having anything to do with the indecent assaults. The central issue in proceedings against Mr Mohammed was whether he had been correctly identified as the attacker.

In 2002, a jury decided that, because of mental health issues, Mr Mohammed was not fit to plead in a full criminal trial. A trial of the facts was therefore held in which he played no active part.

Mr Mohammed advanced a defence based on alibi and the alibi was supported by a family member. The jury in the trial of the facts concluded that he had carried out the indecent assaults. The judge made a hospital order, with restrictions under s41 of the Mental Health Act 1983. The effect of that order was to have him detained in hospital. His name was also added indefinitely to the Sex Offenders Register.

Mr Mohammed's legal representatives applied to the Court of Appeal for leave to appeal against the verdict in the trial of the facts, but the application was refused.

In 2004, when his mental health had improved, Mr Mohammed faced a full criminal trial for the offences. He pleaded not guilty but was convicted. The judge imposed another hospital order with restrictions. No attempt was made to appeal against the conviction.

In 2017 Mr Mohammed lodged an application with us. During our review, we used our section 17 powers extensively, obtaining material from the police, the Crown Court, the Court of Appeal, National Offender Management Service (NOMS), NHS records and the Forensic Archive. We also explored forensics in the case and identified a potential opportunity to use modern scientific techniques to re-analyse DNA material.



## ► Performance Analysis

The new analysis yielded a strong match between a swab and a male profile on the DNA database that was not that of Mr Mohammed.

When we investigated that male's background it was found that he had been local to the area in which the attacks occurred. Further, contemporary police records suggested that he was a better physical match to the descriptions given by the victims. He also had a conviction for a different sexual offence committed in Tooting in 2003.

The Court accepted these arguments and quashed the conviction. It should be stressed that the new DNA evidence discovered by us does not prove that this man committed these or any other offences.

### Deborah McCarthy-Winzar

On 19 July 2016, the Commission referred the conviction of Deborah McCarthy-Winzar to the Court of Appeal. She pleaded not guilty to the murder of her husband, Dominic McCarthy, when she stood trial at Birmingham Crown Court in July 2000. She was convicted on 19 July 2000 and sentenced to life imprisonment.

On 31 January 1997, Mr McCarthy had been found unconscious and profoundly hypoglycaemic. He died on 9 February 1997. Hospital laboratory tests revealed that Mr McCarthy had had an extremely high insulin level and an unmeasurable level of c-peptide. The prosecution case was that Mr McCarthy's hypoglycaemia must have resulted from being administered a large dose of insulin, and that Ms McCarthy-Winzar alone had the opportunity to administer this. In addition, she was a nurse and had access to insulin, and the skills to inject it.

Ms McCarthy-Winzar denied any wrong-doing at all, saying that she had a happy marriage, and maintained that her husband must have died of natural causes.

In a long and complex review, we conducted a wide range of enquiries: 15 international experts were consulted exploring the latest developments in global science. As a result of our enquiries, we were satisfied that although an administered dose of insulin remained the most probable cause of death, there was a real possibility of death by natural causes.

The Court gave its judgment on 4 December 2020. In the four-year interval between the reference and the judgment, counsel for the appellant developed the arguments advanced by us and further experts were consulted. Following argument over several days, the Court said at [81]:

"We are left in no doubt as to the high level of expertise of each of the expert witnesses, nor doubt the genuine and reasonable professional debate that has played out in the evidence. Obviously, each witness called by the Appellant is capable of belief and their evidence would have been admissible at trial. The question for us is whether it provides a ground of appeal.

Having regard to the principles of *R v Pendleton* 2001 UKHL 66 and *R v Kai Whitewind* [2005] EWCA Crim 1092, the Court was satisfied that the jury's verdict should remain intact, and that the conviction was safe".

### Michael Devine

We continue to receive and refer applications from Northern Ireland connected to the Troubles.

## ► Performance Analysis

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 GBH, 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.

His case was referred to the Northern Ireland Court of Appeal (NICA) in April 2020 on multiple grounds linked to modern standards of fairness, decisions in related cases, expert evidence from a forensic linguist and other confidential material.

During April 2020, we referred the case to the NICA, based on concerns about the interview process, failures by the trial judge and other confidential material. The NICA heard the case on 4 December 2020 and quashed all of Mr Devine's convictions. It was critical of the trial judge and the trial process. It did not consider it necessary to refer to the confidential material in any detail.

“

**We received 1,142 applications and completed our consideration of 1,109 cases.**



## ► Performance Analysis

# Our Casework Performance

## Applications

We received 1,142 applications in 2020/21 and completed our consideration of 1,109 cases.

This compares to 2019/20 when we received 1,334 applications and completed 1,453 cases.

## Referrals

During 2020/21, we referred 70 cases for appeal. This means that 6.3% of cases closed in 2020/21 were referred for appeal. All 70 referrals related to conviction. We did not refer any sentences during 2020/21.

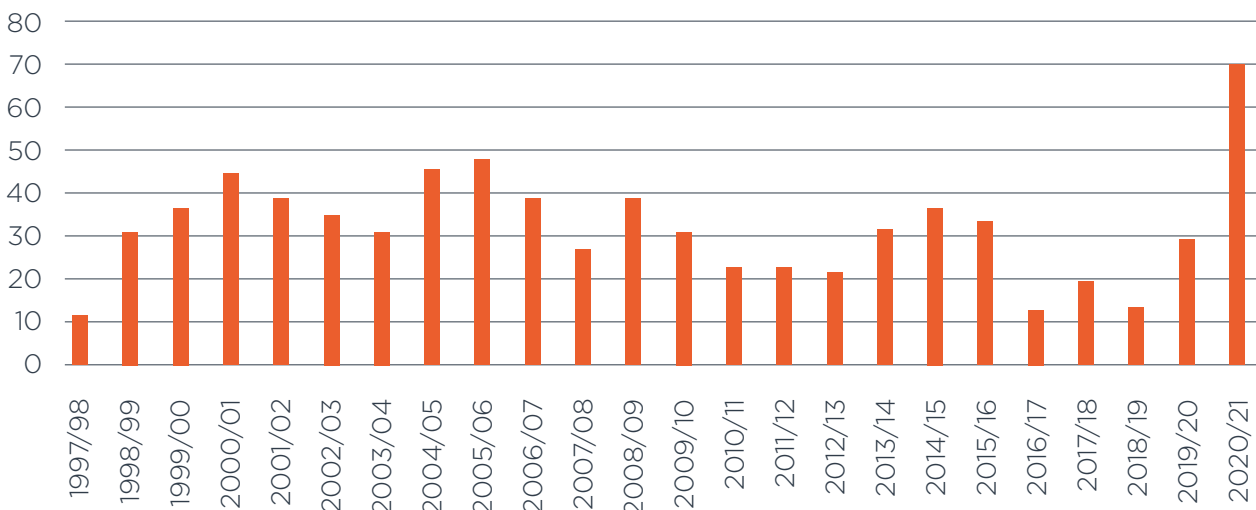
All referrals made this year appear in the graph below.

During 2020/21, the courts heard appeals in relation to 34 cases resulting from CCRC referrals. Of these, 30 appeals were allowed and 4 dismissed. This means that 88% of appeals in CCRC cases were successful during the year.

## Additional activity associated with the Post Office Horizon Computer cases

Following our decisions to refer the first group of 47 applications affected by the Post Office Horizon Computer cases (page 17), the Chairman wrote to the JSC and the Attorney General to suggest a review of private prosecutions. We were delighted when the Justice Select Committee felt that such a review was appropriate and we engaged with the Committee to assist. The outcome of that review was published on 2 October 2020.

The graph below shows the number of referrals made by the CCRC since its creation in 1997.





## ► Performance Analysis

The Business, Energy and Industrial Strategy Select Committee launched an enquiry into Post Office and the Horizon system on 4 March this year and we have engaged, similarly, with that enquiry.

We continue to work with the Post Office and with the Public Prosecutors Office in Northern Ireland in respect of their proactive reviews of other convictions that may be unsafe as a result of the Horizon Computer matter. We expect to receive further applications on this topic.

### **Casework performance in the context of the Covid-19 pandemic and Transformation**

The restrictions relating to the Covid-19 pandemic started in the very last weeks of 2019/20. Like very many other organisations, the whole of 2020/21 has seen us operate differently from all other years, as we managed the important work of the organisation under the various forms of lockdown.

The Covid-19 restrictions overlapped with our planned Transformation Programme activity. Throughout the year, casework staff have been heavily engaged with the Transformation Programme. The largest investment of casework staff time was in the user acceptance testing and the training phases of the new Case Management System.

There is no doubt that casework productivity was impacted during March and April, given that staff needed to work from home. Our biggest challenge was in providing laptops to enable staff to work securely from home on casework information. In the initial few weeks of the first lockdown half of our Case Review Managers were able to work from home effectively. By April this issue was partly

resolved using temporary workarounds after a substantial administrative undertaking by casework staff.

At the end of July, our casework staff gained direct access to our network, meaning administration resumed to more normal levels as elements of our planned Transformation Programme were brought forward. Significant IT changes in October to late November did have a temporary impact on casework completions during that time.

Since responding to the changes needed as a result of lockdown and modernisation we are now in a healthier position to adapt to our planned move to new offices.

Like so many other people, many of our casework staff have needed to juggle additional caring responsibilities as a result of the pandemic.

Case committees continued throughout 2020/21, taking place effectively online, with us submitting 70 referrals under lockdown conditions.

In the early weeks of lockdown the disruption to postal services prompted us to deliberately delay the issuing of case decisions so that any relevant submissions that might have been sent were considered in case decisions. Restricted office access to help us safeguard the health and safety of everyone in our building impacted slightly on the speed at which printed and posted decision documents could be processed and issued.

Of most concern to us during the pandemic was the reduced number of applications we saw this year.

## ► Performance Analysis

Given the restrictions in place across the prison system, this fall in applications is not a surprise. Although it remains an issue, we did take several steps in an attempt to tackle this situation:

- We have engaged with the MoJ and HM Prison and Probation Service to make it easier for those in custody to contact us by telephone.
- We have, largely, maintained our practice of sending batches of application packs and posters to prisons. These batches include a letter to the prison Governor which refers to the Prison Service Order where it is stated prisons have a duty to make our literature readily available.
- We also continue to write bi-monthly articles for the prison newspaper Inside Time – the source by which most applicants learn about us.
- Our National Prison Radio Campaign went ahead in 2020 which we repeated in April 2021. A summer campaign is also planned for 2021.
- We continued to work towards the launch of our new Instagram page. These posts will focus on reaching out to potential applicants and their families, with particular focus on vulnerable and under-represented groups.

### No appeal cases

In 2020/21 we received 434 no appeal applications. That represents 38% of our case intake for the year.

No appeal applications are those where the person concerned has not tried to apply directly to the court for an appeal.

We can only refer such cases for appeal if, in addition to the 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, on an initial assessment, we think that there might be exceptional circumstances, the case is reviewed with those potential exceptional circumstances in mind.

Of those 434 no appeal cases, 16% (70) were passed for review because we identified potential exceptional circumstances. This proportion has fallen in recent years: in 2019/20 18% of no appeal cases raised potential exceptional circumstances and in 2018/19, it was 21%.

Even though relatively few no appeal cases raise potential exceptional circumstances, 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 our resource.

### Our Key Performance Indicators (KPIs)

In this section of the Annual Report and Accounts we discuss 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 2020/21 set out on pages 103 to 110 of this report.

## ► Performance Analysis

### Cases closed within 12 months of application

We aim to complete a minimum of 85% of cases within 12 months of receiving the application. We have made this target more challenging to keep building on our good performance since we were exceeding our previous target of 80%.

At the end of the reporting year (31 March 2021), we closed 82.8% of cases within 12 months of receiving the application. The factors already outlined reflect the impact of Covid-19 restrictions and our Transformation Programme.

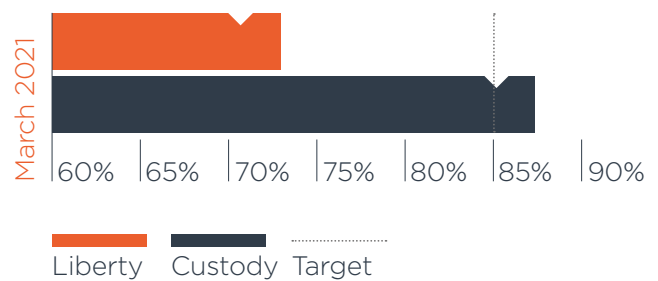
The graph opposite shows that at the end of the reporting year, 87.3% of cases where applicants are in custody, and 72.7% of cases where applicants are at liberty, were completed within 12 months. The lower figure for at liberty cases reflects the closure of 31 long-running Post Office cases, all involving applicants at liberty.

### Duration of a Review

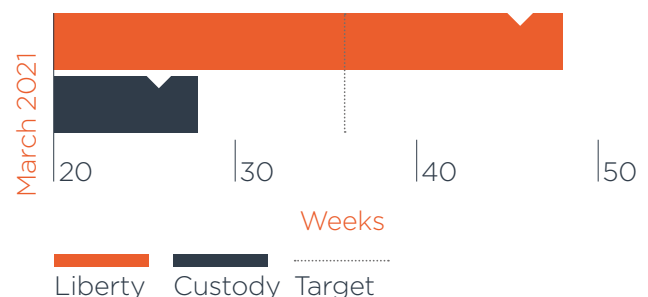
We aim to make a decision within an average of 36 weeks of a case review beginning (i.e. from when a case is allocated to a Case Review Manager). It is important to note that this target is an average. Cases vary in their complexity – some will take a much shorter time than 36 weeks, others will necessarily take far longer. At the end of March 2021, we achieved an average time of 35.1 weeks.

31 of the Post Office cases which were closed this year were long-running cases. They impacted this KPI substantially, partly because of their age and partly because of their closure 'en bloc', and will continue to do so until August 2021.

### Cases closed within 12 months



### Duration of review



## ► Performance Analysis

The graph above shows the average time taken for reviews of cases of applicants in custody and at liberty at the end of March 2021. For custody cases we achieved our target in 2020/21 by completing reviews in an average of 27.7 weeks. In liberty cases we closed these in an average of 47.8 weeks. This figure was as a direct result of the PO closures.

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 the end of 2020/21 we had achieved that target.

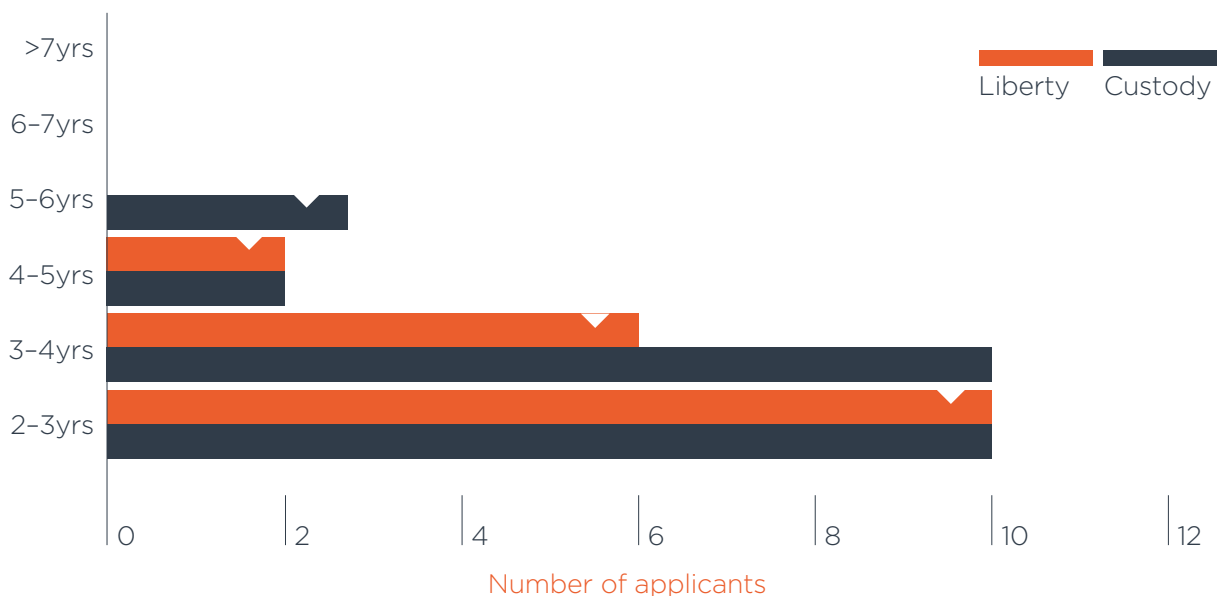
### Long-running Cases

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.

