

ANNUAL REPORT AND ACCOUNTS 2021/22



Criminal Cases Review Commission Annual Report and Accounts 2021/22

For the period 1 April 2021 to 31 March 2022

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

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

Ordered by the House of Commons to be printed on 18 October 2022

HC 634



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ISBN 978-1-5286-3516-5

E02763177 10/22

Printed in the UK by HH Associates Ltd. on behalf of the Controller of His Majesty's Stationery Office

Contents

1

Performance report

Overview

Chairman's annual report foreword 2021/22	1
Chief Executive's introduction	4
The CCRC in 2021/22	6
Introduction to the CCRC – who we are and what we do	9

Performance analysis

CCRC references and appeals 2021/22	14
Our casework performance	22
Resources	38
Corporate	43

2

Accountability report

Corporate governance report 51

Statement of Accounting Officer's responsibilities	54
Governance statement	55

Remuneration and staff report 64

Parliamentary accountability and audit report 75

Certificate and Report of the Comptroller and Auditor General 76

3

Financial Statements

Statement of Comprehensive Net Expenditure	83
Statement of Financial Position	84
Statement of Cash Flows	85
Statement of Changes in Taxpayers' Equity	86
Notes to the accounts	87

4

Tables

Commission referrals to the appeal courts during 2021/22	113
Commission referrals decided by appeal courts during 2021/22	115
Key Performance Indicators	119

1

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 2021/22 in areas such as casework, finance and other areas.



Chairman's annual report foreword 2021/22

This has been a busy and exciting year with many accomplishments, including greatly improved IT, a new casework management system, improved practices and processes, a move to remote working, and successfully establishing ourselves in our new office hub.

We referred 26 cases, 10 of which were successful on appeal. At the end of March 2022, 14 were awaiting hearings. Many of these were separate cases, not 'linked cases' in which several applicants had been convicted together.

The most notable were the Post Office cases. These are widely recognised as the most widespread miscarriage of justice in British history. Many of those referred could not have had access to justice if we hadn't referred them, as they were guilty pleas in the magistrates' courts. It was truly concerning to see how the Post Office relied repeatedly in prosecutions on data from a computer system that they knew was prone to error, and as a result failed properly to investigate allegations of dishonesty against those running or working in post offices. It also led us to refer the matter to the Justice Select Committee as a systemic and erroneous practice allowing the Post Office to be the potential victim, investigator and prosecutor. We considered that there was a pressing need to strengthen the safeguards which regulate private prosecutions, and the Justice Select Committee agreed with that view. The Justice Select Committee also agreed with us that there should be a national register of all private prosecutions in

England and Wales to enable greater scrutiny of such cases. The government has since agreed to establish such a national register.

Other cases of note were the Shrewsbury 24, Stockwell 6 and Oval 4 cases, all of which resulted in successful referrals.

We established a working group to look at the recommendations from the Westminster Commission, and our formal response was sent to the Westminster Commission and published on our website. We did have several outstanding queries, where the rationale for the recommendation was not clear. Based on this, I requested further consultation. However, I am pleased to report that the meeting took place in March, just before our year end. A number of the recommendations such as our statutory test are not within the CCRC's gift to control, but we have always said and maintain that we would welcome such a review.

We again held a public board meeting in November with increased virtual attendance. Further case review manager and commissioner recruitment has taken place, with three new commissioners joining us. We also sought the extension of seven of our existing commissioners.

The calibre of our commissioners and staff continues to mean they are viewed as very attractive candidates for posts in the judiciary and other major bodies, which is a huge accolade for the rigour of our recruitment process.

The fee-paid commissioner role also means we can attract a really high calibre of candidates. The ability to flex up days offered to the CCRC to match the fluctuations in our workload also ensures greater efficiency of our operations. It has also had a positive impact on diversity.

We anticipate that post-pandemic our applications will increase, due to pent-up demand in prisons, greater activity through the criminal courts and the longer-term plan for more police officers and more prison spaces.¹ We will therefore continue to recruit at all levels in the organisation. Our remote-first policy means we are attracting a more diverse range of candidates from across the UK. We have also implemented a career structure by recruiting trainee case review managers and creating a senior case review manager role. In this latter case, we were delighted to appoint several of our experienced case review managers. Our mentoring scheme also continues to support our team's development.

Staff and wellbeing continue to be a major focus for us all at the CCRC. The cases we deal with can be distressing and now that our team are home based, we are alert to the issues this can create.

We had hoped to participate in more outreach work this year. COVID-19 again curtailed much of this, although we continued with remote meetings of the Stakeholder Forum, contact with

prisoners (although not in person), the production of a revamped and easier to access website, and liaison with our sponsoring department, relevant ministers, representatives of applicants and, of course, the press. We were successful in obtaining corrections and retractions where the reporting was inaccurate and might have put applicants off applying to the CCRC.

Another myth we constantly dispel is that our service must be paid for – it does not, and is entirely free to applicants.

We have managed to maintain a spirit of camaraderie and teamwork despite all the constraints of COVID-19.

On the international front, we have met remotely with the other CCRCs in Norway, New Zealand and Scotland, as well as taking part in the consultation on the establishment of a Canadian CCRC.

Looking forward, we will review and reset our strategy with a new Corporate Plan in place for April 2023, update our business plan and we have applied for more funding for the next three years to fund increased activity.

We will also mark 25 years at the CCRC with a series of outreach events across the year to continue to raise awareness of the important work we do.

Amanda Pearce, Casework Operations Director, Mandy Pickering, Casework Administrator, and Margaret Tyrrell,

¹ Ministry of Justice Bulletin: Prison Population Projections 2021 to 2026. England and Wales.

Executive Assistant to the Chief Executive and Directors, all hit the impressive milestone of 25 years' service.

My team have yet again worked tirelessly and overcome the stop-start nature of the year, without letting service levels suffer. The Board and Body Corporate also continues to serve the CCRC well, providing appropriate oversight, challenge and support to the organisation and ensuring effective accountability.

I was thrilled to be reappointed for a further five years as I care deeply about the work of the CCRC and role we play in society. We have been on a transformation journey during my tenure and will continue to be so.

I was also appointed to the role of Chairman of the Public Chairs Forum which, along with the Association of Chief Executives, provides ongoing development for those of us who lead arm's length bodies, non-departmental public bodies and agencies. It also enables our voice to be heard at a governmental level.

I look forward to another year of challenge and development for all at the CCRC.

A handwritten signature in black ink, appearing to read 'Helen Pitcher', with a long, sweeping underline.

Helen Pitcher, OBE

Chief Executive's introduction

This year has been a year of change. We moved to our new office in central Birmingham in August 2021. This is a small, modern office and was part of our transformation programme. As a result of that programme of work, we now have a much improved IT system and digital case management system giving us incredible agility. We continued to work remotely as a result of COVID-19, and during the year we took the decision to make permanent those arrangements to maximise the pool of talent we could recruit from. The majority of our roles can be performed away from our central office, but the office remains the heart of the organisation. We have some roles which can only be office based, and for many who work remotely, they need to carry out aspects of their work in the office from time to time. It is also the focal point for certain engagement and training events.

One of the big advantages of remote working is that we are no longer limited to recruiting from within a daily commute of Birmingham. We have always been able to appoint excellent casework staff but in respect of our core casework role, that of the case review manager, in recent years we have found it hard to find sufficient numbers who live within a daily commute of the Birmingham office. Now we can appoint people to work remotely. During the year we have appointed a number of people who live across the country, and who simply could not have worked for us if it meant working in Birmingham.