We made a number of communications changes based on stakeholder feedback and we will continue to do so this year. We can report that our target is fewer than 5% of applications (and fewer than 35 applications) should take us more than two years to review. At the end of the reporting year (31<sup>st</sup> March 2021), 6% (43) of applications fell within this category.

The graph below shows the number of custody cases and liberty cases categorised as long-running at the end of the reporting year 2020-21, and the number of years they have been under review.



## ► Performance Analysis

### Communicating effectively with applicants and representatives

It is important that our decisions can be effectively scrutinised and challenged by applicants and those who act for them. Core to our casework is providing reasoned decisions in such a way that they are understandable and accessible to our applicants, the majority (90%) of whom have no legal representation. We also aim to provide regular meaningful updates to applicants as their case makes progress with us.

Our target is that fewer than 0.4% (and fewer than 5 cases) of the total number of cases closed in the last 12 months should involve a complaint being upheld in relation to our communication to the applicant or their representative. At the end of the reporting year (31st March 2021), 0.09% (1 case) fell within this category.

### Conducting high-quality reviews

The quality of our case reviews is fundamental. It is important to note that this KPI is about measuring failures in our case review or analysis, not about cases where new evidence or information becomes available after our review.

Our target is that fewer than 0.4% (and fewer than 5 cases) of the total number of cases closed in the last 12 months should require additional review work as a result of our Quality Assurance.

At the end of the reporting year (31 March 2021), 0.36% (4 cases) fell within this category. Importantly, we learn from these cases to improve our case reviews.



## ► Performance Analysis

### Complaints upheld

In addition to focussing on our communication (KPI 4) and fundamental issues in our reviews (KPI 5), we monitor complaints upheld overall.

Our target is that fewer than 0.8% (and fewer than 10 cases) of the total number of cases closed in the last 12 months resulted in an upheld complaint.

At the end of the reporting year (31 March 2021), 0.18% (2 cases) fell within this category.

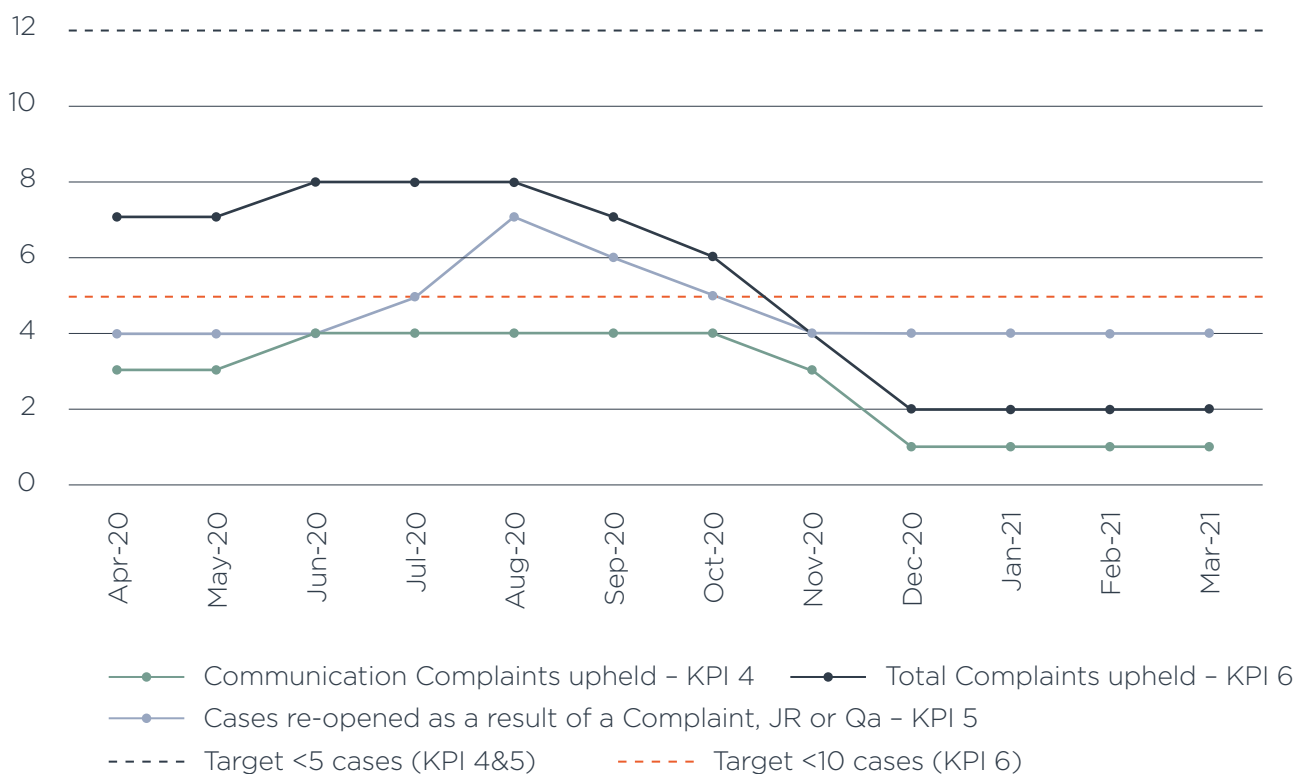
The following two rolling 12-month graphs reflect the number of complaints upheld against our

targets. The first one shows these over a rolling 12 months and the second displays a rolling 12-month proportion of all cases closed in the last financial year.

### Levels of legal representation

We observed last year that 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. Such a low level of legal representation is a real concern to us. Historically around 70% of people have applied to us without the help

#### Rolling 12-month number of complaints (reported bi-monthly)



Each rolling 12-month graph reflect the number of complaints upheld against our targets.

## ► Performance Analysis

of a lawyer. In 2020/21 only 10% of applicants were legally represented: 90% of applicants applied to us without the help of a lawyer.

### 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

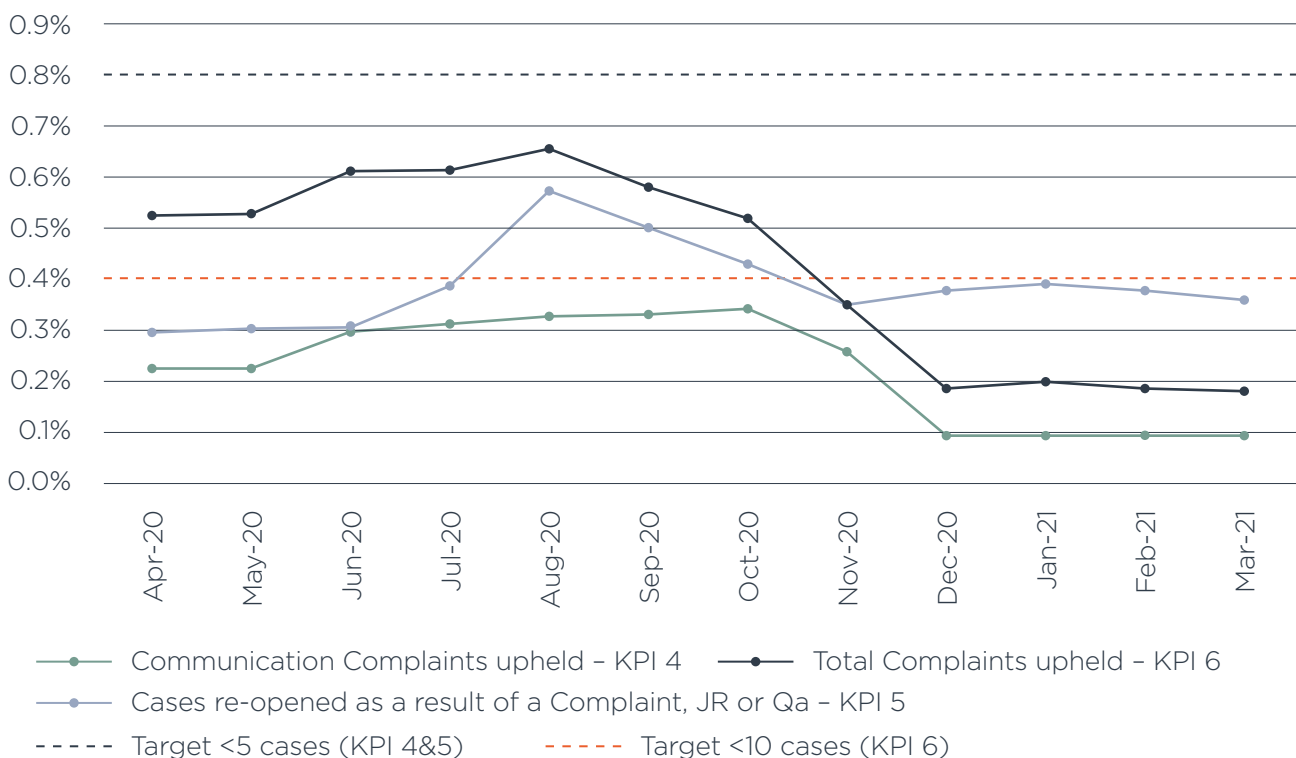
15 of the Criminal Appeal Act 1995 and 23A of the Criminal Appeal Act 1968.

We had no such cases in 2020/21.

### 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.

### Rolling 12-month proportion of all complaints closed in last 12 months (reported bi-monthly)



Each rolling 12-month graph reflect the number of complaints upheld against our targets.

## ► Performance Analysis

Last year for the first time in our 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. As at 31 March 2021, our consideration of this case was ongoing.

Two further requests have been made by the Secretary of State. Those cases will be reviewed.

We did not have cause to recommend the use of the Royal Prerogative during 2020/21.

### 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. We reported last year that one application of a military origin was received in 2019/20, arriving in December 2019.

We completed our review of that case in 2020/21 and received three new applications of this nature in 2020/21.

### Judicial Reviews 2020/21

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 us is successfully judicially reviewed, the Administrative Court can require us to revisit the decision in question.

During the year 2020/21, correspondence was exchanged under the Pre-Action Protocol for Judicial Review in 11 cases. One case was conceded at this stage and re-opened.

In the same period, we were the subject of 11 claims in the Administrative Court. In five cases, claimants did not follow the Protocol and proceeded straight to claim. Out of the 11 cases where proceedings were issued this year, eight have been refused permission with three of those considered by the Court to be ‘totally without merit’. We conceded one other case where, in January 2020, the Court had granted permission. The concession followed discussions with Queen’s Counsel. We made a contribution towards the Claimants’ costs and agreed to re-open the case. Other cases awaiting decision include Paul Cleeland’s challenge to our decision in 2019 concerning his 1972 murder conviction and claims by members of the Freshwater 5. Mr Cleeland’s claim was served during January 2020 and a re-application has since been received on grounds unrelated to those being contested in the judicial review. Litigation on the Freshwater cases was paused pending the determination of related convictions by the Court of Appeal Criminal Division.

Also of interest this year were the judicial review proceedings in *R (Warner) v Secretary of State for Justice*<sup>3</sup> in which we were an Interested Party. The Court, with the Vice President of the Court of Appeal presiding, considered allegations that the MoJ had interfered with our independence. We made written and oral submissions at a full day hearing on 23 June 2020. The Court dismissed the challenge.

<sup>3</sup> *R (Warner) v Secretary of State for Justice* [2020] EWHC 1894

## ► Performance Analysis

The Court confirmed that we are much more than merely 'operationally' independent. We are constitutionally independent of government too – and must be seen to be so if the public is to have confidence in our decisions.

### Feedback from applicants

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.

Last year 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.

Below are the percentage results of the feedback forms that have been returned this year. The percentage of applicants who are very satisfied with our service has risen from 30% last year to 37% this year.

We are pleased that 2/3 are satisfied or above – particularly when most will get a disappointing answer from us. But we would like that that figure to improve.

### Equality and Diversity

We have 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 our 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 terms of proportions of applications falling into the various categories we monitor.



## ► Performance Analysis

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 our website. What follows here is a summary of those findings.

### Young people

In 2021/21, 1.8% of the people applying to us were aged 21 or under. This is a drop from the previous year where around 3.5% of applications have been from this age group. This drop is likely to be due to the fact that Covid-19 restrictions meant we have not been able to visit Young Offenders Institutions, as we normally would, to raise awareness. This age group makes up around five per cent of the population in custody. In recent years, we have 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 2020/21, 18.9% of applicants are from this age group. This figure has risen slightly from previous years.

### Black and Minority Ethnic Groups

The make-up of our applications from different ethnicity groups remains wide and varied. In 2020/2021 19.8% describe themselves as being from a particular Black and Ethnic Minority group. This is a drop from previous years, where traditionally 24% of applicants described themselves as being from a particular group. Around 24% of the current prison population are from one of the Black and Ethnic Minority groups.

The number of applicants who describe themselves as being white also dropped slightly in 2020/2021 to 43.8%. The number of applicants who have not filled in the ethnicity data or described themselves as 'other' has risen. The Commission's Diversity and Inclusion Group is looking into updating and modernising the ethnicity and equality form for applicants in 2021/2022.

### Female Applicants

In 2020/21, 5.6% (64) of applicants were from females. This is a drop from the previous year when 7.1% (95) of our 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, but we are mindful of this drop in numbers and regard women as being a vulnerable group. In 2021 specific training on women in prison will be run for all staff and our outreach work will also be focused on reaching out to potential female applicants.



## ► Performance Analysis

### Disability

In 2020/21 the number of applicants who described themselves as having a disability dropped substantially to 6% (68 applications). In 2019/20 the figure was 22.4% (300 applications). While we do not have meaningful comparators for the prison population, we traditionally received around 20% of applications from applicants who describe themselves as disabled. It is not known why this figure dropped in 2020/21, although 77.5% (880 applicants) did not answer this question in 2020/2021. The Commission's Diversity and Inclusion Group will be exploring why this may be the case.

### Language and nationality

In 2020/21 6.7% of applicants described themselves as being a foreign national. In 2019/20 it was 9.4%. Foreign nationals currently make up around 9% of the prison population. In 2020/21, the percentage of people applying to us who told us that they cannot speak English was 3.7%. In 2019/20 it was 4%.

## ► Performance Analysis

# Resources

## Our People

During 2020/21, we recruited externally for a new Casework Operations Director, which is ongoing, and we recruited externally for a permanent Finance and Corporate Services Director after a staff departure. The position in relation to the arrivals and departures of Commissioners and Independent Non-executive Directors can be seen in the Director's Report on page 49 of this report.

## Applicants' helpline

We operate a telephone helpline 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 2020/21 staff handled 217 calls to our helpline. 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 this helpline. 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 substantial extent on the maintenance of a highly secure and stable IT environment. We achieved this through a small in-house IT team which provided strong system availability over the course of 2020/21.

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

## Financial Resources and Performance

We are funded by means of a cash grant, called a Grant in Aid, from the MoJ. Financial control is 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 MoJ also funds our 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 RAME control totals.

For 2020/21, we received a delegated Resource DEL budget, excluding notional costs, of £6.013 million and a CDEL budget of £0.71 million. We have received a firm budget for 2021/22. The table overleaf shows a comparison of budget figures for the current year, the previous year and the following year.

During the year £230,000 of costs were incurred as a result of Covid-19. These costs were mainly additional staff costs to support with remote working.

## ► Performance Analysis

### 2021 Delegated Resource DEL Budget

	2019/20 £000	2020/21 £000	2021/22 £000
Fiscal RDEL	5,733	6,013	6,703
Non-cash RDEL	250	337	600
RDEL total	5,983	6,350	7,303
RAME	258	258	258
CDEL	320	710	868
Total	6,561	7,318	8,429

The cash Grant in Aid received from the MoJ is drawn in accordance with government accounting rules such that it is to be drawn only when needed, and we forecast our cash requirement monthly. By drawing down only the amount of Grant in Aid needed in the month, we aim to keep our monthly end of period cash balances as low as possible. The balance at the end of the year was £64,000 (2019/20 £62,000).

Financial performance as measured by expenditure against budget is one of our Key Performance Indicators (KPIs). The targets for KPI 8 are that for each of RDEL and CDEL expenditure should not exceed budget, nor fall below budget by more than 2.5%.

Our actual expenditure compared with budget was as follows:

### Excluding notional costs:

	2020/21			2019/20		
	Actual £000	Budget £000	(Under)/over £000	Actual £000	Budget £000	(Under)/over £000
Fiscal DEL	5,952	6,013	(61)	5,502	5,733	(231)
Non-cash	441	337	104	282	250	32
RDEL	6,393	6,350	43	5,784	5,983	(199)
RAME	116	258	(142)	182	258	(76)
CDEL	668	710	(42)	322	320	2
Total	7,177	7,318	(141)	6,288	6,561	273

► Performance Analysis

## Resources

In 2020/21, our actual expenditure against the RDEL total was £6.393 million and 6.77% more than the budget allocation. The main contributor to the overspend was an increase in depreciation.

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

Expenditure shown above excludes notional costs. Notional expenditure is included to ensure that the financial statements show the true cost of our operations. It is expenditure neither scored against our budgets nor actually incurred by us. Notional costs relate to the cost of office accommodation, which is borne by the sponsor department on our behalf. There was a decrease in notional costs from £694,000 to £685,000 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 2019/20 that caused the apparent decrease in 2020/21.

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 opposite reconciles to net expenditure after interest as shown in the statement of comprehensive net expenditure on page 77 as follows:

The accounts for the year ended 31 March 2021 are set out on pages 77 to 95.

	2020/21 £000	2019/20 £000
Resource DEL	<b>6,393</b>	5,784
Resource AME	<b>116</b>	182
Total resource expenditure	<b>6,509</b>	5,966
Notional expenditure Note 18	<b>685</b>	694
Net expenditure after interest	<b>7,194</b>	6,660

The Statement of Comprehensive Net Expenditure on page 76 shows total comprehensive expenditure for the year of £7.533 million (2019/20 – £7.066 million). Staff costs have increased by £532,000 compared with the previous year. There have been increased depreciation and amortisation costs of £150,000. Other expenditure has decreased by £84,000.

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 must reflect the change in liabilities relating to interest and adjustments arising from actuarial revaluations. The provision reduces as benefits are paid. Since 2019, Commissioners have been and continue to be appointed without a pension or salary. This meant that as those Commissioners entitled to pension benefits reached the end of their respective terms, the current service cost reduced.

## ► Performance Analysis

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 2020/21 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 £339,000 (loss in 2019/20 of £406,000). Overall, the liability increased by £143,000 in the current year.

The Statement of Financial Position on page 78 now shows overall net liabilities of £6.375 million (2019/20 £6.250 million). The net liabilities fall due in future years and will be funded as necessary from future Grant in Aid provided by the MoJ.

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 81.

### 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:

	2020/21		2019/20	
	£000	Number	£000	Number
Total invoices paid in year	<b>1,692</b>	<b>844</b>	1,868	981
Total invoices paid within target	<b>1,640</b>	<b>792</b>	1,860	964
Percentage of invoices paid within target	<b>97.0%</b>	<b>93.8%</b>	99.6%	98.3%

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



► Performance Analysis



## ► Performance Analysis

# 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 2020/21 we engaged with our stakeholders in a variety of ways.

## Prisoners

Due to Covid-19 and the nation-wide lockdown, we have been unable to visit prisons to raise awareness of our role, as we usually would. We continued to reach applicants and potential applicants in custody through our work with National Prison Radio (NPR). Our 2020/21 NPR campaign began in Summer 2020 and used NPR's access to prison listeners to increase awareness about our role. We stayed with the format used effectively in recent campaigns, where a main one-hour long programme is supported by shorter pieces. We used our airtime to discuss several issues, including coercive control, mental health, and non-disclosure.

We have also continued with our articles, every second month, in the respected prisoner newspaper, Inside Time. Our stories provide general advice about appeals and CCRC matters and respond to readers' questions and answer criticisms about us. We are grateful to the management of Inside Time for the

opportunity to provide regular columns in the paper and on its website.

## Visits and events

Although we have been unable to attend or organise events in the usual way over this past year we still managed to get involved in numerous online events and sessions.

Guest speakers were also invited to present to us on topical themes which help keep us up to date and develop relationships. We also played a key role in many events and continue to build our reputation as a leading force within the Criminal Justice System as an independent body tasked with investigating miscarriages of justice.

Amongst the most notable events were:

- Dr Beatrice Krebs lecture – developments in joint enterprise law and Jogee.
- Helen Pitcher interview – BBC Radio 4's PM programme.
- Alexandra Wilson – the English Legal System, a Black Barrister's perspective.
- Dame Vera Baird talk on Victim's Commissioner.
- Exchanged presentations with SCCRC – discussing common issues, specific cases, and the application of our respective tests.
- Discussions with Freedom Law Clinic (FLC) – a national project to provide university students with experience of live casework, which operates across 20 + Universities with approximately 6,000 students.
- Presentation to PPS NI (Northern Ireland) – on CCRC powers and case studies.
- Contribution to Taylor on Criminal Appeals (3<sup>rd</sup> edition).

## ► Performance Analysis

### The Independent Press Standards Organisation

In January 2021, The Times published an IPSO adjudication over breaches of Editors' Code on accuracy. This related to an article published about us during summer 2020 (re: Warner JR and independence).

We continue to work with the Centre for Women's Justice which led research concerning Women Who Kill. All staff were invited to take part in Black Lives Matter training sessions, and we made a submission to the JSC Inquiry in relation to the issue of Private Prosecutions following the Post Office cases.

### Stakeholder Forum

Our Stakeholder Forum was created in 2017/18 to improve our transparency and provide an opportunity for candid and constructive discussions with a range of stakeholders.

The Forum met twice during 2020/21. Discussions included how we and other organisations, within the CJS, have adapted during the pandemic. Casework issues covered forensic science in our reviews, referrals of *R v Gordon Park* and the Post Office Cases. Developments in our Transformation Programme, our new website and moving to an online application form were also discussed.

The Forum agreed that future meetings would be held twice a year with the intention to have more regular sub-group meetings to focus on key issues affecting ourselves and the wider CJS.

We are extremely grateful to members for their invaluable and ongoing contributions to 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. 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, Covid-19 delayed the launch, and its findings were published in March 2021. A debate in Westminster Hall followed and plans are in place to address the recommendations as appropriate, including the Stakeholder Forum and a Working Group.

### Our Disclosure Update

Following our internal review into disclosure, featured in last year's annual report, in 2020/21 we made submissions in response to the consultation on proposed changes to the Attorney General's Disclosure Guidelines. Those changes came into effect in December 2020. See Attorney General's Guidelines on Disclosure 2020 – GOV.UK ([www.gov.uk](http://www.gov.uk))

## ► Performance Analysis

We also worked with the National Police Chiefs' Council (NPCC) in relation to their advice to police forces on post-conviction disclosure.

### Academic Research

Our Research Committee promotes and supports independent academic research which uses our casework records to study matters relevant to miscarriages of justice and the wider justice system.

During 2020/21, work continued on a long-running multi-stage research project led by Dr Lucy Welsh of Sussex University, called Criminal Cases Review Commission: Legal Aid and Legal Representatives.

The project is the result of our call for research proposals to examine and assess the effects of Legal Aid changes on applicant representation. It has explored the potential impact of changes to legal aid funding on applications in criminal cases and has been part funded by the Economic and Social Research Council.

We assisted this research by facilitating access to our case files and taking part in focus groups with the researchers. More information about the project, including summaries of the findings of five completed stages of the research, can be found on our Research Committee pages at [www.ccrcc.gov.uk/research-at-the-ccrc/](http://www.ccrcc.gov.uk/research-at-the-ccrc/).

The research project was reaching its conclusion at the end of March 2021, with the Sussex University researchers expecting to publish their final report in May 2021.

This year has also seen published research results 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.

We assisted this research by giving access to our case files, helping researchers to examine the impacts of the changes instituted in the Coroners and Justice Act 2009, and to identify any gaps which remain, so that outcomes for women who have killed abusive men can be further improved.

The researchers explored these issues by examining legal cases; interviewing legal teams, professionals, women survivors, and their families; and by close examination of existing literature and data. The Centre for Women's Justice published its report "Women who kill: How the state criminalises women we might otherwise be burying" on 17 February 2021. The full report can be found here: <https://www.centreforwomensjustice.org.uk/news/2021/2/19/women-who-kill-launch-event-recording>. We arranged for researchers to present their findings to our staff and Commissioners in April 2021. In the light of the research report, we are revisiting closed cases involving women who kill. This links to the work we have been doing reviewing all closed murder cases in the light of the judgment in the Sally Challen case (*Challen* [2019] EWCA Crim 916).

During 2020/21, the Research Committee also continued to assist independent research into Joint Enterprise cases by Dr Louise Hewitt, at the University of Greenwich.

This research is to advance our understanding of the nature of applications (based on convictions for murder under joint enterprise) following the decision of the Supreme Court in *R v Jogee*. This will inform us, legal practitioners, and academics, about how applicants are using the corrected law derived from the decision in *Jogee*, in particular arguments regarding the issue of "substantial injustice".

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► Performance Analysis

Unfortunately, Covid-19 delayed the start of this research project for much of 2020/21, but as of February 2021, we have been able to make relevant case data available to Dr Hewitt and look forward to working with Dr Hewitt in the coming year.

In October 2020, the Research Committee launched an appeal for new proposals for justice research projects. We were delighted to receive such a positive response, with 16 different proposals received by the deadline of 29 January 2021. We plan to take forward two new research projects in 2021/22.

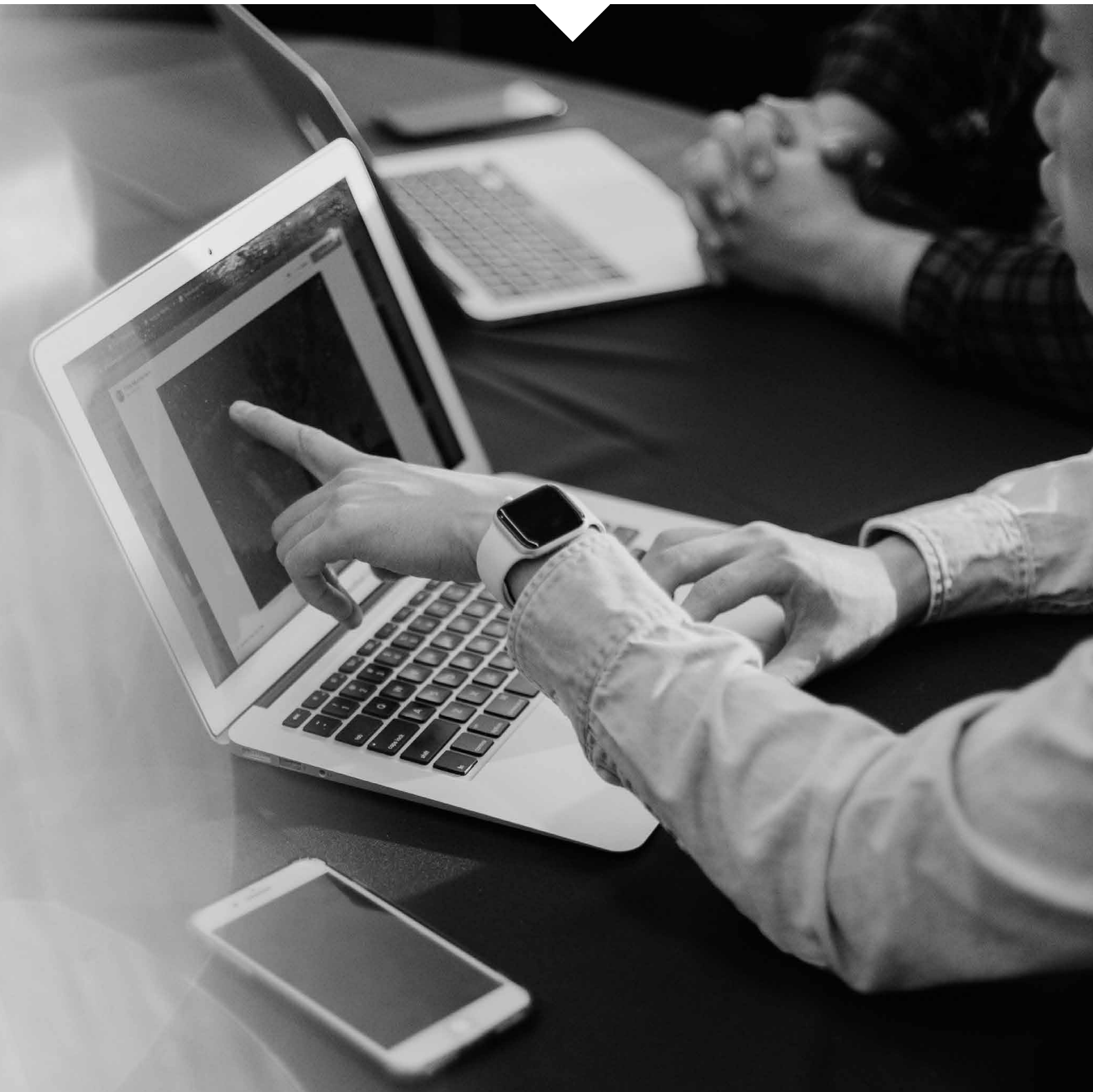
Ourselves and our Research Committee is indebted to Professor Anthea Hucklesby, from Birmingham University, and Professor Barry Goldson, from Liverpool University, who serve in a voluntary capacity, as independent academic members and advisors to the Research Committee. Their contribution to the development of research here is invaluable.



**Karen Kneller**

Chief Executive and Accounting Officer  
1 July 2021





## Accountability Report

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



# Corporate Governance Report

## The Directors' Report

Our board is made up of the Chairman, three Commissioners in their capacity as Non-independent Executive Directors, the Chief Executive and Directors and three independent Non-Executive Directors (NEDs).

## Commissioners

Our 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 only serve a maximum of ten years.

During 2020/21, one Commissioner left during the year before the end of their term. This means that at the end of March 2021, there were nine Commissioners in post, including the Chairman.

During 2020/21 our Commissioners were:

- Mrs Helen Pitcher OBE (Chairman)
- Miss Rachel Ellis
- Mrs Jill Gramann JP
- Mrs Linda Lee
- Mr Robert Ward CBE QC
- Mr David Brown QFSM
- Mrs Cindy Butts (until 26/02/21)
- Mr Ian Comfort
- Mrs Johanna Higgins
- Mrs Christine Smith QC

## Independent Non-executive Directors

During the year, the Commission NEDs were Mr Andre Katz, Mr Martin Spencer, and Mr Mark Oldham from 01/10/20.

## The Chief Executive and Directors

During 2020/21, 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 (until 26/02/20), Mrs Amanda Pearce, Interim Director of Casework Operations (from 01/03/20), Mrs Heather Lees, Director of Finance and Corporate Services (until 20/08/20), and Mr Peter Ryan, Interim Director of Finance and Corporate Services (from 28/05/20 until 14/02/21), Finance and Corporate Services Director (from 15/02/21). Together the Directors and the Chief Executive Officer make up the Senior Management Team.

## Code of Best Practice

We adopted a Code of Best Practice for Commissioners at the very first meeting in January 1997. This code was revised in 2012, considering 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 our Board Members and Employees sets out the standards of personal and professional behaviour and propriety expected of all board members and members of staff which can be seen at [www.ccrcc.gov.uk](http://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

As set out in the Board terms of reference, a smaller Board has responsibility for governance of the CCRC.

## ► Accountability Report

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 and the Board 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 and it must meet a minimum of twice 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 our behalf.

### External Audit

Arrangements for external audit are provided 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 any data entrusted to us is secure and handled appropriately. During 2020/21, to further enhance this, we undertook a full review of our information data protection regime and made several improvements to policy, processes and data handling practices, including updating the Information Governance Policy, the Data Protection Impact Analysis Policy and introducing Covid-19 working from home policy and guidance. These build on our existing high standards and further improves 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 practice. It also considers security incidents, data breaches and near misses. MISF considered 13 security related incidents during 2020/21, all were assessed as low risk apart from one which was assessed as high risk. The one high risk incident was notified to the Information Commissioner's Office who took no action against the Commission.

### Expenses of the Commission's Chairman and Chief Executive

The total expenses claimed in 2020/21 by the Chair was £0. The total claimed by the Chief Executive was £3,412.85.



### Karen Kneller

Chief Executive and Accounting Officer  
1 July 2021

► Accountability Report

## Statement of Accounting Officer's Responsibilities

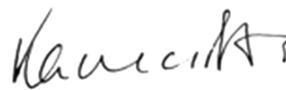
Under the Criminal Appeal Act 1995, the Secretary of State (with the consent of HM Treasury) has directed the CCRC to prepare for each financial year a statement of accounts in the form and on the basis set out in the Accounts Direction. The accounts are prepared on an accruals basis and must give a true and fair view of the state-of-affairs of the Commission and of its resource outturn, 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 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 are 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 our organisation. The responsibilities of an Accounting Officer, including responsibility for the propriety and regularity of the public finances for which the Accounting Officer is answerable, keeping proper records and 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 our auditors are aware of that information. As far as I am aware there is no relevant audit information of which the auditors are unaware.



**Karen Kneller**

Chief Executive and Accounting Officer  
1 July 2021



## 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 us. 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 with 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, under which we were founded, describes the broad structure and function of the Commission. The diagram overleaf illustrates how, in 2020/21 we related to our sponsor department, the MoJ, and are held, from time to time, to account by Parliament in the form of the JSC.