Although we have reached the end of the transformation programme, that will not be the end of the journey. We recognise that we need to keep changing and adapting. We also want to learn from the experience of running what for the CCRC was the biggest change programme we had ever undertaken. However, one thing that hasn't changed is our commitment to our core purpose: finding and investigating miscarriages of justice. In particular, at the time of writing, there continues to be significant publicity and interest in the Post Office Horizon computer cases which I reported on last year. At the CCRC we continue to deal with these cases. During the year we referred another eight Post Office cases, and we have others currently under review. We are watching closely the statutory inquiry established to look into the failings of the Post Office IT system. We also have a dedicated section for the Post Office cases on our website.

We have continued to perform strongly as an organisation. However, we are increasingly concerned that our case review managers carry too many cases at any one time. If not corrected, in time this will have a detrimental effect on how long it takes to review a case and on staff wellbeing. As an organisation which now works remotely, we are appointing talented people from across the country. We have also developed a new structure in casework which offers colleagues the opportunity for a career pathway and will help to both attract and retain staff.

However, we struggle to match the reward packages of other organisations, and the roles in casework, in particular, require people who have a unique and challenging skill set, as well as being intellectually very demanding roles. My fear is that unless we can expand the size of our casework resource and address issues about the reward package, performance will suffer over time.

Another area of change for us is in respect of communications and engagement. We have listened to what our stakeholders have said about increasing our profile. We have a new website which went live this year, as did our new Instagram account. Last year we committed to doing much more communications and outreach work. We are a free, independent and public service: anyone who may benefit from our services should be able to apply to us. That means that they need to know about us in the first place. While we have made some inroads, we need to do more. This coming year will see us reconnecting with applicants in prisons, as well as increasing our engagement more generally. We were not able to get into prisons during the pandemic, and we saw a fall in applications from prisoners to us. Those numbers are returning to what they were pre-pandemic, but we cannot rest on our laurels. Our challenge now is to do more and more outreach.

Further, we are also aware of the increased importance of internal communications given that most of us are working remotely, and that is

something we will be working on during the year to ensure we stay connected with each other.

As more people get to know about us, it is inevitable that we will see more cases coming to us. Given what I say above about casework staff who are already overloaded, it may seem counter-intuitive to be raising our profile further, but we fail our most important stakeholder – the applicant – if they don't know we exist. We should not be hiding from those who need our services. We are currently talking to the Ministry of Justice (MoJ) about these issues.

As Helen addresses in her foreword, this year we mark the 25th anniversary of the CCRC. Three members of our team, Mandy Pickering, Margaret Tyrrell and Amanda Pearce, each celebrate 25 years of working at the CCRC. That is a terrific achievement, and we are very fortunate to retain such excellent members of the team. In part, this is down to the fact that we are a purpose-led organisation: people come to work to find and investigate miscarriages of justice. Those members of the team not directly working on casework are either supporting casework or facilitating casework. What they all have in common is an incredible commitment to our purpose, and I am extremely grateful to each of them.



Karen Kneller

The CCRC in 2021/22

Applications



1,198
applications
received



1,183
cases reviewed,
investigated and
completed

Referrals



We referred
26
cases to the
appeal courts
(**2.2%** of all closed
applications)



At the end of
March 2022
there were
605
cases under
review

Our people



of our people
identified as being
from an ethnic minority
background in March
2022 – up from **20%**
in March 2020



We have **99**
members of staff

Declared as:

Male

38



Female

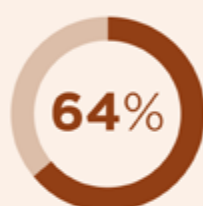
61



We aim to complete **85%** of all cases within 12 months of receiving them. This table shows how we did in 2021/22 on a rolling 12-month basis. Further details on page 32.

	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
	2021									2022		
Custody	87.8	87.5	87.6	88.3	88.0	87.2	86.6	86.6	86.2	85.4	85.4	86.1
Liberty	73.0	71.6	75.5	76.7	77.4	80.1	80.5	80.3	80.6	82.9	81.4	80.2
All cases	83.2	82.7	84.1	85.0	84.9	85.2	84.8	84.7	84.5	84.6	84.2	84.2

Our applicants



of our applications came from **serving prisoners**



We received applications from
119 prisons

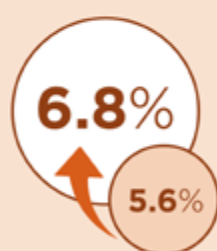
Young people



of applicants (34) were aged 21 or under

previous year (21 applicants)

Female applicants



of applicants (81) were female

previous year (64 applicants)

Ethnic minority groups



of applicants (292) said they are from a particular ethnic minority group

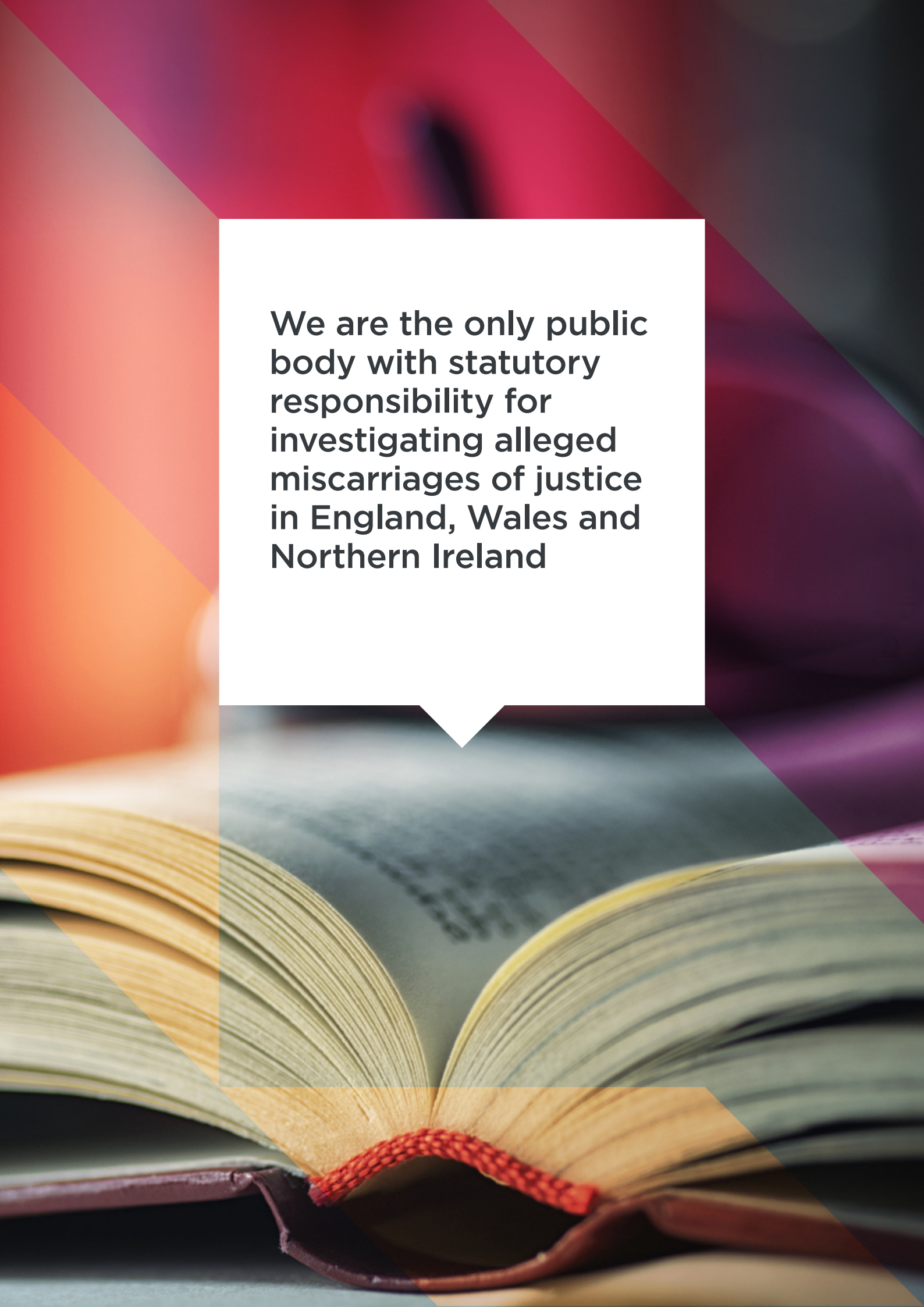
previous year (226 applicants)

Disability



of applicants (264) said they have a disability

previous year (68 applicants)



**We are the only public
body with statutory
responsibility for
investigating alleged
miscarriages of justice
in England, Wales and
Northern Ireland**

Introduction to the CCRC – who we are and what we do

We are the only public body with statutory responsibility for investigating alleged miscarriages of justice in England, Wales and Northern Ireland.