Our framework agreement with the MoJ establishes certain aspects of governance and accountability for us, but the structure of the Board and its sub-committees are a decision for us. Since 2019/20 our Board is made up of 10 members; the Chairman, the Chief Executive and two executive directors, three commissioners (who act as Non-Independent Executive Directors) 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 quality management information, analysis, and sound advice to facilitate informed decisions. The Board secretariat works closely with the Senior Management Team (SMT) to ensure the information provided meets the Board’s requirement and is consistent. They provide a template for papers, structured to ensure risks and resources implications are highlighted and to ensure sufficient engagement and challenge during discussions.

► Accountability Report

**Governance framework**

**Justice Select Committee**

**Ministry of Justice**

**Framework Agreement**

**CCRC Board**

**Sub-committees**

## ► Accountability Report

### Board and Sub-Committees

#### 1. Board Performance

During 2020/21, the Board met eight times focusing 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 several processes and systems to ensure 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 MoJ. 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 Chair with an annual appraisal supplemented by mid-year 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. When necessary, changes are made to the management information being supplied to the Board to present information in a way which best facilitates the Board to take timely and robust decisions.

During 2019/20 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.

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 Working 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. A full complement of Board was achieved in October 2020 when the third and final Independent Non-Executive Director joined.

## ► Accountability Report

### 2. Audit and Risk Assurance Committee

The Audit and Risk Assurance Committee (ARAC) supports the Board and the Accounting Officer by reviewing the completeness 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 is made up by the three independent Non-executive Directors, aligning with recommended best practice. The meetings are attended by the Accounting Officer, the Director of Finance & Corporate Services, the Director of Casework Operations, representatives of Internal Audit and External Audit and a representative of the MoJ Arms' Length Body (ALB) Centre of Expertise. The Committee meets quarterly and reviews our major risks and our plans for their mitigation at each of those meetings.

Members of the ARAC complete a self-assessment questionnaire each year which is discussed at the first meeting 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 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 case reviews face challenges, and since its inception the committee has recommended several improvements to case review procedure.

## ► Accountability Report

### 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 support the Chief Executive on the implementation and review of our people strategies.

### Management Committees

There are a number of management committees that support our accounting officer. These include; the Research Committee, Internal Communications Group, the Management Information Security Forum, the Diversity and Inclusion Group and various ad hoc groups formed to discharge specific functions.

Membership of the Board committees and the attendance record of members are shown in the table below:

### 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, one third of the Board comprises of commissioners who, while not independent, do sit on the board as Non-executives. 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.

Member	Role	Board	Audit & Risk	Long Running Cases	Rem Co
H Pitcher	Commissioner	8/8*			7/7*
L Lee	Commissioner	7/8			
R Ward	Commissioner	8/8			
K Kneller	Chief Executive	8/8	4/4	7/7*	
S Berlin	Director	7/7	4/4	6/6	
A Pearce	Interim Director	1/1		3/3	
H Lees	Director	2/2	1/1		
P Ryan	Director	8/8	4/4		
A Katz	Non-Executive	8/8	4/4*		7/7
M Spencer	Non-Executive	8/8	3/4		7/7
D Brown	Commissioner	8/8	2/2		
M Oldham	Non-Executive	4/4	1/2	5/5	3/3

\* = Chairman

## ► Accountability Report

Our risk management framework is illustrated below:

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

### 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 our 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. Our internal control framework is based on a 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 our strategic direction and plans are reviewed, and performance against goals is reported.

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 our objectives, the degree to which we can absorb financial shock, and our need to maintain our reputation to continue to command respect and support amongst our 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.



## ► Accountability Report

In 2021/22 the risk appetite of the Commission will be reviewed so that it is more explicit and more clearly defines the level of risk with which the Commission aims to operate.

The Board's approach towards risk management is to implement measures that will reduce the likelihood of any key risk occurring and to reduce the potential impacts to acceptable levels.

In 2020/21 five internal audits were undertaken resulting in an overall Moderate rating for us. One of the internal audits, Transformation Programme was given a substantial assurance rating. Three of the internal audits, Data Protection; Persistent, Aggressive and Malicious Applicants Policy; and Risk Management were given a moderate assurance rating. The fifth internal audit, Travel and Expenses Policy, was given an unsatisfactory 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 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 agreed that this risk is low.

Both internal and external audits assist us 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 manage risks relating to information security appropriately. Information security and governance arrangements broadly comply with the ISO 27001 Information Security Management standard.

Self-evaluation of our 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 about our policy to report security incidents as part of the programme of security awareness training and we take our obligations seriously under the Data Protection Act 2018. During the year to ensure we met our obligations under both the Data Protection Act 2018 and the GDPR, a new Information Governance Framework has been created. Information Governance and Information Security risks are managed through the Management Information Security Forum (MISF), chaired our Security Information Responsible Officer (SIRO), the Executive Director of Finance, escalated to the ARAC and / or the Board as appropriate. Thirteen 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 MISF and all were assessed as low risk apart from one which was assessed as high risk. The one high risk incident was notified to the Information Commissioner's Office who took no action against the Commission.

### Major risks

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

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 our Risk Register at year-end, we consider our top risks as of March 2021 to be:

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- **Cyber/Data Security Incident** – As part of the IT Transformation Programme, and in line with *Cloud First* Government directive, a large majority of our on-premises IT infrastructure has been replaced with cloud services. The infrastructure has been designed following all current Government and NCSC security guidelines but for the first time our systems are no longer on a closed network and are, logically, closer to the internet. The risks are being managed through a more comprehensive staff cyber awareness programme, maintaining effective security policies, continuous systems monitoring and the introduction of a 3rd party Incident Response contract providing immediate assistance from specialist, experienced cyber security professionals.
- **People** – maintaining and motivating a highly qualified workforce of staff and Commissioners with sufficient skills and manageable workload in a demand led organisation.
- **Reputation** – ensuring that we raise awareness of what we do with all our stakeholders, being increasingly transparent about how we work whilst ensuring the security of information and data.
- **Covid-19 impact** – at the start of the pandemic the priority for us was to roll out remote working capability to all staff and Commissioners as soon as possible and this was achieved ahead of schedule as part of the IT Transformation Programme. As we adjusted to remote working, we have seen in the last quarter case closure rates like pre-Covid-19, but we continue to see reduced number of applications which we have linked to the restrictions within prisons.

- **Exposure to legal action** – ensuring that there are adequate Quality Assurance processes in place and more robust scrutiny of assertions made in cases to reduce the exposure to legal action taken against the Commission. We also engage with applicants who seek to JR or bring other legal action.

### Assurance

The framework provides assurance 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, whistleblowing and occupational health and safety.

### Effectiveness of Whistleblowing Policy

Our Whistleblowing Policy is scheduled for review in September 2022 and nominates the independent Non-executive Directors as Whistleblowing champions. In 2020/21 there were no occasions when staff raised a concern under the Whistleblowing Policy.

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### Prescribed body for Whistleblowing

We are 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 requires us to report annually on any such disclosures made to us, on how they were handled and what actions were taken. During 2020/21 we received no disclosures (during 2019/20 we received none).

### Accounting Officer

In their annual report, our internal auditors have given a moderate assurance opinion as some improvements are required to enhance the adequacy and effectiveness of the framework of governance, risk management and control. 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.

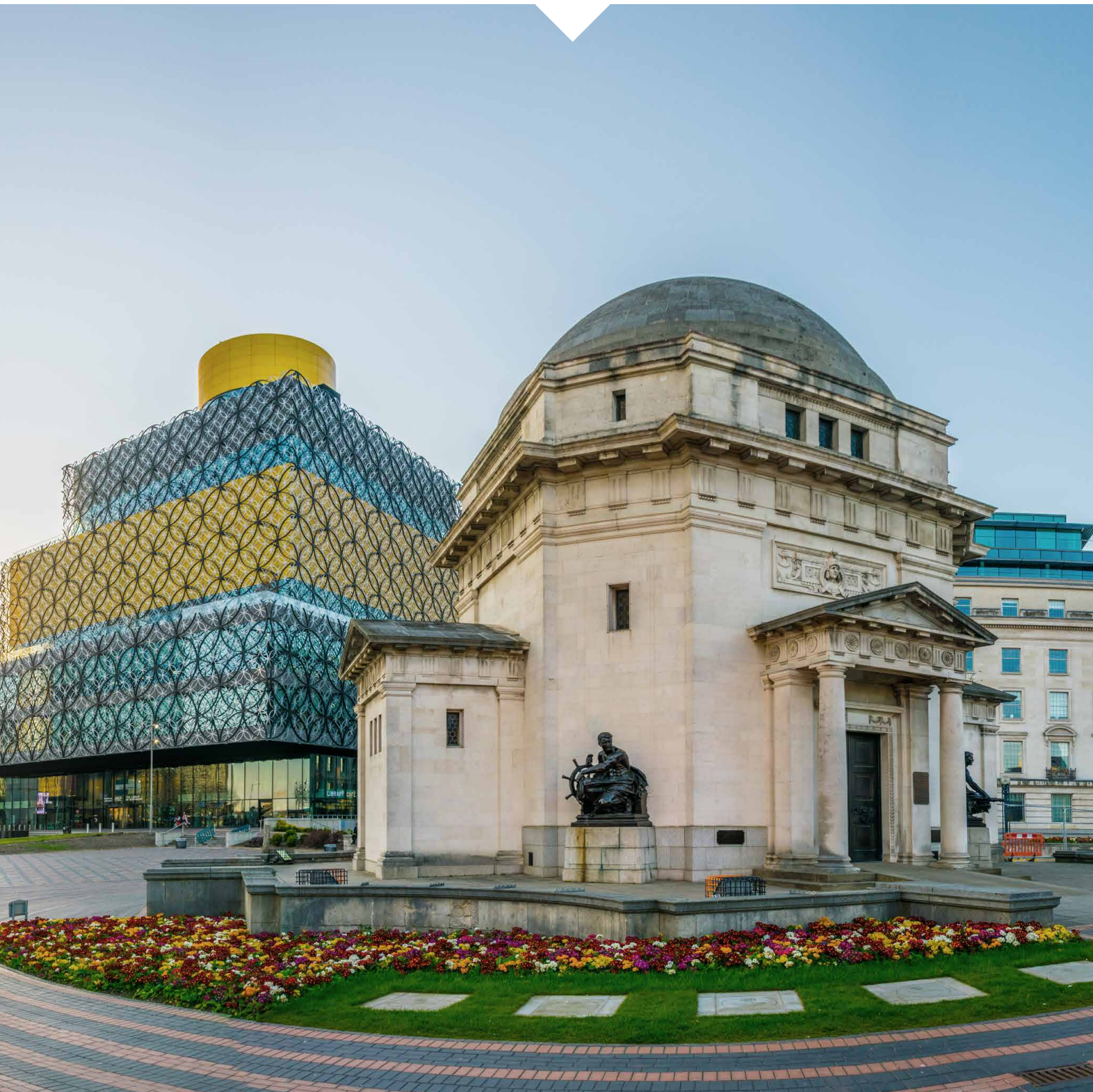


#### **Karen Kneller**

Chief Executive and Accounting Officer  
1 July 2021



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## ► Accountability Report

# Remuneration and Staff Report

## Remuneration policy

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

Commissioners are appointed on a variety of time commitments, for temporary periods, additional days may be worked above the minimum subject to business need and approval in advance by the Chief Executive.

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 considers 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 Chair. Subject to the comments in the previous section, appointments may be full-time or part-time, and are for a fixed period of no 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 10 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 where not exceeded total tenure. 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.

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 our office and elsewhere as necessary.

## Accountability Report

	2020/21				2019/20			
	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
<b>Commissioners</b>								
Mrs Helen Pitcher	<b>105-110</b>	-	-	<b>105-110</b>	80-85	-	-	80-85
Mr David Brown	<b>30-35</b>	-	-	<b>30-35</b>	25-30	4.6	-	30-35
Ms Cindy Butts [until 28/02/21]	<b>15-20</b>	-	-	<b>15-20</b>	15-20	0.9	-	20-25
Mr Ian Comfort	<b>25-30</b>	-	-	<b>25-30</b>	20-25	0.6	-	20-25
Miss Rachel Ellis	<b>30-35</b>	<b>0.5</b>	-	<b>30-35</b>	25-30	-	-	25-30
				<b>25-25</b>				
Mrs Jill Gramann	<b>25-30</b>	-	-	<b>25-30</b>	25-30	0.9	-	25-30
Mrs Johanna Higgins	<b>35-40</b>	<b>0.7</b>	-	<b>35-40</b>	30-35	4.4	-	35-40
Mrs Linda Lee	<b>30-35</b>	-	-	<b>30-35</b>	20-25	1.3	-	20-25
Ms Christine Smith	<b>35-40</b>	-	-	<b>35-40</b>	25-30	7.9	-	30-35
Mr Rob Ward	<b>15-20</b>	<b>0.4</b>	-	<b>15-20</b>	25-30	-	-	25-30
<b>NEDs</b>								
Mr Andre Katz	<b>0-5</b>	-	-	<b>0-5</b>	0-5	0.8	-	0-5
Mr Mark Oldham [from 01/10/20]	<b>0-5</b>	-	-	<b>0-5</b>	-	-	-	-
Mr Martin Spencer	<b>5-10</b>	-	-	<b>5-10</b>	0-5	1.4	-	5-10
<b>Directors</b>								
Miss Karen Kneller	<b>100-105</b>	-	<b>135</b>	<b>235-240</b>	95-100	-	20	115-120
Mrs Sally Berlin [until 26/02/21]	<b>70-75</b>	-	<b>49</b>	<b>120-125</b>	75-80	-	46	120-125
Mrs Heather Lees [until 20/08/20]	<b>35-40</b>	-	-	<b>35-40</b>	70-75	-	28	100-105
Mrs Amanda Pearce [from 01/03/21]	<b>5-10</b>	-	<b>11</b>	<b>15-20</b>	-	-	-	-
Mr Peter Ryan	<b>80-85</b>	-	<b>32</b>	<b>110-115</b>	20-2	-	9	30-35

\* Full-time equivalent salary banding for Sally Berlin in 2020/21 was £80,000-£85,000.

\*\* Full-time equivalent salary banding for Heather Lees in 2020/21 was £80,000-£85,000.

\*\*\* Full-time equivalent salary banding for Amanda Pearce in 2020/21 was £80,000-£85,000.

Amanda Pearce acted as Interim Director of Casework Operations.

Salary\* includes gross salary or remuneration.

Heather Lees resigned on the 27 May 2020 at which point Peter Ryan acted as Interim Director of Finance and Corporate Services. Heather remained on the Commission payroll during her notice period until the 20 August 2020 and was available for duties if required.



## ► Accountability Report

In addition, those Commissioners appointed during 2017/18 were exceptionally reimbursed for travel expenses to attend their induction sessions and in one case as a reasonable adjustment for a declared disability. 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 for by us. The total net costs actually incurred on behalf of the Commissioners and the Non-executive Directors or reimbursed to them in the year was £1,458.00 (2019/20 - £24,773).

### 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.

Actual remuneration ranged from £2,100 to £103,746 (2019/20 £3,600 - £99,237).

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.

	2020-21	2019-20
Band of highest paid Board member's total annualised remuneration [£000]	<b>100-105</b>	95-100
Median total remuneration	<b>£39,053</b>	£38,571
Ratio	<b>2.6</b>	2.5

## ► Accountability Report

### 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 we are 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 1/80<sup>th</sup> of final pensionable earnings for each year of service.

## ► Accountability Report

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 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 an appointed stakeholder provider, Legal & General.

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](http://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.

## ► Accountability Report

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 because 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.



## ► Accountability Report

### Pension benefits

These details have been subject to audit.

	Accrued pension at normal retirement age at 31/3/21 and related lump sum £000	Real increase in pension and related lump sum at normal retirement age £000	CETV at 31/3/21 £000	CETV at 31/3/20 £000	Real increase / (decrease) in CETV £000
Miss Karen Kneller - Chief Executive	45-50 plus a lump sum of 130-135	5-7.5 plus a lump sum of 10-12.5	1,060	907	119
Mrs Sally Berlin - Director of Casework Operations [until 26/02/21]	30-35 plus a lump sum of 5-10	2.5-5 plus a lump sum of 0-2.5	482	432	30
Mrs Amanda Pearce - Director of Casework Operations [from 01/03/21]	15-20 plus a lump sum of 30-35	0-2.5 plus a lump sum of 0-2.5	281	272	8
Mr Peter Ryan - Director of Finance and Corporate Services Director	0-5	0-2.5	35	7	22

#### Notes

- 1 Mrs Amanda Pearce acted as Interim Director of Casework Operations to cover the vacancy during the ongoing recruitment campaign.
- 2 Mrs Heather Lees left the CCRC 20/8/2020. Reason information not provided: member left within 2 year's service - no liability or disclosure required.
- 3 The Non-executive Directors are not entitled to pension benefits.
- 4 Commissioners appointed after 2012/13 are not entitled to pension benefits.
- 5 Total accrued pensions may include benefits arising from transfers-in from other schemes and may also be augmented by additional voluntary contributions paid by the individual.
- 6 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 31/3/20 shown in the table above may differ from the CETV at 31/3/19 as disclosed in the 2019/20 remuneration report.