We were established 25 years ago under section 8 of the Criminal Appeal Act 1995 to investigate and deal with potential miscarriages of justice at the post-appeal stage. This means we 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.

We have the power to send or refer a case back to an appeal court if we consider that there is a real possibility that 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 1,300 applications for review (convictions and/or sentences) each year.

Our powers and investigations

The CCRC’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 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. It has not been necessary for us to exercise the s.19 power this year. We carry out most investigations ourselves. Section 21 of the Act enables us to take any steps we consider appropriate to assist us in our reviews, including undertaking inquiries and obtaining statements, opinions and reports.

As well as our core function of looking into applicants’ cases, we have a lesser known but significant role investigating ongoing appeals on behalf of the Court of Appeal Criminal Division. 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 2021/22 is reported on page 31 in the 'Investigations for the Court of Appeal' section.

Then and now

Since 1997, we have referred around 3% of applications to the appeal courts. Between then and 31 March 2022, we referred 788 cases to the appeal courts at an average rate of around 32 cases per year. Those referrals came from 27,823 cases completed in that time.

Of the cases referred that have been decided by the appeal courts, 539 appeals succeeded and 217 failed.

Most of our referrals have related to convictions for serious offences, including rape and other crimes of violence. Murder alone accounts for 22.3% of all 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 a 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 an historical average closer to 70%. Almost all of our applicants use our 'easy

read' application form, designed to be simple to use.

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 and recruiting and retaining staff with the right skills and capabilities. The impact of COVID-19 has eased through the year, but the number of applications, though up on the previous year, are still not at pre-COVID-19 numbers, which we have linked to restrictions within prisons.

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 non-departmental public body 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.

Considering the amounts required to meet the liabilities falling due in that year,

our grant in aid for 2022/23 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 2021/22, comprehensive net expenditure for the year was £7.993 million (compared to £7.533 million in 2020/21). The statement of financial position at 31 March 2022 showed a total negative taxpayers' equity of £6.145 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.

Our corporate performance in 2021/22

We have seen many successes in the last year, and these are measurable against the priorities set in the business plan. Successes can also be measured by casework performance and the ongoing organisational development of the CCRC through our extensive programme of transformation.

Staff recruitment and development

We introduced the two new roles of trainee case review manager and senior case review manager.

Another significant post is the newly created youth justice champion, who will ensure that we don't overlook the particular needs of young people in the criminal justice system.

We are delighted to continue our partnership with the Kalisher Trust which seeks to improve diversity at the Criminal Bar and transform the lives of young people by encouraging and inspiring young people of ability, commitment and ambition to achieve their potential and develop a career at the criminal bar. Through this partnership we also welcomed three new Kalisher interns to the CCRC. Amanda Pearce, who has a long history and extensive experience of working for the CCRC, was appointed as our new Casework Operations Director.

Improvements to systems and process

In line with recommendations from the Westminster Commission report, we also conducted an internal review. This scrutiny of our approach to all applicant communications, decision documents, the use of provisional decisions and exceptional circumstances has led to improvements in all these key areas.

Moreover, the continuing development of our quality management system and completion of casework policies and procedures work will be extended and shared with the rest of the organisation in the coming year.

Transformational change

In a relatively short time, key elements of the transformation programme are being realised.

Successes include:

- an overhaul of all IT systems and processes
- improved finance and business support
- a user friendly self-serve digital HR system that supports all in-house functions, including timesheets and overtime

A digital recruitment and performance management tool will also be added to our newly transformed IT systems in the coming year.

Remote-first supporting recruitment and wider engagement

The move to remote-first was supplemented with a successful move to a new, modern office hub in Birmingham city centre, and decommissioning the old office.

Recently added technology has transformed the CCRC into a 'remote-first' organisation. This allows us to widen the geographic areas from which we can recruit and has brought new perspectives to the CCRC, including staff in every country of the United Kingdom.

Launching a new website so people can make online applications and increasing our social media presence to Instagram help us reach a younger demographic. This was a need identified through both the Westminster Commission and our own analysis of applications. Alongside this, we broadened our outreach, working with key stakeholders to promote what we do. This included providing online training for prison staff in an effort to overcome the lack of access to prisons brought about by COVID-19.

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CCRC references and appeals 2021/22

In this section, we discuss a selection of the 26 CCRC cases that were referred during 2021/22 and the 63 cases determined by the appeal courts.

The tables on pages 113 to 118 of this report detail all of the cases we referred and all of the CCRC references that the courts decided in 2021/22.

Results

Post Office cases

In our annual report for 2020/21, we described our first set of references following a large-scale review of convictions obtained by the Post Office. The convictions related to a variety of offences that were linked to theft and false accounting.

During 2021/22, the courts heard appeals regarding 52 of these convictions and quashed 47 of them. This constitutes the largest miscarriage of justice in British history. The leading judgment is *Hamilton and Others v Post Office Limited* [2021] EWCA Crim 577. This detailed decision runs to 92 pages and considers the convictions of 42 individuals. The Court cited findings made by Mr Justice Fraser in civil litigation and commended ‘the care and thoroughness’ of the CCRC’s reviews.²

The Court (and the Post Office) accepted that the original prosecutions had been founded on the basis that financial

information produced by the Horizon computer system was reliable, but also acknowledged that “there were about 30 bugs, errors and defects” in the software. Importantly, the existence of these bugs, errors and defects had not been disclosed to the defendants. The problems with Horizon cast doubt on the integrity of the data and the prosecutions were found to be an abuse of process. The non-disclosure of the issues and the failure to investigate concerns was a significant omission by the Post Office and inconsistent with its duty as an investigator and private prosecutor.

In four appeals, the Court concluded that the conviction did not depend on Horizon data and held that those convictions were safe.

Mr Peter Tredget – confessions and guilty pleas

This case was heard by the Court of Appeal during 2021 and the judgment was given in February 2022. It was referred by the CCRC in October 2019 following a complex case review spanning several years, involving multiple counts of arson and manslaughter on the basis of diminished responsibility. Mr Tredget had made a series of admissions to crimes committed between 1973 and 1979, but has been detained in a secure psychiatric unit since 1981. A powerful constitution including the Vice President and Lord Hughes distilled the law on guilty

² *Hamilton* at 55.

pleas and provided an invaluable framework for analysing cases where there are doubts about the truthfulness of confessions. In five instances, the Court was satisfied that Mr Tredget's admissions were false. It therefore quashed two arson convictions and three for manslaughter. It was, however, satisfied that convictions in relation to each of the other counts were safe.

Mr Gavin Trendell – error in sentencing calculation

This was a reference on the basis of sentence only. It was referred in September 2021 and decided by the Court of Appeal in February 2022.

On 6 July 2018, Mr Trendell pleaded guilty to causing grievous bodily harm with intent and false imprisonment. He was sentenced to life imprisonment with a minimum term of eight years. The minimum term was later reduced to six years on appeal. In such cases where an indeterminate sentence is imposed, the minimum term is usually adjusted by the judge to take into account any time spent on remand in custody. This is in accordance with section 82A(3) (b) of the Powers of Criminal Courts (Sentencing) Act 2000. The CCRC noted that Mr Trendell had spent 203 days on remand, but this was not addressed at either the sentencing hearing or, later, on appeal.

We decided to refer Mr Trendell's sentence to the Court of Appeal on the basis that there was a real possibility

that the Court would correct the legal error that appeared to have occurred, and it would deduct 203 days from the minimum term which Mr Trendell was required to serve before he can be considered for release.

The Court agreed and said that we were correct to refer the case (rather than to exercise our discretion not to refer). However, the Court respectfully disagreed with our view that Mr Trendell was entitled (by virtue of statute) to have the 203 days deducted. The Court confirmed that section 82 (and the equivalent provisions under the Sentencing Code) imposed a duty on a judge when setting a minimum term to take account of the days spent on remand, but did not oblige the judge to deduct those days. The Court observed, however, that the general approach was that the precise number of days spent on remand should be deducted, unless there were compelling reasons not to. The Court declined to provide any further guidance on what might amount to such compelling reasons, but confirmed that there is no administrative route by which a failure to take account of such days can be corrected.

Mr Adrian Jones – new psychiatric evidence

On 22 June 2021, the Court of Appeal upheld the 2008 murder conviction of Mr Jones. We had referred the case in October 2019 on the basis of new expert psychiatric evidence concerning his mental state at the time of the offence.

By the time of his application to us, Mr Jones had (contrary to his defence at trial) admitted that he had killed the victim. Following a detailed review, we considered that there was a real possibility, based on new expert evidence, that the Court of Appeal would quash the murder conviction and substitute it with a conviction for manslaughter on the grounds of diminished responsibility. Unfortunately, in February 2019, before we could conclude the review, Mr Jones died of natural causes. However, having subsequently identified an approved person (his mother) and a real possibility, we decided to refer the case. The prosecution opposed the appeal and instructed their own expert who disagreed with the new evidence on which the referral was based. The Court, having heard the expert *evidence de bene esse*, concluded that:

32. [...] In light of the appellant's regrettable demise, there is no proper basis for concluding the conviction is unsafe. In the absence of agreement between the parties – agreement, moreover, which is accepted by the court – in order to reach such a conclusion, it would have been necessary for the appellant's present account to be tested by way of questioning. It is clear that the appellant told significant lies, either in one or more of his original accounts or in what he has more recently said to Dr Qurashi and

others. There is no proper basis for the Court to distinguish truth from lies in these circumstances. This is untested evidence...

The Court did, however, add that "it was entirely understandable that this case was referred by the CCRC given these unusual circumstances". It also acknowledged that the case presented "a factual, psychiatric and jurisprudential labyrinth".³

Shrewsbury 24 – Mr Thomas 'Brian' Williams (deceased)

In September 2021, following the Court of Appeal's decision to quash the convictions of 14 members of the Shrewsbury 24, the CCRC was asked to review Mr Williams' case posthumously by his daughter-in-law. Mr Williams died in 2013 and was one of the remaining men who had not asked for his conviction to be considered. The CCRC was satisfied that it was in the public interest to refer Mr Williams' conviction and that there was a clear benefit to Mr Williams' close family in asking for this appeal to be considered on the same basis as *R v Warren and Others* [2021] EWCA Crim 413.

The Court quashed the conviction, expressed its gratitude to the CCRC and agreed that, as Mr Williams had died over 12 months ago and section 44A of the Criminal Appeal Act 1968 was engaged, there were 'exceptional circumstances' that permitted us to

refer in the absence of a prior appeal. The Court of Appeal had also previously approved Mr Williams' daughter-in-law to bring the appeal on his behalf.

We are currently making enquiries to try and locate the remaining seven men (and/or their next of kin).

Stockwell 6

The CCRC has continued its investigations into the racist and corrupt practices of former Detective Sergeant Derek Ridgewell of the British Transport Police. Following decisions in Stephen Simmons' case and the Oval 4, the CCRC turned its attention to the so-called Stockwell 6 – a group of young black men convicted on the evidence of Ridgewell in 1972. Ridgewell himself was subsequently discredited in other cases, convicted of a conspiracy to rob and jailed for seven years. In prison, he accepted that he had been corrupt.

In July 2021, following references by the CCRC, Courtney Harriot, Paul Green and Cleveland Davidson had their convictions for theft and violence quashed.

Texo Johnson's conviction was referred in August and quashed in November. Work remains underway in order to trace others that may have been wrongly convicted on the basis of Ridgewell's testimony in other cases.

Mr Hanif Patel – defective legal directions

Mr Patel was convicted in July 2014 for an offence under the Serious Crime Act 2007.

He was said to have helped set up a company in Poland that was to be used for criminal ends. Indeed, some months after the company was set up, it was used to launder £5 million worth of property stolen in a cyber-attack on the Carbon Credits Registry in Prague. The prosecution did not allege that Mr Patel had any role in the actual theft or in the disposal of the proceeds. Three co-defendants pleaded guilty to the charge. Mr Patel was sentenced to seven years in prison.

Mr Patel's application for leave to appeal against his conviction was rejected by the Court of Appeal in November 2015. In April 2020, Mr Patel applied to the CCRC for a review of his conviction. The CCRC accepted that the judge's instructions to the jury did not include some important guidance. This was needed due to legal issues associated with the setting up of companies abroad. We referred Mr Patel's case in November 2021.

The Court of Appeal agreed with the argument and quashed Mr Patel's conviction in March 2022.

References that are waiting to be heard

Mr Uthayathas Balasubramaniam – witness credibility

On 6 November 2001, Sellathurai Balasingham was attacked and beaten to death by a group of men near to his home in South London. Mr Balasubramaniam was one of a number of men charged with his murder. Prior to his trial at the Old Bailey, one of Mr Balasubramaniam's co-defendants offered to plead guilty to a lesser offence and give evidence for the prosecution.

The prosecution case against Mr Balasubramaniam relied on a version of events provided by this man, who became the principal prosecution witness. Before giving evidence at the trial, he disappeared and his statement was read to the jury under the 'hearsay' provisions of the Criminal Justice Act 2003. The jury acquitted Mr Balasubramaniam of murder but convicted him of conspiracy to commit actual bodily harm. Mr Balasubramaniam unsuccessfully appealed against his conviction in 2010.

Following several appeals and re-trials, the Court of Appeal quashed the convictions of all but one of Mr Balasubramaniam's co-defendants in 2011. During those proceedings, new information came to light, including an

undisclosed 'deal' with the prosecution, which called into question the main prosecution witness's credibility.

Mr Balasubramaniam applied to the CCRC in April 2019. Following a detailed review of his case, the CCRC decided that there was a real possibility that the Court of Appeal would now quash his conviction because the prosecution witness could no longer be regarded as credible.

The CCRC is also searching for Mr Balasubramaniam's co-defendant, Mr Kumarasritharan Mukundan, to come forward so his case can be considered too.

Mr H – mistaken identity

In April 2008, a woman was sexually assaulted by a man in Wakefield town centre. She was able to identify her attacker to nearby police officers, who immediately arrested the man. This man gave Mr H's name, date of birth and address to the police and was later released on bail. Several months later, Mr H attended a trial at Wakefield Magistrates' Court and was convicted.

In 2009, the police established that Mr H's fingerprints did not match those of the man arrested in Wakefield in April 2008. Attempts by the police (who contacted the CPS, courts, the Home Office and the MoJ) to resolve the matter were unsuccessful.

Mr H applied to the CCRC in September 2020, stating that he was not the man who had sexually assaulted the victim. As there is no evidence to link Mr H to the offence, the police accepted that he was not to blame. The CCRC concluded that there was a real possibility that an appeal in the Crown Court would succeed. We also found that 'exceptional circumstances' allowed us to refer the case in the absence of a prior appeal.