## ► Accountability Report

### Staff Report

Our staff numbers have remained relatively stable during 2020/2021, but recruitment activity is down compared with last year given a lower staff turnover in part due to the pandemic lockdown.

As at 31 March 2021, there were 94 (95 in 19/20) members of staff making up an average Full Time Equivalent (FTE) of 87.52 (81.83 in 19/20). Turnover fell slightly at 11.76% (which was 13.57% in 2019/20) and employee engagement was 70% compared to 73% in 2019/20.

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 20/21 there were nine Commissioners (an average FTE 2.24) including the Chairman, (ten and FTE 2.94 2019/2020). These details have been subject to audit.

We have not engaged in consultation. However, as a result of the pandemic we have been supporting our staff and managers with regular, communication, support and advice. Our Employee Engagement Index score for the 2020 staff survey was 70%.

Effective controls around health and safety were also instigated due to Covid-19, closing the office to all but a small number of staff to enable the continued functioning of the organisation. This year we launched a pilot Mentoring programme, which was open to all staff to apply for and we are currently planning to trial a trainee scheme next year, which will be open to current staff and external applicants.

We continue to recognise and work with the PCS (Public and Commercial Services Union).

### Staff Composition

At 31 March 2021, we had 55 female and 39 male staff, three male and six female Commissioners and three male Non-executive Directors. At the end of March 2021, 18.87% 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:

	2020/21 £000	2019/20 £000
<b>Commissioners</b>		
Salaries and Emoluments	371	390
Social Security Contributions	40	45
<b>Total Commissioners' Costs</b>	<b>411</b>	<b>435</b>
<b>Non-executive Directors</b>		
Salaries and Emoluments	11	15
Social Security Contributions	1	2
<b>Total Non-executive Directors' Costs</b>	<b>12</b>	<b>17</b>
<b>Staff</b>		
<b>Staff with permanent employment contracts</b>		
Salaries and Emoluments	3,428	3,043
Social Security Contributions	359	289
Pension Costs	836	730
<b>Total Staff Cost</b>	<b>4,623</b>	<b>4,062</b>
<b>Total</b>	<b>5,046</b>	<b>4,514</b>



## ► Accountability Report

### Sickness Absence Data

We aim for sickness absence to be less than 7.5 days per person (FTE) per year (see KPI 7 on page 109). The actual average in 2020/21 was 5.5 (which was 8.9 in 2019/20). 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 and regularly review a wide range of staff policies designed to promote an environment that supports staff and our overall productivity and effectiveness. 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
- Volunteering policy
- Whistleblowing

Using blind recruitment practices, candidate applications are anonymised prior to recruitment panel. Personal Details and Equal Opportunities data is removed on receipt and does not go to the panel, during the shortlisting or selection process. As a Disability Confident Employer, we positively welcome applications from people with disabilities and will make adjustments, wherever possible, to be inclusive in this process. We guarantee to interview all disabled applicants meeting the minimum selection criteria.

Line managers and staff are supported in policy awareness through appropriate training, routine reminders, and using Human Resources specialists related to staff working conditions.

We make reasonable adjustments to accommodate staff with disabilities, seeking Occupational Health input where appropriate, doing Stress Risk Assessments and using Workplace Adjustment Passports. Training is available to all staff employed by us through regular one-to-one meetings and appraisals.

### Expenditure on Consultancy

We incurred £12,000 on consultancy expenditure in 2020/21 which related to our IT security review. This compares to a £0 spend in 2019/20.

### 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 MoJ consolidated accounts.

### Payments to Past Directors

There were no payments to past directors in 2020/21. 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.

These details have been subject to audit.

### Exit Packages

There were no exit packages in 2020/21 (Nil in 2019/20). These details have been subject to audit.

### 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 us, 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 31 July 2021 and that we include the details in this annual report and accounts.

In 2020/21, three employees (FTE 2.76) were relevant union officials during the reporting period.

All three employees spent between 0% and 1.23% 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.

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► **Accountability Report**

# Parliamentary Accountability and Audit Report

## Regularity of Expenditure

We operate within a framework agreement between the sponsor department and the Commission, which sets out the financial transaction limits to which we may operate without further referral to the MoJ. We also operate 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

We did not incur any losses or make any special payments in the year 2020/21 (£0 in 2019/20).

This has been subject to audit.

## Gifts

We neither received nor were given any gifts above a trivial value during 2020/21 or 2019/20.

This has been subject to audit.


## Fees and Charges

We did not levy any fees or charges in 2020/21 or 2019/20.

This has been subject to audit.

## Long Term Expenditure Trends

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



### Karen Kneller

Chief Executive and Accounting Officer  
1 July 2021

## ► Accountability Report

# The certificate and report of the Comptroller and Auditor General to the Houses of Parliament and the Northern Ireland Assembly

## 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 2021 under the Criminal Appeal Act 1995. The financial statements comprise: 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. The financial reporting framework that has been applied in their preparation is applicable law and International Financial Reporting Standards as interpreted by HM Treasury's Government Reporting Manual.

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 2021 and of the net expenditure for the year then ended;
- 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), applicable law 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 2019.

I have also elected to apply the ethical standards relevant to listed entities. I am independent of the Criminal Cases Review Commission in accordance with the ethical requirements that are relevant to my audit of the financial statements in the UK. I have fulfilled my 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

In auditing the financial statements, I have concluded that the Criminal Cases Review Commission's use of the going concern basis of accounting in the preparation of the financial statements is appropriate.

Based on the work I have performed, I have not identified any material uncertainties relating to events or conditions that, individually or collectively, may cast significant doubt on the Criminal Cases Review Commission's ability to continue as a going concern for a period of at least twelve months from when the financial statements are authorised for issue.

## ► Accountability Report

My responsibilities and the responsibilities of the Board and the Accounting Officer with respect to going concern are described in the relevant sections of this certificate.

### Other Information

The other information comprises information included in the annual report, but does not include the parts of the Accountability Report described in that report as having been audited, the financial statements and my auditor's report thereon. The Accounting Officer is responsible for the other information. My opinion on the financial statements does not cover the other information and except to the extent otherwise explicitly stated in my report, 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 I identify such material inconsistencies or apparent material misstatements, I am required to determine whether this gives rise to a material misstatement in the financial statements themselves. 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, based on the work undertaken in the course of the audit:

- 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; and
- the information given in the Performance and Accountability Reports for the financial year for which the financial statements are prepared is consistent with the financial statements.

### Matters on which I report by exception

In the light of the knowledge and understanding of the Criminal Cases Review Commission and its environment obtained in the course of the audit, I have not identified material misstatements in the performance and accountability report. I have nothing to report in respect of the following matters which I report to you if, in my opinion:

- 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
- certain disclosures of remuneration specified by HM Treasury's Government Financial Reporting Manual are not made; 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.

## ► Accountability Report

### 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 in accordance with the applicable financial reporting framework and for being satisfied that they give a true and fair view;
- internal controls as the Accounting Officer determines is necessary to enable the preparation of financial statement to be free from material misstatement, whether due to fraud or error;
- assessing the Criminal Cases Review Commission's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the Accounting Officer anticipates that the services provided by the Criminal Cases Review Commission will not continue to be provided in the future.

### 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.

My objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue a certificate that includes my opinion. 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.

I design procedures in line with my responsibilities, outlined above, to detect material misstatements in respect of non-compliance with laws and regulation, including fraud.

My procedures included the following:

- Inquiring of management, the Criminal Cases Review Commission's internal auditors (through attendance at Audit Committee) and those charged with governance, including obtaining and reviewing supporting documentation in respect of the Criminal Cases Review Commission's policies and procedures relating to;
- identifying, evaluating and complying with laws and regulations and whether they were aware of any instances of non-compliance;
- detecting and responding to the risks of fraud and whether they have knowledge of any actual, suspected or alleged fraud; and
- the internal controls established to mitigate risks related to fraud or non-compliance with laws and regulations including the Criminal Cases Review Commission's controls relating to the Criminal Appeal Act 1995 and Managing Public Money.
- discussing among the engagement team and where required, involving relevant internal and or external specialists, regarding how and where fraud might occur in the financial statements and any potential indicators of fraud. As part of this discussion, I considered the potential for fraud in the following areas: posting of unusual journals and accounting estimates.

## ► Accountability Report

- obtaining an understanding of Criminal Cases Review Commission's framework of authority as well as other legal and regulatory frameworks that the Criminal Cases Review Commission operates in, focusing on those laws and regulations that had a direct effect on the financial statements or that had a fundamental effect on the operations of the Criminal Cases Review Commission. The key laws and regulations I considered in this context included the Criminal Appeal Act 1995, Managing Public Money and Employment, Taxation and Pension Laws.

In addition to the above, my procedures to respond to identified risks included the following:

- reviewing the financial statement disclosures and testing to supporting documentation to assess compliance with relevant laws and regulations discussed above;
- enquiring of management and the Audit and Risk Assurance Committee concerning actual and potential litigation and claims;
- reading minutes of meetings of those charged with governance and the Board; and
- in addressing the risk of fraud through management override of controls, testing the appropriateness of journal entries and other adjustments; assessing whether the judgements made in making accounting estimates are indicative of a potential bias; evaluating the business rationale of any significant transactions that are unusual or outside the normal course of business.

I also communicated relevant identified laws and regulations and potential fraud risks to all engagement team members including internal specialists and remained alert to any indications

of fraud or non-compliance with laws and regulations throughout the audit.

A further description of my responsibilities for the audit of the financial statements is located on the Financial Reporting Council's website at: [www.frc.org.uk/auditorsresponsibilities](http://www.frc.org.uk/auditorsresponsibilities). This description forms part of my certificate.

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.

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.

### **Gareth Davies**

Comptroller and Auditor General  
7 July 2021.

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 1 April 2020 to 31 March 2021 in Financial Statements and Notes to the Accounts.



► Financial Statements

## Statement of Comprehensive Net Expenditure

for the year ended 31 March 2021

	Note	2020-21 £000	2019-20 £000
<b>Expenditure</b>			
Staff Costs	3	<b>5,046</b>	4,514
Depreciation & Amortisation	9, 10	<b>432</b>	282
Other Expenditure	5	<b>1,603</b>	1,687
<b>Total Operating Expenditure</b>		<b>7,081</b>	6,483
<b>Income</b>			
Income from Activities	7	<b>(4)</b>	(5)
Net Operating Expenditure		<b>7,077</b>	6,478
Finance Expense	6	<b>117</b>	182
<b>Net Expenditure for the year</b>		<b>7,194</b>	6,660
<b>Other Comprehensive Net Expenditure</b>			
Pensions: actuarial losses	4	<b>339</b>	406
<b>Comprehensive Net Expenditure for the year</b>		<b>7,533</b>	7,066

The notes on pages 81 to 95 form part of these accounts.

► Financial Statements

## Statement of Financial Position

as at 31 March 2021

	Note	31 March 2021 £000	31 March 2020 £000
<b>Non-current assets</b>			
Property, plant & equipment	9	184	228
Intangible assets	10	628	357
Trade & other receivables	11	0	3
<b>Total non-current assets</b>		<b>812</b>	588
<b>Current assets</b>			
Trade & other receivables	11	45	192
Cash and cash equivalents	12	64	62
<b>Total current assets</b>		<b>109</b>	254
<b>Total assets</b>		<b>921</b>	842
<b>Current liabilities</b>			
Trade payables & other current liabilities	13	(407)	(340)
Provisions	14	(155)	(0)
<b>Total assets less current liabilities</b>		<b>359</b>	502
<b>Non-current liabilities</b>			
Provisions	14	(0)	(154)
Pension liabilities	4	(6,734)	(6,598)
<b>Total non-current liabilities</b>		<b>(6,734)</b>	(6,752)
<b>Total assets less total liabilities</b>		<b>(6,375)</b>	(6,250)
<b>Taxpayers' equity</b>			
General reserve		(6,375)	(6,250)
<b>Total taxpayers' equity</b>		<b>(6,375)</b>	(6,250)

The notes on pages 81 to 95 form part of these accounts.

The financial statements on pages 77 to 95 were approved by the Board on 1 July 2021, and were signed on behalf of the Criminal Cases Review Commission by:



**Karen Kneller**

Chief Executive and Accounting Officer

1 July 2021

► Financial Statements

## Statement of Cash Flows

for the year ended 31 March 2021

	Note	2020-21 £000	2019-20 £000
<b>Cash flows from operating activities</b>			
<b>Net cash outflow from operating activities</b>	15	<b>(6,053)</b>	(6,023)
<b>Cash flows from investing activities</b>			
Purchase of property, plant and equipment	9	<b>(82)</b>	(141)
Purchase of intangible assets	10	<b>(586)</b>	(181)
<b>Total cash outflow from investing activities</b>		<b>(668)</b>	(322)
<b>Cash flows from financing activities</b>			
Capital Grant in Aid	2	<b>668</b>	322
Revenue Grant in Aid	2	<b>6,055</b>	5,936
<b>Total financing</b>		<b>6,723</b>	6,258
Net (decrease)/increase in cash and cash equivalents	12	<b>2</b>	(87)
<b>Cash and cash equivalents at beginning of year</b>	12	<b>62</b>	149
<b>Cash and cash equivalents at end of year</b>	12	<b>64</b>	62

The notes on pages 81 to 95 form part of these accounts.

► Financial Statements

## Statement of Changes in Taxpayers' Equity

for the year ended 31 March 2021

	Note	General reserve £000	Total reserve £000
<b>Balance at 1 April 2019</b>		<b>(6,136)</b>	(6,136)
<b>Changes in taxpayers' equity for 2019-20</b>			
Comprehensive net expenditure for 2019-20		<b>(7,066)</b>	(7,066)
Grant from sponsor department	2	<b>6,258</b>	6,258
Reversal of notional transactions:	18	<b>694</b>	694
<b>Balance at 31 March 2020</b>		<b>(6,250)</b>	(6,250)
<b>Changes in taxpayers' equity for 2020-21</b>			
Comprehensive net expenditure for 2020-21		<b>(7,533)</b>	(7,533)
Grant from sponsor department	2	<b>6,723</b>	6,723
Reversal of notional transactions:	18	<b>685</b>	685
<b>Balance at 31 March 2021</b>		<b>(6,375)</b>	(6,375)

The notes on pages 81 to 95 form part of these accounts.

## ► Financial Statements

# 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 2020/21 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 31 March 2021.

### Going Concern

The Statement of Financial Position at 31 March 2021 shows negative total taxpayers' equity of £6,375,000. 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 MoJ. 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 2021/22, 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 Commission is much more than merely 'operationally' independent. It is constitutionally independent from Government too and must be seen to be so if the public is to have confidence in its decisions.

We conclude that the tenure arrangements are not tainted by bias or the appearance of bias. They should command public confidence.

### 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.



## ► Financial Statements

### 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 employer's national insurance and employer's 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.

## ► Financial Statements

### (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 2021.

### **New standards, amendments and interpretations issued but not effective for the financial year beginning 1 April 2020 and not early adopted**

The Commission has assessed the estimated impact that initial application of IFRS 16 will have on its financial statements, as described below. The actual impacts of adopting the standard on 1 April 2021 may change because the new accounting policies are subject to change until the Commission presents its first financial statements that include the date of initial application.

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

## ► Financial Statements

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. See Note 17 for details of the CCRC's operating leases.

Although there will be no initial impact as a result of the implementation of IFRS 16, the CCRC will be taking on a new lease in 2021-22 which will be accounted for under IFRS 16. The expected impact is currently considered to be an increase of £3.2m in both assets and liabilities. At the 31 March 2022 assets and liabilities are expected to be approximately £3.04m and £3.06m respectively. The standard is expected to increase total expenditure in 2021-22 by approximately £180k, comprising an increase in depreciation and interest costs.