Mr I – victim of human trafficking

The wrongful prosecutions and convictions of those seeking asylum and who are victims of human trafficking continue to feature in the CCRC's workload.

In February 2022, we referred six linked convictions to the Crown Court at Croydon.

On various occasions between 2012 and 2014, an individual (Mr I), who was then a child, pleaded guilty to offences of burglary, robbery, possession of cannabis and failing to comply with a referral order. These matters were dealt with in the youth court. In 2018, the Home Office decided that Mr I had been trafficked both into and within the UK for the purposes of forced labour and forced criminality. Despite indicators of his trafficked status being present at the time of his arrests for these offences, neither the police, the CPS, the courts nor his defence lawyers took any action.

As Mr I had pleaded guilty in the youth court, the only route for him to appeal his convictions was through the CCRC.⁴ We referred Mr I's convictions on the basis that, had the CPS applied its own guidance, it may well have decided that it was not in the public interest to prosecute him because his offending was a consequence of his trafficked status. As the CPS failed to investigate the trafficking issue, or to refer him for assessment as required by contemporary guidance, we also concluded that these prosecutions may have amounted to an abuse of process, bearing in mind the UK's obligations under article 26 of the [Council of Europe Convention on Action against Trafficking in Human Beings](#). In the circumstances of this case, we decided that there was a real possibility that the Crown Court would now consider that his guilty pleas were 'an affront to justice' and should be set aside.

Mr J

In 2015, Mr J (then aged 15) pleaded guilty in the youth court to offences of downloading and possessing indecent images of children. He was sentenced to a six-month referral order.

Mr J had told his parents about the images who, in turn, reported the matter to the police. Mr J initially told the police that he had downloaded the images while looking for legal pornography. However, during a later interview, he said that he had been directed to the images by a third party in an online chatroom.

4 This is also the case with guilty pleas in the magistrates' court.

The CCRC noted that Mr J's account indicated that he had been incited to download the images, and that this potentially made him a victim of sexual exploitation rather than an offender. Consequently, there was an argument that the prosecution amounted to an 'abuse of process'. As part of the review, the CCRC learned that Mr J's previous lawyers had not advised him of this defence and that the prosecution had not been challenged in these terms. After careful scrutiny, the CCRC considered that the defence could well have succeeded. We decided that there was a real possibility that the Crown Court would allow Mr J to vacate his guilty pleas and would not convict him of these offences now.


Northern Ireland

In 2021/2022, we referred four cases relating to the Troubles to the Northern Ireland Court of Appeal (NICA). Three were linked and, given particular sensitivities, attracted anonymity.

Mr Patrick Thompson – police misconduct

The fourth reference to the Northern Ireland Court of Appeal this year was that of Patrick Thompson. In 1976, Mr Thompson was convicted of the murder of four British Army officers following an incident that is often referred to as 'the Forkhill landmine attack'. The prosecution case centred on admissions said to have been made by Mr Thompson while in police custody. Mr Thompson maintained that the admissions had been made because he was the subject of inhuman and degrading treatment by members of the Royal Ulster Constabulary. The CCRC's reference was based on compelling evidence that called into question the integrity of the senior investigating police officer. The officer has also been the subject of judicial criticism in other cases.⁵

5 *R v Latimer, Hegan, Bell and Allen* [1992] 1 NIJB 89.



During 2021/22, the courts heard appeals in relation to 63 CCRC referrals. 57 of those appeals were allowed and 6 were dismissed

Our casework performance

Applications

We received 1,198 applications in 2021/22, and completed our review and investigation of 1,183 cases. This compares to 1,142 applications received and 1,109 cases completed in 2020/21.

Referrals

During 2021/22, we referred 26 cases – 2.2% of all closed applications – to the appeal courts.

Eight of the referrals were Post Office cases and two cases were linked to previous referrals (one linked to the Shrewsbury 24 case, and one to the Stockwell 6 case). We also referred

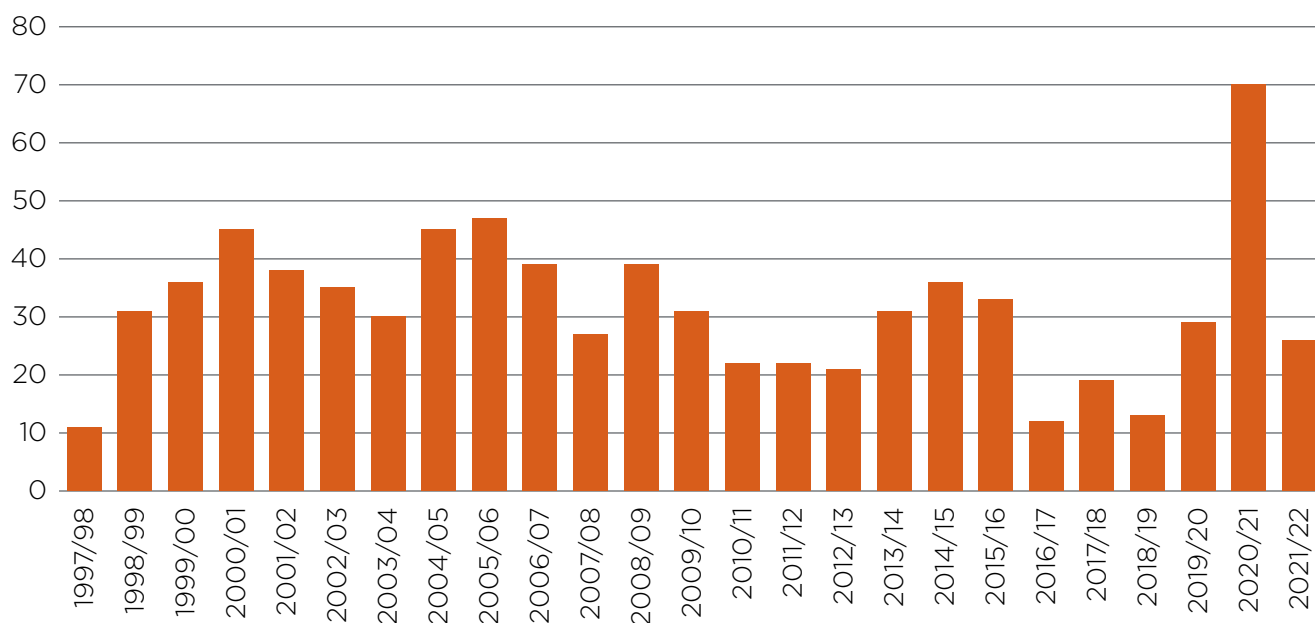
cases involving disputed confession evidence, human trafficking, a discredited witness, directions to the jury, abuse of process, credit for time on remand and one case based on compelling new evidence that the person arrested at the scene was not the same man who was later convicted at court.

The 18 ‘non-Post Office’ referrals in 2021/22 compares to the 19 ‘non-Post Office’ referrals in 2020/21.

At the end of March 2022, there were six more cases being finalised for referral.

All referrals made this year appear in the graph below.

Figure 1 CCRC referrals since 1997



During 2021/22, the courts heard appeals in relation to 63 CCRC referrals. 57 of those appeals were allowed and 6 were dismissed. Appeals were abandoned in two other referral cases. This means that 88% of appeals in CCRC cases were successful last business year.

Of the 65 CCRC cases resolved last year:

- 52 were Post Office cases, 47 (90%) of which were successful
- four cases concerned the Stockwell 6, and all four were successful
- nine other cases were heard last year, of which:
 - five (56%) were successful – retrials were ordered in two of those five
 - one additional case was partially successful, with some counts quashed but others upheld
 - two cases were unsuccessful and
 - one appeal was abandoned

The Post Office Horizon computer cases

Background

We received our first Post Office Horizon applications in 2015. All of the initial applications were no-appeal cases and the majority were guilty pleas. We concluded that there were exceptional circumstances arising from the common theme and the need to conduct a review which took account of all the cases collectively. None of the original applicants were legally represented,

there was relatively little detail in the applications, a lot of the cases were old, and there was very limited original material available for some of them.