### 2 Grant in Aid

	2020/21 £000	2019/20 £000
Received for revenue expenditure	6,055	5,936
Received for capital expenditure	668	322
<b>Total</b>	<b>6,723</b>	6,258

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

### 3 Staff Costs

	2020/21 £000	2019/20 £000
<b>Commissioners</b>		
Salaries and emoluments	371	390
Social security contributions	40	45
<b>Total Commissioners cost</b>	<b>411</b>	435
<b>Non-Executive Directors</b>		
Salaries and emoluments	11	15
Social security contributions	1	2
<b>Total Non-executive Directors cost</b>	<b>12</b>	17
<b>Staff</b>		
<b>- Staff with permanent employment contracts</b>		
Salaries and emoluments	3,428	3,043
Social security contributions	359	289
Pension costs	836	730
<b>- Other staff (contract, agency/temporary)</b>		
Salaries and emoluments	-	-
<b>Total Staff cost</b>	<b>4,623</b>	4,062
<b>Total</b>	<b>5,046</b>	4,514

There were no exit packages in 2020/21 (2019/20 nil).

## ► Financial Statements

### 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. Details can be found in the Government Actuary's Department Report by the Scheme Actuary, "PCSPS: Actuarial valuation as at 31 March 2016".

([www.civilservicepensionscheme.org.uk](http://www.civilservicepensionscheme.org.uk)).

The cost of the Commission's pension contributions to the Principal Civil Service Pension Schemes is included in the employment costs. For 2020/2021, employers' contributions of £793,000 (2019/20 £692,000) were payable to the PCSPS at one of four rates in the range 26.6% to 30.3% (2019/20 26.6% to 30.3%) 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 2020/21 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 £43,000 (2019/20 £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 (2019/20 £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:

	2020/21 £000	2019/20 £000	2018/19 £000	2017/18 £000	2016/17 £000
Liability in respect of					
Active members	0	0	0	0	0
Deferred pensioners	700	666	620	615	626
Current pensioners	6,041	5,932	5,687	5,917	6,300
Total present value of scheme liabilities	6,741	6,598	6,307	6,532	6,926

## Financial Statements

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

	2020/21 £000	2019/20 £000	2018/19 £000	2017/18 £000	2016/17 £000
Discount rate	<b>1.25%</b>	1.80%	2.90%	2.55%	2.80%
Rate of increase in salaries	<b>0.00%</b>	0.00%	0.00%	0.00%	0.00%
Price inflation	<b>2.22%</b>	2.35%	2.60%	2.45%	2.55%
Rate of increase in pensions (deferred and in payment)	<b>2.22%</b>	2.35%	2.60%	2.45%	2.55%

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

	31 March 2021		31 March 2020	
	Men	Women	Men	Women
<b>Current pensioners</b>				
At age 60	<b>26.9</b>	<b>28.6</b>	26.8	28.4
At age 65	<b>22.0</b>	<b>23.7</b>	21.9	23.5
<b>Future pensioners</b>				
At age 60	<b>28.6</b>	<b>30.2</b>	28.5	30.2
At age 65	<b>24.1</b>	<b>25.7</b>	24.0	25.6

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 £384,000.

An increase of 0.5% in the rate of increase in CPI would increase the scheme liability by approximately 7% or £412,000.

An increase of one year in the life expectancies would increase the present value of the scheme liability by approximately 3% or £209,000.

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 PES (2020) 12 Revised, dated 18 December 2020, 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.

## ► Financial Statements

### 4 Pensions continued

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

	2020/21 £000	2019/20 £000
Past service cost	-	-
Total charge to Staff Costs	-	-
Interest on pension scheme liabilities	116	179
Total charge to Finance Expense	116	179

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:

	2020/21 £000	2019/20 £000
Present value of scheme liabilities at start of year	6,598	6,307
Past service cost	-	-
Interest cost	116	179
Actuarial losses	339	406
Benefits paid	(319)	(294)
Present value of scheme liabilities at end of year	6,734	6,598

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

	2020/21 £000	2019/20 £000
Loss at start of year	2,515	2,109
Net actuarial losses recognised in the year	339	406
Loss at end of year	2,854	2,515

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:

		2020/21	2019/20	2018/19	2017/18	2016/17
Experience losses/(gains) pension liabilities	£000	28	8	56	(4)	(734)
		0.4%	(0.1%)	(0.9%)	0.1%	10.6%
Changes in demographic and financial assumptions	£000	367	398	(159)	(300)	1,084
		(5.4%)	(6.0%)	2.5%	4.6%	15.7%
Net actuarial losses/ (gains)	£000	339	406	(103)	(304)	350



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### 5 Other Expenditure

	2020/21 £000	2019/20 £000
Accommodation - operating lease	685	694
IT costs	347	256
Training and other HR	122	97
Recruitment	89	97
Records management	62	67
Legal and professional costs	54	62
Travel, subsistence and external case-related cost	47	201
Information and publications	33	48
Telephones	32	26
Audit fee - internal	28	23
Audit fee - external	27	27
Payroll and pension costs	18	16
Office services	13	25
Case storage	13	14
Loss on disposal of non-current assets	9	-
Office supplies	7	15
Equipment rental under operating lease	6	6
Health & safety	6	2
Library and reference materials	3	9
Bank charges	2	2
<b>Total</b>	<b>1,603</b>	<b>1,687</b>

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

	2020/21 £000	2019/20 £000
Interest on pension scheme liabilities	116	179
Unwinding of discount on dilapidations provision	1	3
<b>Total</b>	<b>117</b>	<b>182</b>

### 7 Income from Activities

	2020/21 £000	2019/20 £000
Kalisher Trust internships	4	4
Skills Fund Agency	0	1
<b>Total</b>	<b>4</b>	<b>5</b>

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### 8 Analysis of Net Expenditure by Programme & Administration Budget

	2020/21			2019/20		
	Programme £000	Administration £000	Total £000	Programme £000	Administration £000	Total £000
<b>Expenditure</b>						
Staff costs	4,455	591	<b>5,046</b>	3,885	629	<b>4,514</b>
Depreciation & amortisation	432	-	<b>432</b>	282	-	<b>282</b>
Accommodation - operating lease	-	-	<b>-</b>	694	-	<b>694</b>
Other expenditure	1,443	160	<b>1,603</b>	699	294	<b>993</b>
Total Expenditure	6,330	751	<b>7,081</b>	5,560	923	<b>6,483</b>
<b>Income</b>						
Income from activities	(4)	-	<b>(4)</b>	(5)	-	<b>(5)</b>
Net Operating Expenditure	6,326	751	<b>7,077</b>	5,555	923	<b>6,478</b>
Finance Expense	117	-	<b>117</b>	182	-	<b>182</b>
Net Expenditure	6,443	751	<b>7,194</b>	5,737	923	<b>6,660</b>

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### 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 2020	110	77	137	596	<b>920</b>
Additions	-	-	1	81	<b>82</b>
Disposals	-	-	(1)	(15)	<b>(16)</b>
Cost/valuation at 31 March 2021	<b>110</b>	<b>77</b>	<b>137</b>	<b>662</b>	<b>986</b>
Depreciation at 1 April 2020	101	71	124	396	<b>692</b>
Charged during the year	9	4	13	100	<b>126</b>
Depreciation on disposals	-	-	(1)	(15)	<b>(16)</b>
Depreciation at 31 March 2021	<b>110</b>	<b>75</b>	<b>136</b>	<b>481</b>	<b>802</b>
<b>Carrying amount at 31 March 2021</b>	<b>-</b>	<b>2</b>	<b>1</b>	<b>181</b>	<b>184</b>
Carrying amount at 31 March 2020	9	6	13	200	<b>228</b>
Cost/valuation at 1 April 2019	110	77	136	482	<b>805</b>
Additions	-	-	1	140	<b>141</b>
Disposals	-	-	-	(26)	<b>(26)</b>
Cost/valuation at 31 March 2020	110	77	137	596	<b>920</b>
Depreciation at 1 April 2019	89	65	108	355	<b>617</b>
Charged during the year	12	6	16	67	<b>101</b>
Depreciation on disposals	-	-	-	(26)	<b>(26)</b>
Depreciation at 31 March 2020	101	71	124	396	<b>692</b>
Carrying amount at 31 March 2020	9	6	13	200	<b>228</b>
Carrying amount at 31 March 2019	21	12	28	127	<b>188</b>

All assets are owned by the Commission.

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### 10 Intangible Assets

	Software Licences £000	Total £000
Cost/valuation at 1 April 2020	953	<b>953</b>
Additions	586	<b>586</b>
Disposals	(678)	<b>(678)</b>
Cost/valuation at 31 March 2021	<b>861</b>	<b>861</b>
Amortisation at 1 April 2020	596	<b>596</b>
Charged during the year	306	<b>306</b>
Amortisation on disposals	(669)	<b>(669)</b>
Amortisation at 31 March 2021	<b>233</b>	<b>233</b>
<b>Carrying amount at 31 March 2021</b>	<b>628</b>	<b>628</b>
Carrying amount at 31 March 2020	357	<b>357</b>
Cost/valuation at 1 April 2019	772	<b>772</b>
Additions	181	<b>181</b>
Disposals	-	<b>-</b>
Reclassification	-	<b>-</b>
Cost/valuation at 31 March 2020	953	<b>953</b>
Amortisation at 1 April 2019	415	<b>415</b>
Charged during the year	181	<b>181</b>
Amortisation on disposals	-	<b>-</b>
Amortisation at 31 March 2020	596	<b>596</b>
Carrying amount at 31 March 2020	357	<b>357</b>
Carrying amount at 31 March 2019	357	<b>357</b>

All assets are owned by the Commission.

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### 11 Other Receivables

	31 March 2021 £000	31 March 2020 £000
<b>Amounts falling due within one year</b>		
Travel loans to staff	2	18
Prepayments	43	174
<b>Total</b>	<b>45</b>	<b>192</b>
<b>Amounts falling due after more than one year</b>		
Prepayments	-	3
<b>Total</b>	<b>-</b>	<b>3</b>

### 12 Cash & Cash Equivalents

	2020/21 £000	2019/20 £000
Balance at 1 April	62	149
Net change in cash balances	2	(87)
<b>Balance at 31 March</b>	<b>64</b>	<b>62</b>

The following balances at 31 March 2021 were held at:

Government Banking Service	64	62
<b>Balance at 31 March</b>	<b>64</b>	<b>62</b>

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 2021 £000	31 March 2020 £000
<b>Amounts falling due within one year</b>		
Intra-government balances:		
UK taxation & social security	104	101
Trade payables	45	40
Capital payables	20	-
Accruals	238	199
<b>Total</b>	<b>407</b>	<b>340</b>

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### 14 Provisions

The movements in the provisions are analysed as follows:

	2020/21 Dilapidations £000	2020/21 Total £000	2019/20 Total £000
Balance at 1 April	154	154	321
Provided in year	-	-	-
Provision utilised	-	-	(110)
Unwinding of discount	1	1	3
Provision reversed unused	-	-	(60)
Balance at 31 March	155	155	154

The expected timing of discounted cash flows is as follows:

	31 March 2021 £000	31 March 2020 £000
Dilapidations:		
Under one year	155	-
Later than one year and not later than five years	-	154
Balance at 31 March	155	154

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

	Note	2020/21 £000	2019/20 £000
Net expenditure		(7,194)	(6,660)
Finance Expense	6	117	182
Depreciation and amortisation	9,10	432	282
Loss on disposal of non-current assets	5	9	-
Decrease/(increase) in receivables	11	150	(15)
Increase/(decrease) in payables	13	67	(42)
Increase/(decrease) in provisions	14	-	(170)
Pension provision:			
Benefits paid	4	(319)	(294)
Notional expenditure	18	685	694
Net cash outflow from operating activities		(6,053)	(6,023)

### 16 Capital Commitments

Capital commitments contracted for at 31 March 2021 were £nil (31 March 2020 £nil).



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### 17 Commitments Under Operating Leases

At 31 March 2021 the Commission had the following total future minimum lease payments under non-cancellable operating leases for each of the following periods:

	31 March 2021 £000	31 March 2020 £000
Buildings:		
Not later than one year	-	521
Later than one year and not later than five years	-	-
<b>Total buildings</b>	<b>-</b>	<b>521</b>
Equipment:		
Not later than one year	1	1
Later than one year and not later than five years	-	1
<b>Total equipment</b>	<b>1</b>	<b>2</b>
<b>Total commitments under operating leases</b>	<b>1</b>	<b>523</b>

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 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.

	2020/21 £000	2019/20 £000
<b>Notional expenditure</b>		
Other expenditure – incurred by MoJ:		
Accommodation – operating lease	685	694
<b>Total notional other expenditure</b>	<b>685</b>	<b>694</b>
<b>Total notional expenditure</b>	<b>685</b>	<b>694</b>

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.

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### 19 Related Party Transactions

The MoJ is a related party to the Commission. During the period 1 April 2020 to 31 March 2021, the MoJ 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 1 April 2020 to 31 March 2021, 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), which replaced IAS39, 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



## ► Tables and Appendices

## Commission referrals to the appeal courts during 2020/21

Name	Ref	Referral date	Offence	Sentence only
GR (C)	797/18	18-May-20	Murder	
JAMES, Alfred (Deceased)	312/20	22-May-20	Unlawful Assembly	
MURRAY, George (L)	249/20	22-May-20	Unlawful Assembly, Affray	
ROBERTS, Graham (L)	311/20	22-May-20	Unlawful Assembly	
SEABURG, John (Deceased)	361/20	22-May-20	Unlawful Assembly, Affray	
TOMLINSON, Ricky (L)	248/20	22-May-20	Conspiracy to intimidate, unlawful assembly	
WARBURTON, Samuel (L)	313/20	22-May-20	Unlawful Assembly	
GILL, Kashmir (L)	865/19	03-Jun-20	False Accounting	
HALL, Alison (L)	425/15	03-Jun-20	False Accounting	
HEDGES, David (L)	1406/15	03-Jun-20	False Accounting & theft	
HENDERSON, Allison (L)	395/15	03-Jun-20	False Accounting	
ISHAQ, Khayyam (L)	398/15	03-Jun-20	Theft	
SKINNER, Janet (L)	368/15	03-Jun-20	False Accounting	
WILSON, Julian (deceased)	361/15	03-Jun-20	False Accounting	
BRENNAN, Lisa (L)	1370/19	04-Jun-20	Theft	
BUFFREY, Wendy (L)	47/19	04-Jun-20	False Accounting	
BURGESS, Tim (L)	198/20	04-Jun-20	False Accounting	
CAPON, Barry (L)	1307/19	04-Jun-20	False accounting; theft by employee	
CLARK, Nicholas (L)	96/20	04-Jun-20	False Accounting	
COUSINS, Wendy (L)	1323/19	04-Jun-20	Theft	
DARLINGTON, Scott (L)	443/15	04-Jun-20	False Accounting	
FELL, Stanley (L)	374/15	04-Jun-20	False Accounting	
FELSTEAD, Tracy (L)	363/15	04-Jun-20	False Accounting & theft	

## ► Tables and Appendices

Name	Ref	Referral date	Offence	Sentence only
GRAHAM, William (L)	15/20	04-Jun-20	False Accounting	
HAMILTON, Josephine (L) 357/15		04-Jun-20	False Accounting	
HOLMES, Peter Anthony 1471/15 (Deceased)		04-Jun-20	False Accounting	
HUSSAIN, Neelam (L)	13/20	04-Jun-20	Theft	
HUTCHINGS, Lynette (L) 660/17		04-Jun-20	False Accounting	
McDONALD, Jacqueline (L) 390/15		04-Jun-20	False Accounting & theft	
MISRA, Seema (L) 489/15		04-Jun-20	False Accounting & theft	
O'CONNELL, Dawn (L) 761/17		04-Jun-20	False Accounting	
OWEN, Damian (L) 764/16		04-Jun-20	Theft	
PAGE, Carl (L) 1334/19		04-Jun-20	Theft	
PAREKH, Vijay (L) 1069/16		04-Jun-20	Theft	
RASUL, Mohammed (L) 164/18		04-Jun-20	Theft	
ROBINSON, Della (L) 573/15		04-Jun-20	False Accounting	
SAYER, Siobhan (L) 14/20		04-Jun-20	False Accounting	
SHAHEEN, Rubina (L) 352/16		04-Jun-20	False Accounting	
THOMAS, Hughie (L) 366/15		04-Jun-20	False Accounting	
THOMPSON, Pauline (L) 29/20		04-Jun-20	False Accounting	
WARD, Gail (L) 358/15		04-Jun-20	False Accounting	
HA 135/19		22-Jun-20	Failure to produce an immigration document pursuant to section 2(1) and (9) of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004	
ASHRAF, Kamran (L) 1105/17		13-Jul-20	Theft, breach of trust	
BARANG, Jasvinder (L) 475/15		13-Jul-20	Fraud	
PATEL, Vipinchandra (L) 485/15		13-Jul-20	False Accounting	
RUDKIN, Susan (L) 360/15		13-Jul-20	False Accounting	
TROUSDALE, Christopher 1461/15 (L)		13-Jul-20	False accounting	