In December 2019, Mr Justice Fraser gave his 'Horizon Issues' judgment in the civil action brought by around 600 sub-postmasters, most of whom had not been convicted but had been the subject of civil recovery action. By that time, the joint costs of the civil litigation had reached £28 million.

In the Horizon Issues judgment, Mr Justice Fraser found that:

- there were significant problems with the Horizon system and there was a material risk that apparent branch shortfalls were caused by bugs, errors and defects in Horizon
- The Post Office failed to disclose the full and accurate position regarding the reliability of Horizon
- the level of investigation by the Post Office into the causes of apparent shortfalls was poor, sub-postmasters were at a significant disadvantage in seeking to undertake their own enquiries into such shortfalls, and there was no way of disputing the information produced by Horizon

Following the Horizon Issues judgment, we made our first Post Office referrals in June 2020. In December 2020, six convictions were quashed at Southwark Crown Court.

Last year

In April 2021, the Court of Appeal gave its first judgment in relation to the Post Office cases. In those cases which it quashed, the Court agreed with the CCRC that “a fair trial was not possible” and that “the failures of investigation and disclosure were ... so egregious as to make the prosecution of any of the ‘Horizon cases’ an affront to the conscience of the court”. The Court of Appeal upheld three convictions in which it concluded that the reliability of Horizon was not essential to the case.

Since the Court of Appeal decision in April 2021, we have operated on the basis that those sub-postmasters who have not previously appealed can apply directly to the Court without our help unless there are other conditions which might give rise to exceptional circumstances, such as a guilty plea in the magistrates’ court or where the convicted person is deceased.

Ever since we referred the first group of Post Office cases to the Court of Appeal in June 2020, we have published regular public appeals for affected individuals to come forward to have their convictions reviewed. By 31 March 2022, we had received 119 applications from sub-postmasters and completed the review of 87 cases, of which 59 had been referred to an appeal court. At 31 March 2022, 32 Post Office cases were under review.

We have been kept informed of the progress made by Post Office in contacting potential Post Office appellants (which Post Office has carried out to discharge its continuing disclosure duties as a prosecutor). We also arranged for CCRC literature and information to be included in Post Office’s mailing to potential appellants.

It was always our intention to make direct contact with those individuals who will need to apply to the CCRC to challenge their conviction (e.g. because they have exhausted their normal appeal rights, or because they pleaded guilty in magistrates’ courts and so cannot appeal directly to the Crown Court). Following the interim report on 17 February 2022 of the Business, Energy and Industrial Strategy Select Committee enquiry into the Post Office and the Horizon system – and, in particular, the revelation that more than 200 individuals had received letters from the Post Office but had not responded to them – we agreed to take over the task of contacting all potential appellants directly, not just those who cannot appeal without our help. We welcomed the opportunity, as an entirely independent organisation, to step in and contact the individuals in question.

We sent out our first letters to 172 potential appellants in March 2022. Each letter was accompanied by a CCRC information leaflet advising the individual how to appeal or apply to the CCRC. The process of contacting potential appellants will be ongoing in 2022/23.

Casework intake in the context of the COVID-19 pandemic and transformation programme

As we reported last year, the early COVID-19 restrictions during 2020/21 overlapped with our planned transformation programme activity, which led to the roll-out in November 2020 of our new case management system. The availability of the new IT infrastructure and the move to remote working have enabled us to weather the continued disruption brought about by COVID-19 and associated measures.

We remain concerned, however, that we have not yet seen application numbers return to pre-COVID-19 levels.

We have continued to take action to ensure that those who need our services know about us and can contact us:

- 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 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 that prisons have a duty to make our literature readily available
- we also continue to write bi-monthly articles for the prison newspaper Inside Time, which is how most applicants learn about us

- our National Prison Radio campaign ran from July 2021 to March 2022, and a new campaign will run in 2022/23

No-appeal cases

In 2021/22, we received 474 no-appeal applications. That represents 39.6% 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 meeting the ‘real possibility’ test that applies to every case, we can find ‘exceptional circumstances’ that mean we should refer 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 the 474 no-appeal cases received in 2021/22, 27.6% (131) were passed for review because we identified potential exceptional circumstances. In contrast to last year, this proportion has risen considerably: 16% of no-appeal cases received in 2020/21 raised potential

exceptional circumstances. In 2019/20 the proportion was 18%, and in 2018/19 it was 22%.

Even though relatively few no-appeal cases raise potential exceptional circumstances, the process for deciding whether there may be exceptional circumstances 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 KPIs and other measures. The full set of KPIs are defined and the

results for 2021/22 are set out on pages 119 to 127 of this report.

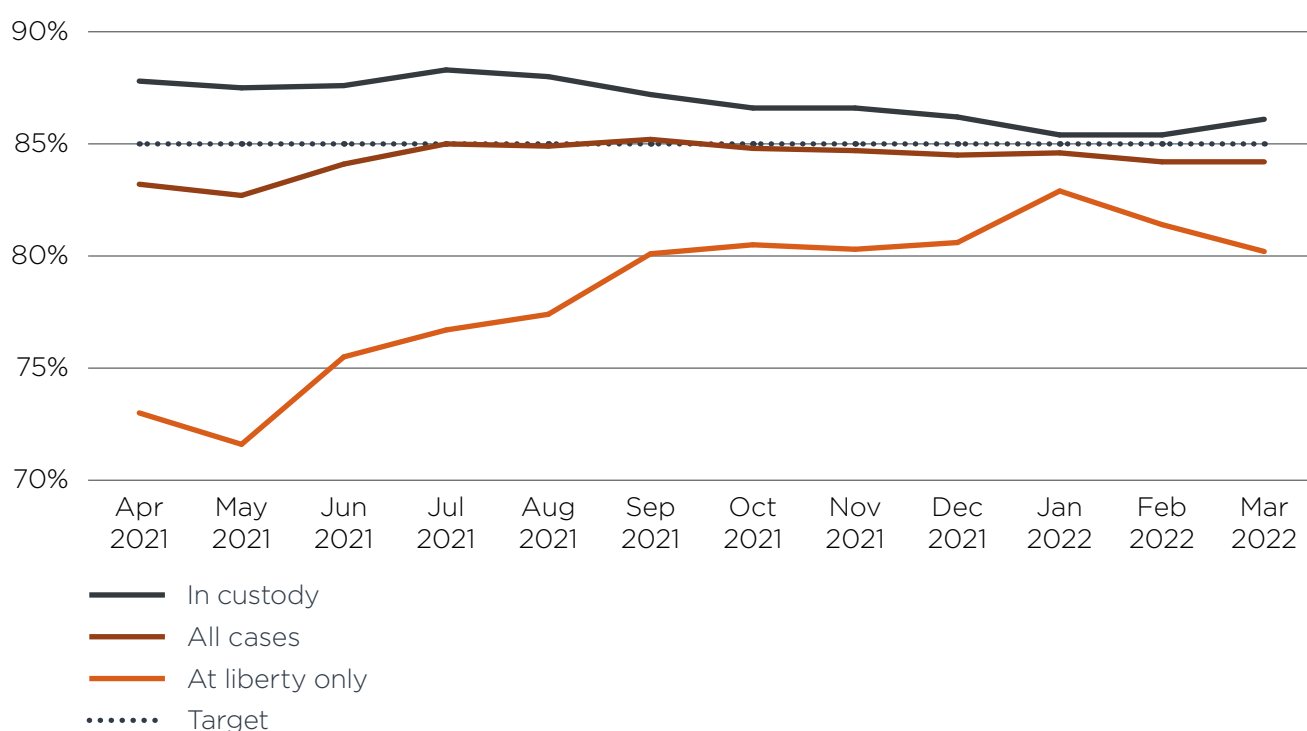
Cases closed within 12 months of application

We aim to complete a minimum of 85% of cases within 12 months of receiving the application.