## ► Tables and Appendices

Name	Ref	Referral date	Offence	Sentence only
BLAKEY, David (L)	1313/19	31-Jul-20	False accounting; Theft	
BUTOY, Harjinder (L)	1349/19	31-Jul-20	Theft	
CLEIFE, Julie (L)	233/20	31-Jul-20	Fraud by false representation	
HOWARD, Gillian (L)	250/20	31-Jul-20	False accounting	
MAHMOOD, Tahir (L)	1329/19	31-Jul-20	False Accounting	
WARREN, Ian (L)	1270/16	31-Jul-20	Theft	
WILLIAMS, Margery (L)	410/15	31-Jul-20	Dishonestly making a false representation	
YATES, David (L)	259/20	31-Jul-20	Theft, false accounting	
FIRKINS, Lee (C)	29/15	03-Aug-20	Murder	
FIRKINS, Robert (C)	27/15	04-Aug-20	Murder	
MUWANGUZI, Jennifer (L)	85/15	10-Sep-20	Possession of false passport	
MOHAMMED, Ahmed (L)	664/17	22-Sep-20	Indecent Assault	
KI (L)	313/18	21-Oct-20	Fraud with intent (contrary to the Forgery and Counterfeiting Act 1981)	
LOCK, Pamela (L)	68/20	25-Nov-20	False Accounting	
GREEN, Paul (L)	148/20	07-Dec-20	Assault with intent to rob	
HARRIOTT, Courtney (L)	262/20	07-Dec-20	Assault with intent to rob, unlawfully having an offensive weapon	
ADEDAYO, Oyeteju (L)	610/15	14-Jan-21	False accounting x3	
KALIA, Parmod (L)	1356/19	14-Jan-21	Theft	
ALLEN, Roger (C)	1367/19	21-Jan-21	Theft	
CAMPELL, Colin (C)	722/11	12-Feb-21	Murder x4, Attempted Murder x1	
PLUMMER, Justin (C)	1301/17	18-Feb-21	Murder, theft, burglary, taking a vehicle without consent and theft of a vehicle	
F	273/19	02-Mar-21	Count 1: Murder Count 2: Wounding with intent to cause GBH Count 3: Attempted wounding with intent to cause GBH	
DAVIDSON, Cleveland (L)	9/21	15-Mar-21	Attempted Robbery	



## ► Tables and Appendices

## Commission referrals decided by appeal courts during 2020/21

Name	Referral date	Offence	Sentence only	Outcome	Appeal Decision
MA	05-Dec-19	Possession of a false instrument and Obtaining a pecuniary advantage Theft (two counts) Dishonestly obtaining communication services (two counts)		Q	20-Apr-20
PARK, Gordon (L)	26-Oct-18	Murder		U	01-May-20
ME	29-Oct-19	Contrary to the Sexual Offences Act 2003: Rape of a child under 13 Assault by penetration of a child under 13			
TX	09-Jan-20	Production of cannabis		Q	02-Jun-20
CE	27-Jan-20	Attempted murder		Q	16-Jul-20
HA	22-Jun-20	Failure to produce an immigration document pursuant to section 2(1) and (9) of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004		Q	10-Aug-20
DEVINE, Michael (L)	09-Apr-19	1. Having a firearm with intent 2. Possession of a firearm and ammunition with intent 3. Conspiracy to cause grievous bodily harm with intent S18 4. Causing grievous bodily harm with intent S18 5. Conspiracy to pervert the course of public justice 6. Attempted murder 7. Wounding with intent S18 8. Possession of a firearm and ammunition with intent 9. Possession of a firearm and ammunition 10. Belonging to a proscribed organisation		Q	30-Nov-20
WINZAR, Deborah (L)	19-Jul-16	Murder		U	04-Dec-20

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Name	Referral date	Offence	Sentence only	Outcome	Appeal Decision
KIGONGO, Rashid (L)	21-Oct-20	Fraud with intent (contrary to the Forgery and Counterfeiting Act 1981)		Q	08-Dec-20
ASHRAF, Kamran (L)	13-Jul-20	Theft, breach of trust		Q	11-Dec-20
BARANG, Jasvinder (L)	13-Jul-20	Fraud		Q	11-Dec-20
PATEL, Vipinchandra (L)	13-Jul-20	False Accounting		Q	11-Dec-20
RUDKIN, Susan (L)	13-Jul-20	False Accounting		Q	11-Dec-20
TROUSDALE, Christopher (L)	13-Jul-20	False accounting		Q	11-Dec-20
CLEIFE, Julie (L)	31-Jul-20	Fraud by false representation		Q	11-Dec-20
GR (C)					
WI	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)		U	22-Feb-21
MOHAMMED, Ahmed (L)	22-Sep-20	Indecent Assault		Q	23-Feb-21
HUNNISETT, Crystal (C)	18-Dec-19	Murder		U	04-Mar-21
BUTCHER, Patrick (L)	04-Mar-20	Pleaded guilty to threatening behaviour		Q	23-Mar-21
CLEE, John (L)	04-Mar-20	Unlawful assembly		Q	23-Mar-21
JONES, John (L)	04-Mar-20	Conspiracy to intimidate; Unlawful assembly; Affray (quashed on appeal)		Q	23-Mar-21
OSHEA, Kenneth (L)	04-Mar-20	Unlawful assembly		Q	23-Mar-21

## ► Tables and Appendices

Name	Referral date	Offence	Sentence only	Outcome	Appeal Decision
PIERCE, William (L)	04-Mar-20	Affray; Unlawful assembly		Q	23-Mar-21
RENSHAW, Terence (L)	04-Mar-20	Unlawful assembly		Q	23-Mar-21
WARREN, Dennis (L)	04-Mar-20	Conspiracy to intimidate; Unlawful assembly; Affray (quashed on appeal)		Q	23-Mar-21
WILLIAMS, Bernard (L)	04-Mar-20	Unlawful assembly		Q	23-Mar-21
JAMES, Alfred (L)	22-May-20	Unlawful Assembly		Q	23-Mar-21
MURRAY, George (L)	22-May-20	Unlawful Assembly, Affray		Q	23-Mar-21
ROBERTS, Graham (L)	22-May-20	Unlawful Assembly		Q	23-Mar-21
SEABURG, John (L)	22-May-20	Unlawful Assembly, Affray		Q	23-Mar-21
TOMLINSON, Ricky (L)	22-May-20	Conspiracy to intimidate, unlawful assembly		Q	23-Mar-21
WARBURTON, Samuel (L)	22-May-20	Unlawful Assembly		Q	23-Mar-21

Q=quashed U= upheld

## Key Performance Indicators

### KPI 1 – The percentage 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).

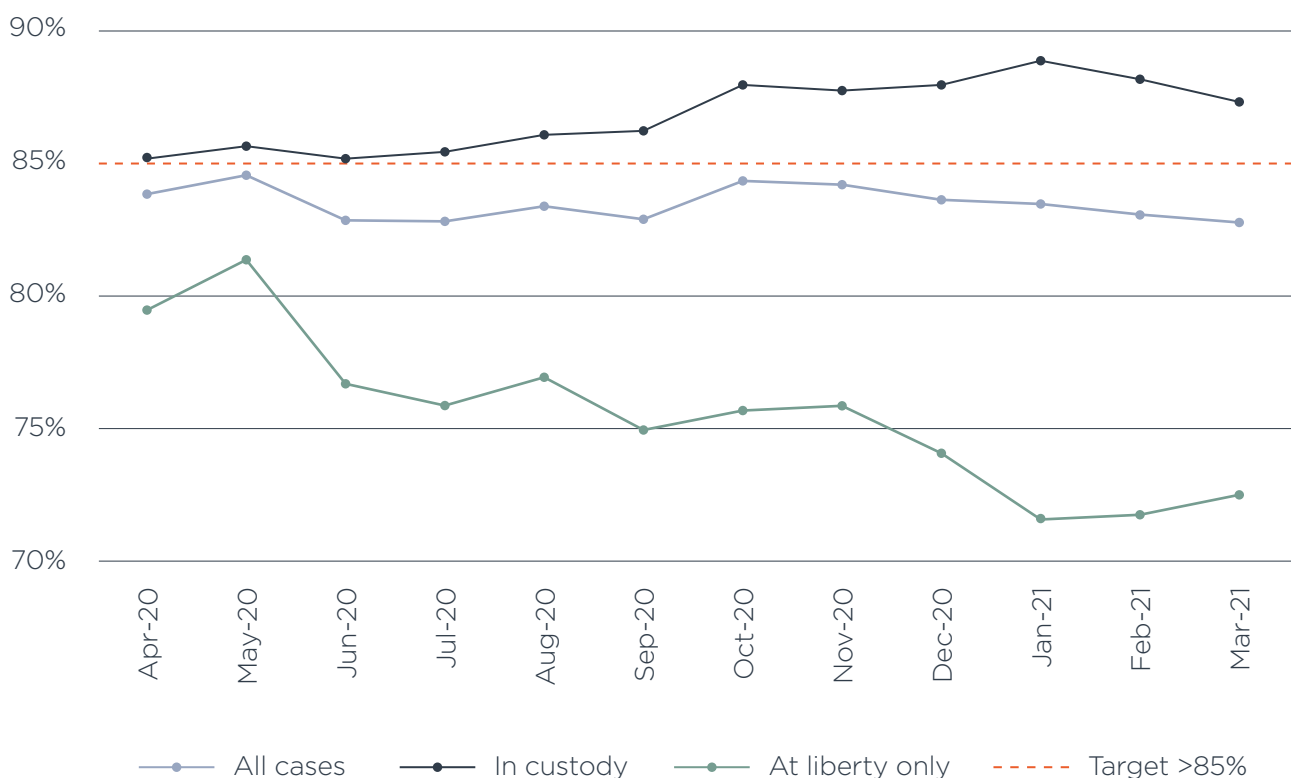
**Calculation** – The number of cases (including all case types) completed within 12 months of the application being made as a proportion of all cases completed within the past 12 months (split into custody and liberty and total).

**Frequency** – Monthly

**Data Source** – Casework Statistics compiled from the case management system.

**Target** – >85% of cases closed <12m

#### Cases closed within 12 months of application as a proportion of all cases in the last 12 months



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### KPI 2 – Time to decision from allocation (Provisional Statement of Reasons where one is issued)

**Purpose** – The measure provides an indication of the timeliness with which we complete our reviews (those which progress through the screening stage to require full analysis).

**Definition** – The time from the date of allocation of the application to a Case Review Manager to the issue of an initial decision, averaged for all review applications in the reporting period for which an initial decision has been.

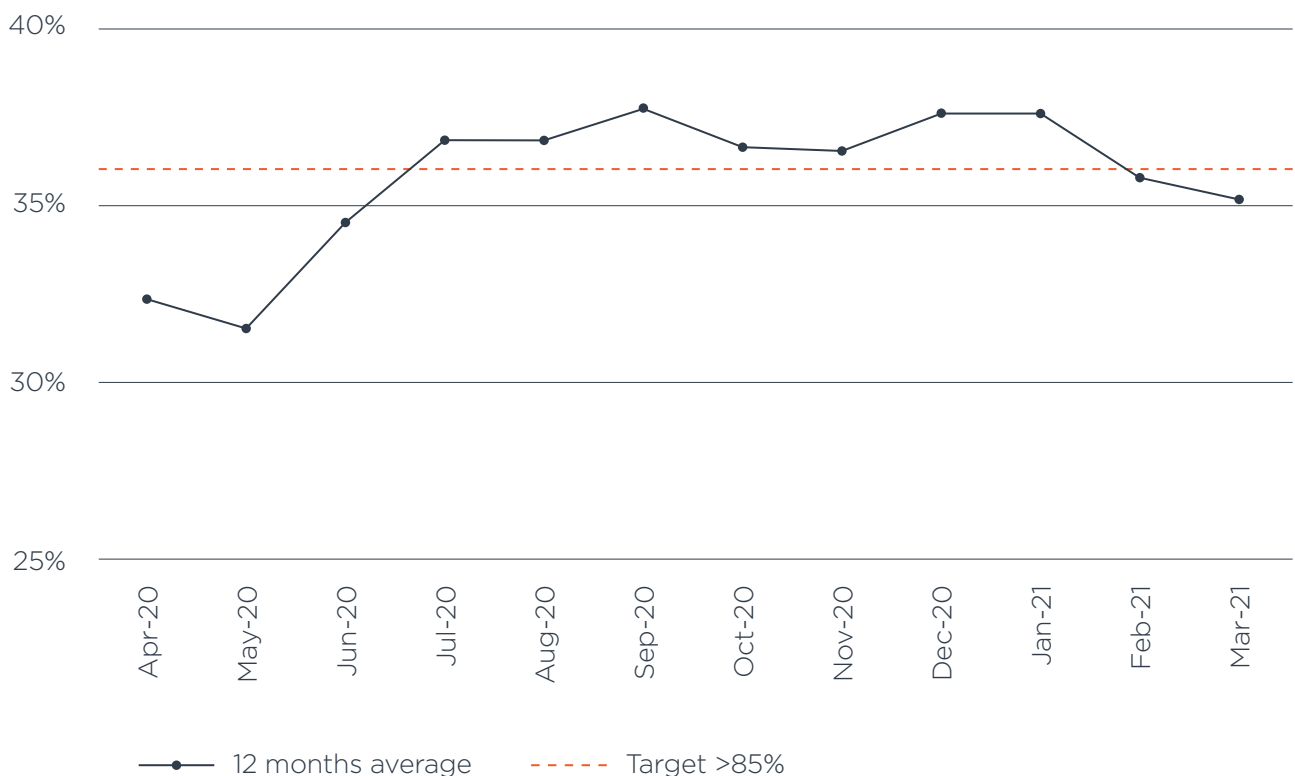
**Calculation** – Taking the cases closed within the past 12 months record the average time taken to complete the review from allocation to a Case Review Manager to issuing a decision.

**Frequency** – Monthly

**Data Source** – Casework statistics compiled from the case management system.

**Target** – Average duration of review <36 weeks.

#### Allocation to Decision (PSOR where one issued) – 12 month average



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### KPI 3 – Long running cases

**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).

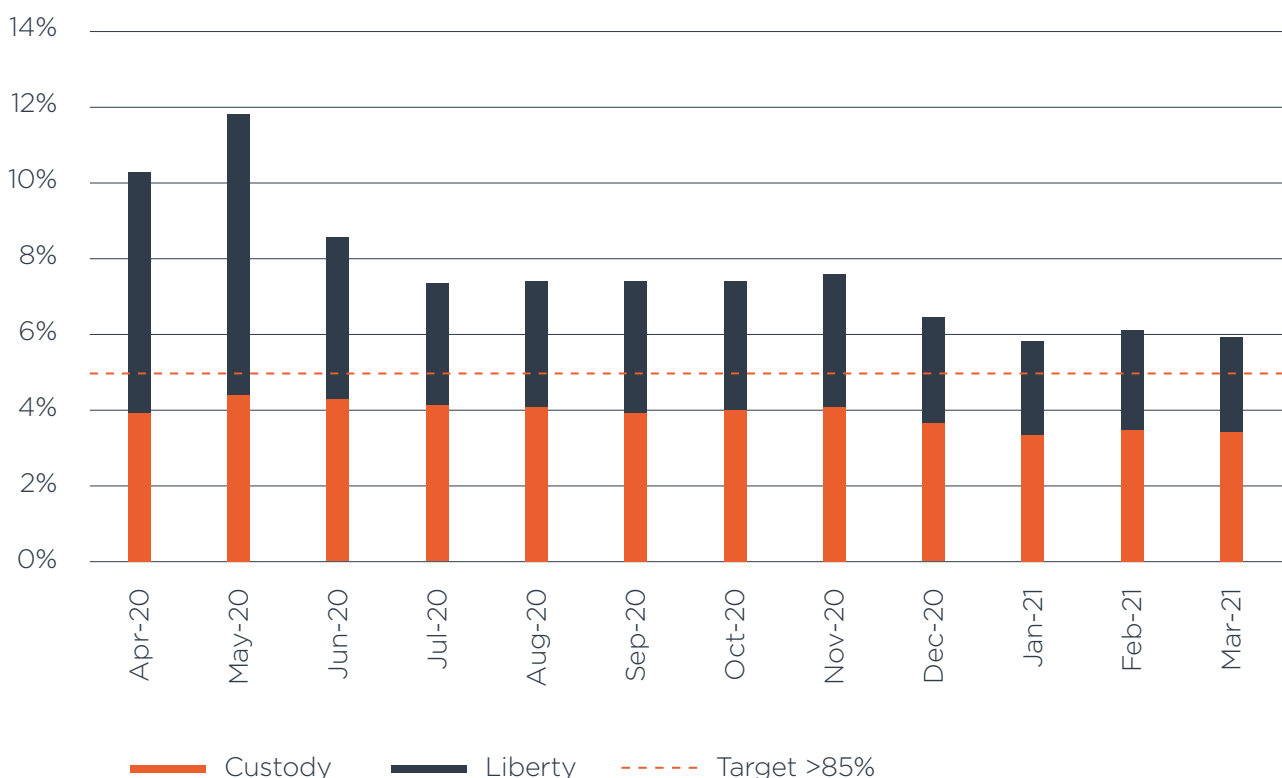
**Calculation** – Taking the cases under review, to identify those 2 years or more since allocation to a Case Review Manager (split into custody and liberty and total) as an absolute number and as a proportion of the total number of cases currently open.

**Frequency** – Monthly

**Data Source** – Casework statistics compiled from the case management system.

**Target** – <35 or <5% of total number of cases under review.

#### Number of cases under review as a proportion of all open cases



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### KPI 4 – To communicate effectively with applicants and representatives

**Purpose** – The measure provides an indication of the quality of our communications with applicants during a case-review.

**Definition** – The number of cases in which communication to applicants or their representatives leads to a complaint being upheld in the last 12 months.

**Calculation** – Percentage of communication related complaints upheld as a proportion of cases closed in the year.

**Frequency** – Bi-Monthly

**Data Source** – Records of official complaints held by the Customer Services Manager.

**Target** – <5 and <0.4% of total number of cases closed in the last 12 months.

	Apr-20	May-20	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21
No. of Cases	3	3	4	4	4	4	4	3	1	1	1	1
KPI %	0.22	0.23	0.30	0.31	0.33	0.33	0.34	0.26	0.09	0.10	0.09	0.09

### KPI 5 – To conduct high-quality reviews, as proportionate to the case

**Purpose** – The measure provides an indication of the quality of our reviews.

**Definition** – The number of cases for which additional review work is required as a result of the CCRC's QA, Complaints or Judicial Review processes.

**Calculation** – The number of cases reopened for additional review work in the last 12 months.

**Frequency** – Bi-Monthly

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

**Target** – <5 and <0.4% of total number of cases closed in the last 12 months.

	Apr-20	May-20	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21
No. of Cases	7	7	8	8	8	7	6	4	2	2	2	2
KPI %	0.52	0.53	0.61	0.62	0.66	0.58	0.52	0.35	0.19	0.20	0.19	0.18



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### KPI 6 – Percentage of complaints upheld

**Purpose** – The measure provides an indication of the quality of our reviews.

**Definition** – The number of complaints upheld.

**Calculation** – Percentage of complaints upheld as a proportion of cases closed in the year.

**Frequency** – Bi-Monthly

**Data Source** – Records of official complaints held by the Customer Services Manager and the Casework statistics.

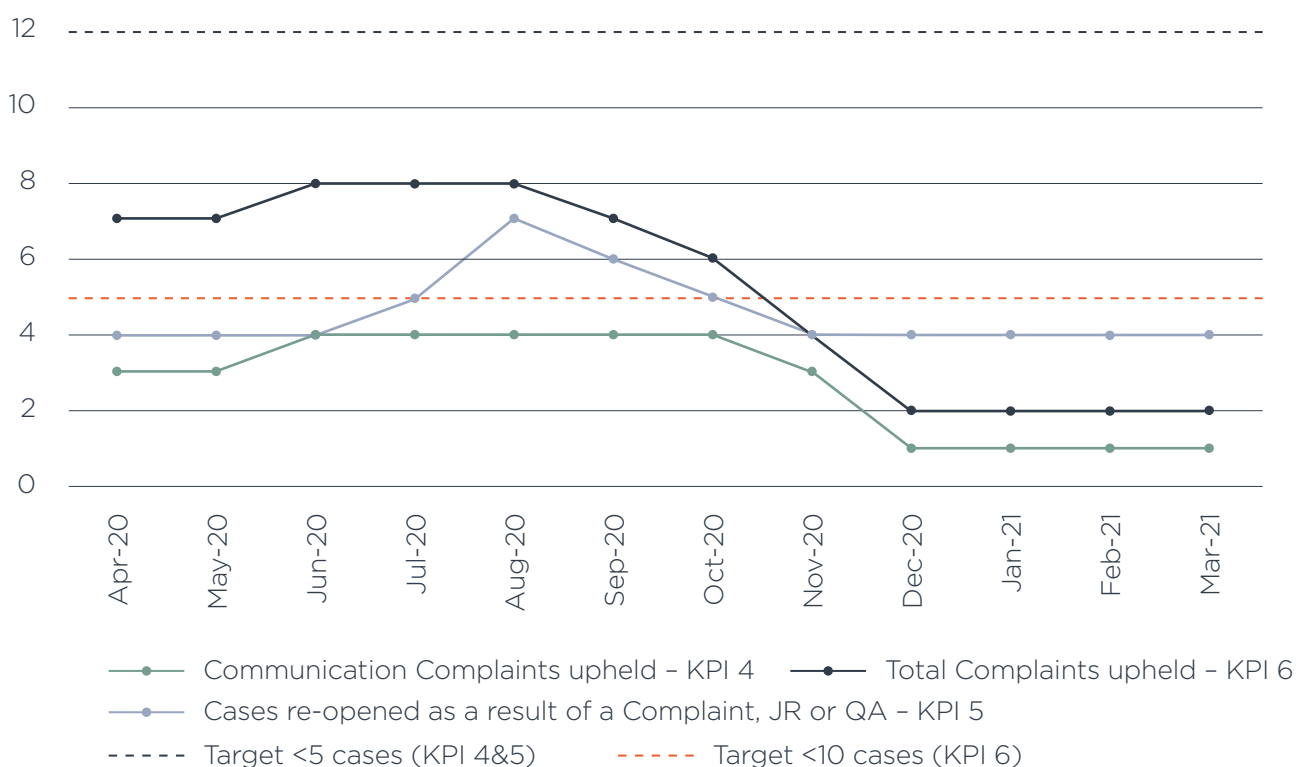
	Apr-20	May-20	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21
No. of Cases	7	7	8	8	8	7	6	4	2	2	2	2
KPI %	0.52	0.53	0.61	0.62	0.66	0.58	0.52	0.35	0.19	0.20	0.19	0.18

### KPI 4, 5 and 6 – Customer service and quality

The number of communication complaints upheld, cases re-opened as a result of a complaint.

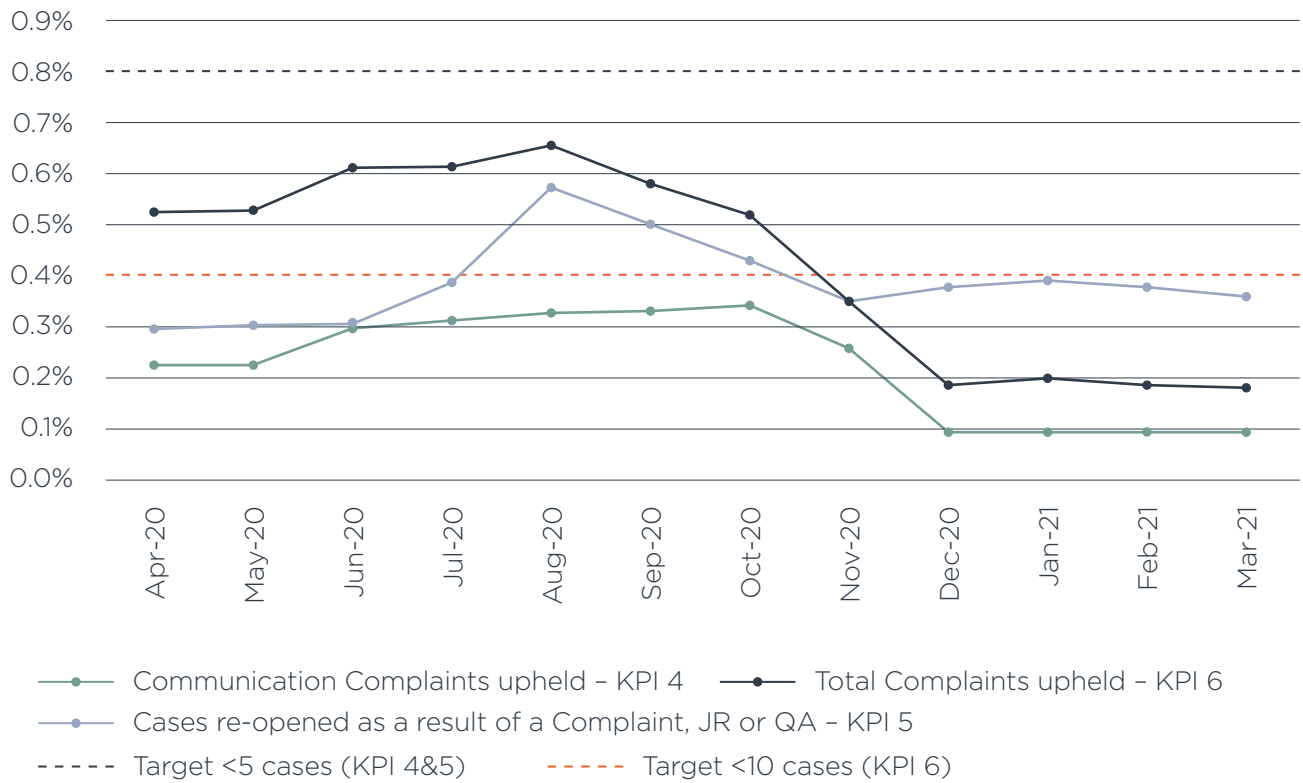
The following graphs show the rolling number of cases over a 12-month period and as a proportion of all cases closed in the last 12 months.

#### Rolling 12 month number of complaints (reported bi-monthly)



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**Rolling 12 month proportion of all complaints closed in last 12 months (reported bi-monthly)**



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### KPI 7 – 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.

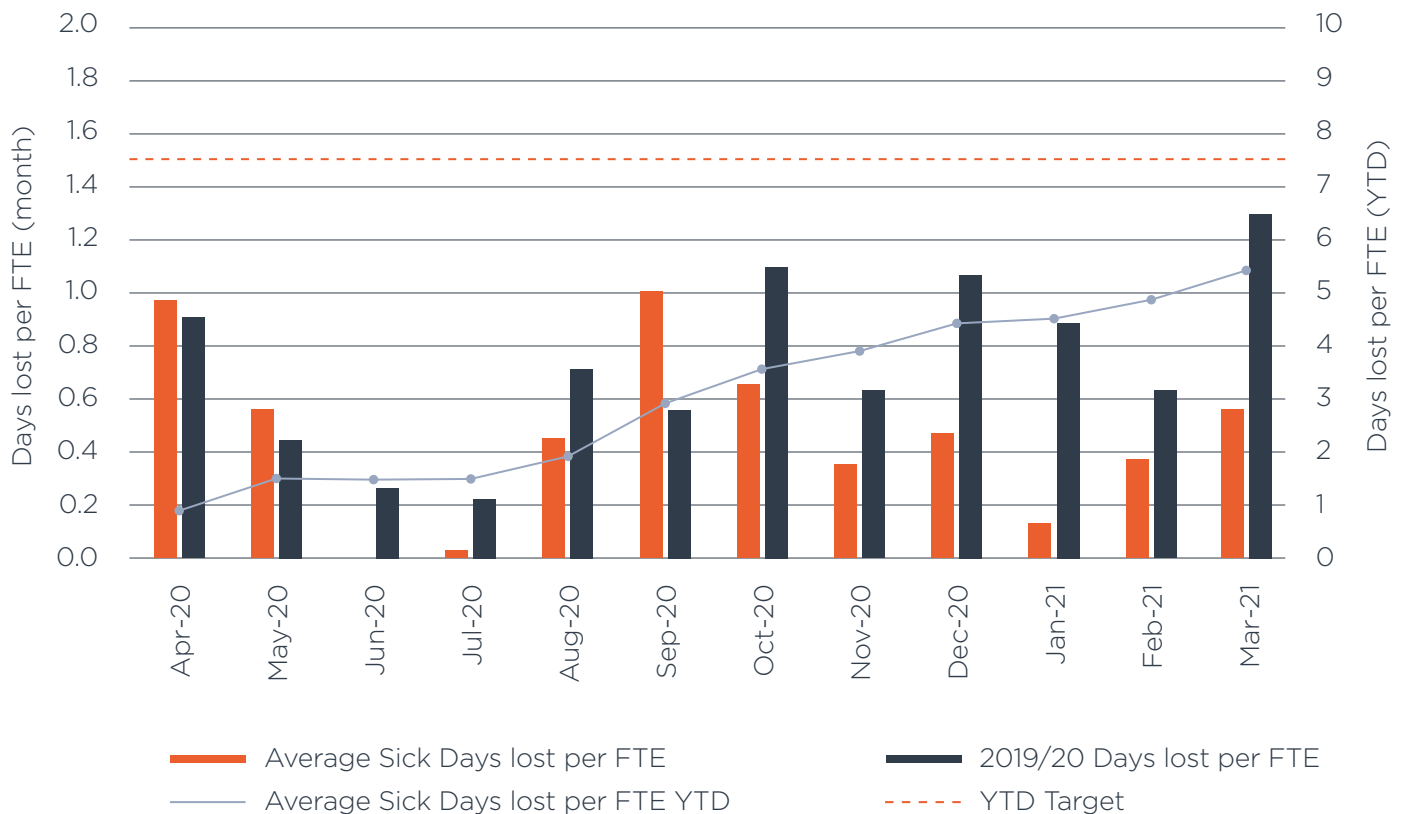
**Frequency** – Monthly

**Data Source** – HR Statistics.

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

**Actual** – Sickness absence: 5.5 days per annum per FTE.

#### Sick days lost per FTE



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### KPI 8 – Expenditure against budget

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

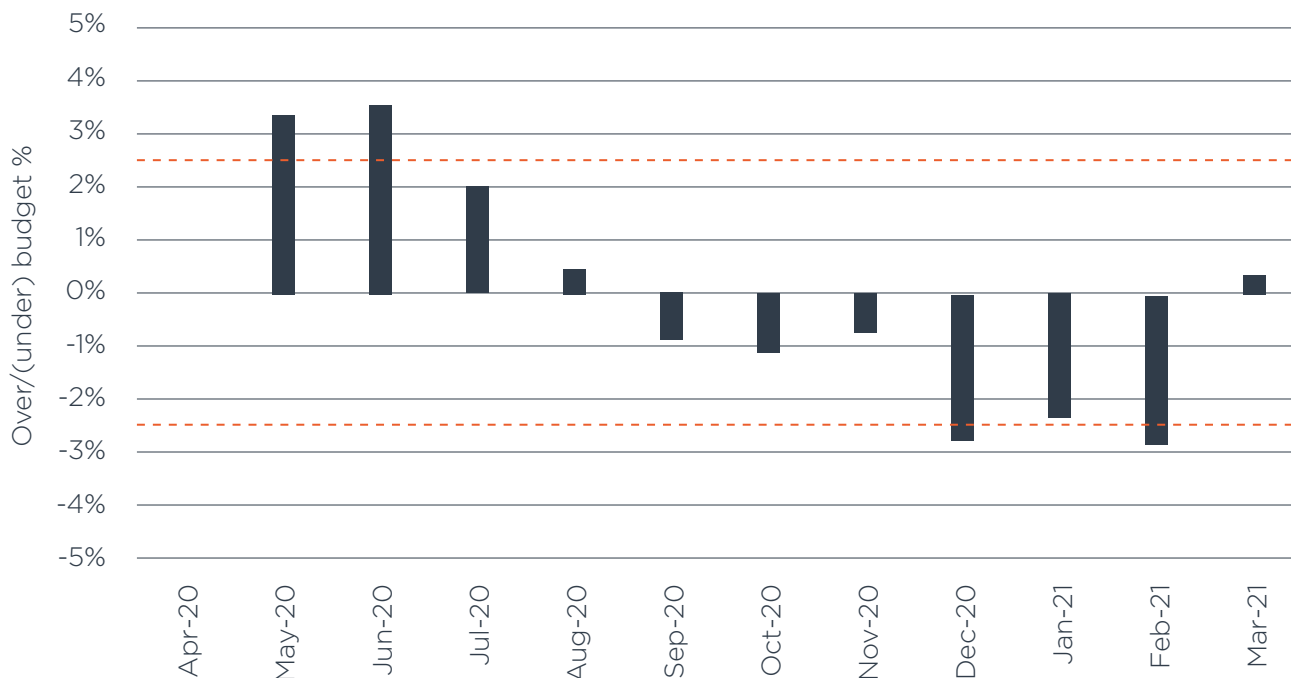
**Definition** – Forecast annual expenditure less the allocated budget, measured separately for resource and capital, expressed as a percentage of budget.

**Calculation** – Forecast for the year.

**Frequency** – Monthly

**Data Source** – Management accounts

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



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