At the end of the reporting year (31 March 2022), we had closed 84.2% of cases within 12 months of receiving the application. This is an improvement on last year.

The following graph shows that at the end of the reporting year, 86.1% of cases where applicants are in custody were completed within 12 months, along with 80.2% of cases where applicants are at liberty.

Figure 2 Cases closed within 12 months of application



Duration of a review

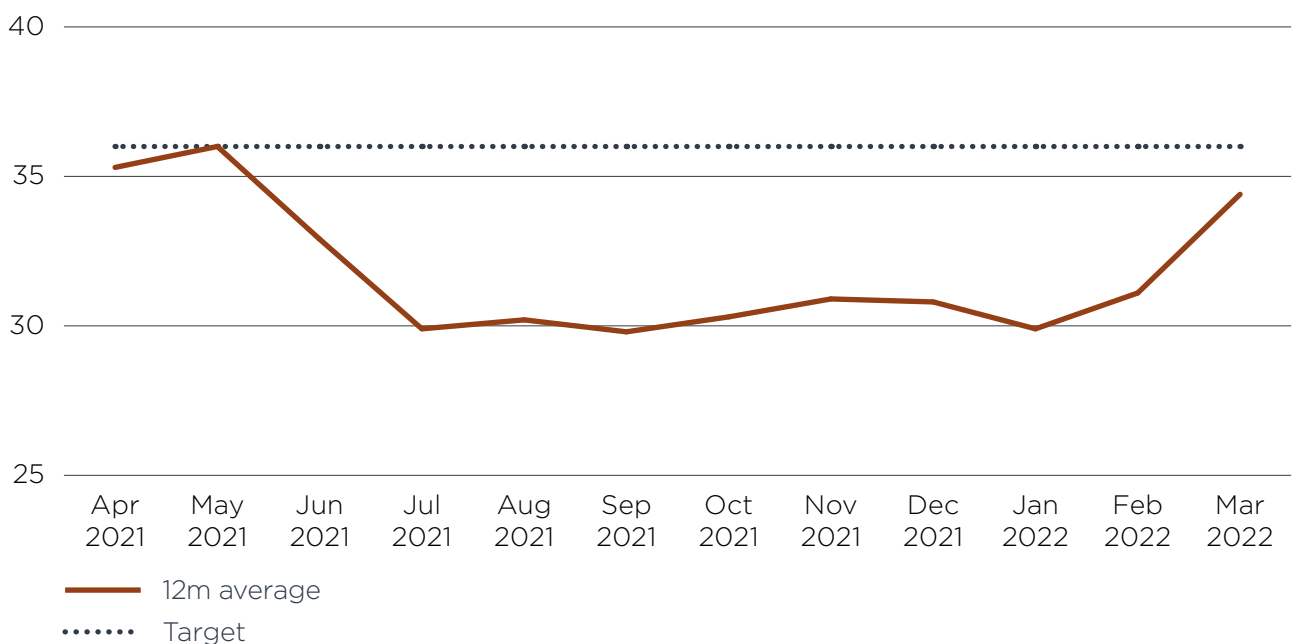
We aim to make a decision within an average of 36 weeks of a case being allocated to a case review manager. It is important to note that this target is an average. Cases vary in their complexity – some will take a much shorter time than 36 weeks, while others will necessarily take far longer. At the end of March 2022, we achieved an average time of 34.4 weeks.

The graph below shows the average time taken for reviews of cases of applicants in custody and at liberty at the end of March 2022. For custody cases, we achieved our target in 2021/22 by completing reviews in an average

of 31.6 weeks. We closed liberty cases in an average of 40.2 weeks. For much of the year, the average figures for custody and liberty cases were both close to 30 weeks. In March, the closure of seven long-running cases (those which have been under review for more than two years) raised the average duration of liberty cases. Excluding the small number of long-running cases, the average time taken for a review in 2021/22 was 27.8 weeks.

We also aim to triage and allocate all cases destined for review to a case review manager by the end of the third month after the application is received. At the end of March 2022, we had missed that target by just two cases.

Figure 3 Duration of review – time to decision from allocation in weeks



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 need careful investigation, many requiring expert reports. Sometimes we need to wait for the outcome of connected live court proceedings or criminal investigations, over which we have little or no control.

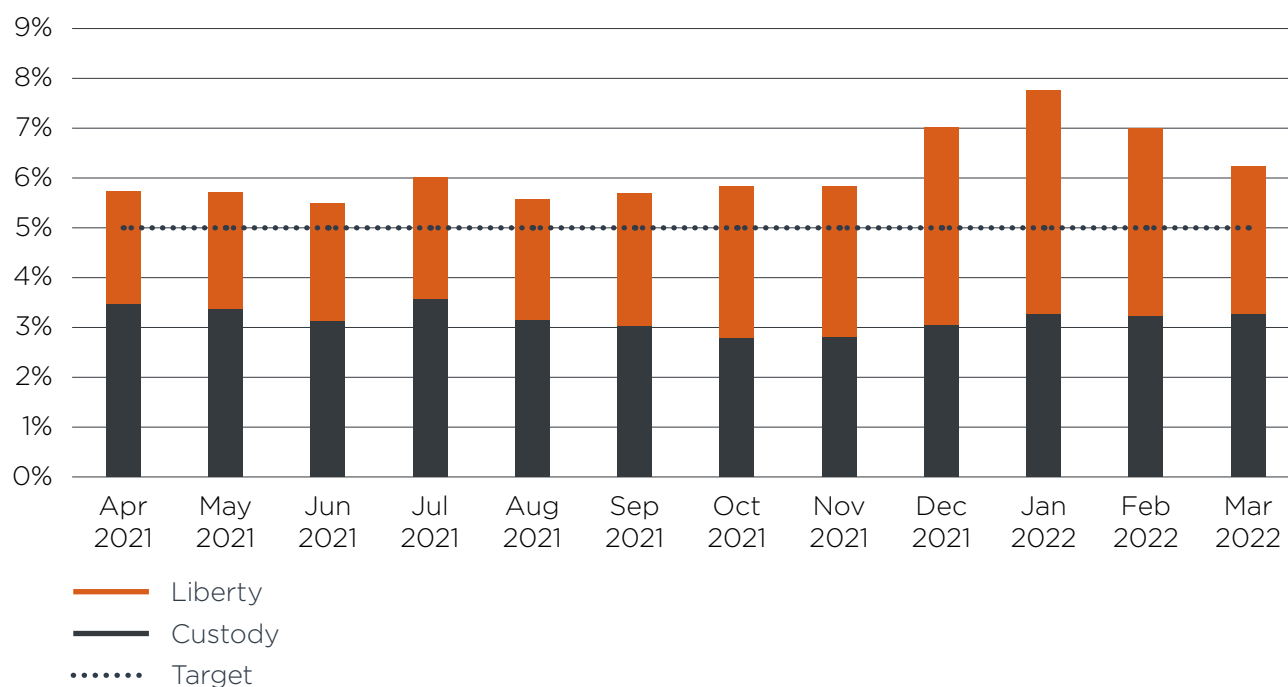
We pay close attention to long-running cases through a sub-committee of the board, chaired by the Chief Executive, and including one of our Independent Non-Executive Directors (a qualified barrister), to ensure that they are not

taking longer than necessary. We look for new ways to resolve any problems arising in our reviews whenever possible.

Our target is that fewer than 5% of applications (and fewer than 35 applications) should take us more than two years to review. At the end of March 2022, we had 46 long-running cases (6.2% of cases under review). Taking account of linked cases – for example, co-defendants – there were 38 long-running investigations.

The graph below shows the number of custody cases and liberty cases categorised as long-running at the end of the reporting year 2021/22.

Figure 4 Duration of review – long running cases



Communicating effectively with applicants and representatives

It is important that our decisions can be scrutinised effectively and challenged by applicants and those who act for them. Key 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% of the total number of cases closed in the last 12 months (and fewer than five cases) should involve a complaint being upheld in relation to our communication to the applicant or their representative. In the 12 months ending 31 March 2022, we upheld two complaints in relation to our communication with the applicant or their representative (0.17% of closed cases). We have reviewed our communication process to improve performance in this area.

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% of the total number of cases closed in the last 12 months (and fewer than 5 cases) should need to be reopened as a result of a complaint, judicial review or internal quality assurance.

In the 12 months ending 31 March 2022, five cases were reopened (0.42% of closed cases). We use the lessons from these to improve our practice.

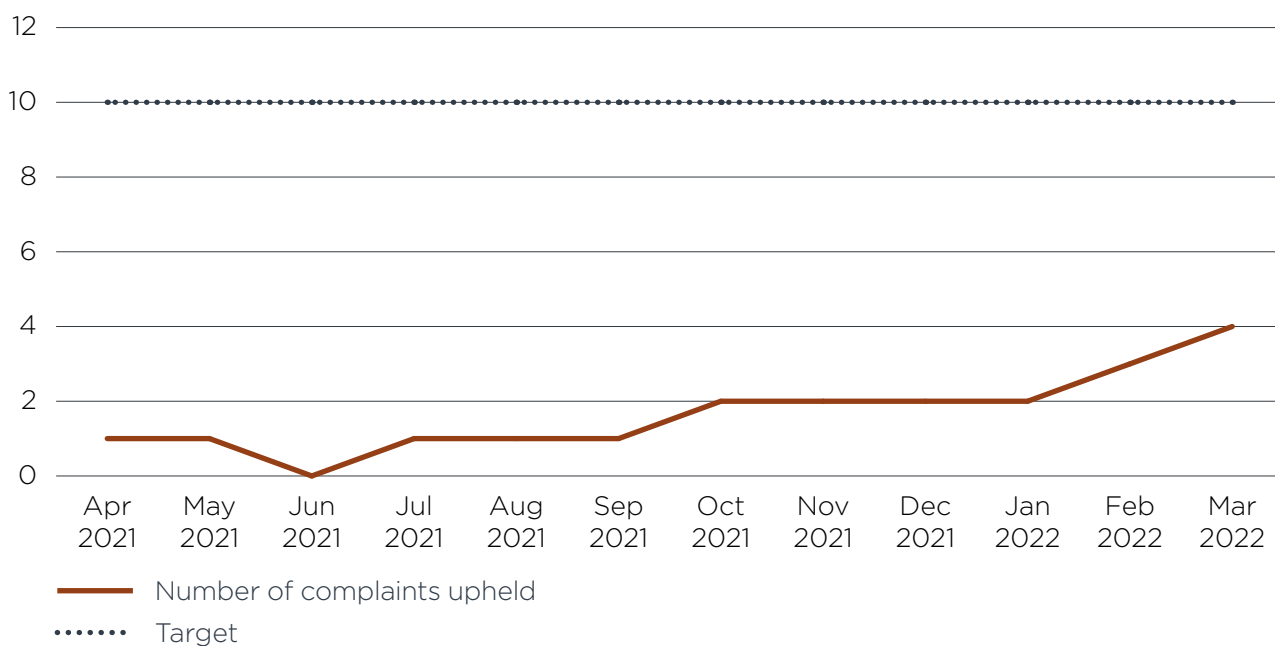
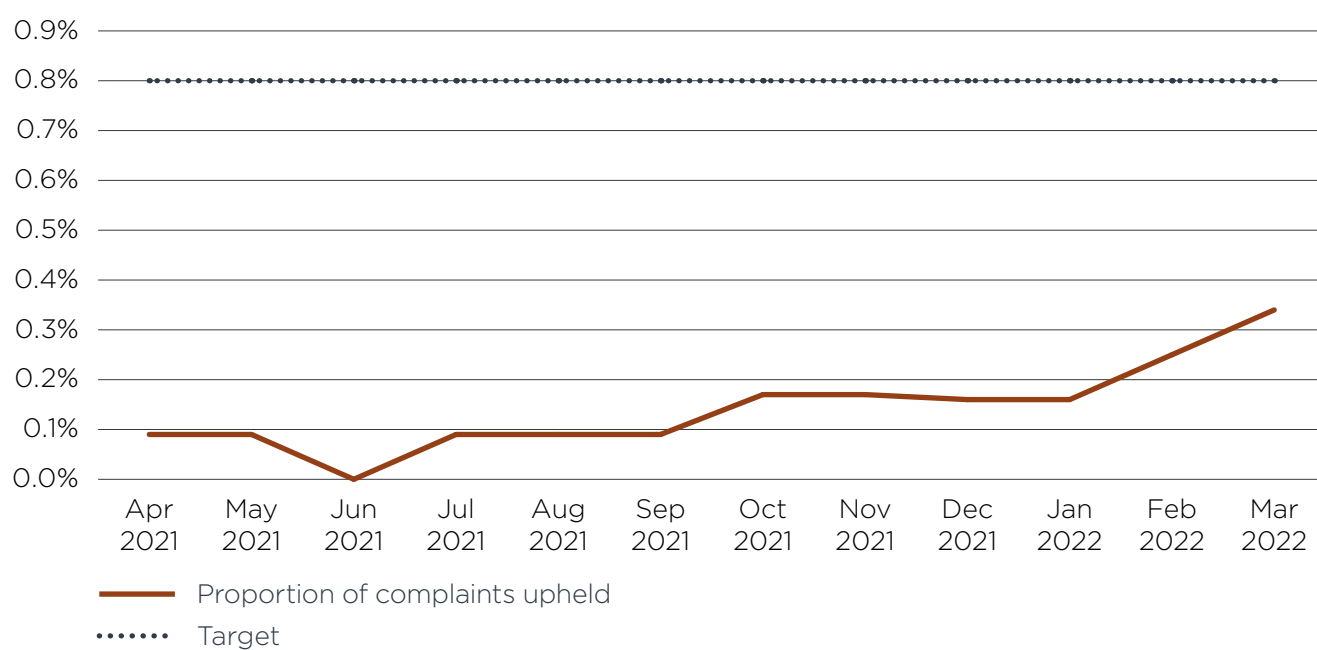
Complaints upheld

In addition to focusing 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% of the total number of cases closed in the last 12 months (and fewer than 10 cases) result in an upheld complaint.

In the 12 months ending 31 March 2022, four complaints had been upheld (0.34% of closed cases).

The following two rolling 12-month graphs reflect the number of complaints upheld against our targets. The first one shows them over a rolling 12 months, and the second displays a rolling 12-month proportion of all cases closed in the last financial year.

Figure 5 Total number of complaints upheld – 12-month rolling**Figure 6** Total number of complaints upheld as a proportion of all closed cases – 12-month rolling

Levels of legal representation

In recent years, we have seen a decline in the number and proportion of our applicants who apply to us with the assistance of a legally qualified representative, such as a solicitor or barrister. Good quality legal representation can facilitate our work, however applicants will not be disadvantaged if they do not have representation.

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 of a lawyer. In 2021/22, only 10% of applicants were legally represented.

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 into 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 section 23A of the Criminal Appeal Act 1968.

We had three such cases in 2021/22, all relating to jury matters.

On 10 November 2021, the Court of Appeal gave judgment in *R v Christopher Gordon* [2021] EWCA Crim

1684, a case in which we carried out a section 15 investigation at the Court's request in connection with grounds of appeal relating to the presence of a police officer on the jury. In a postscript to the judgment, the Court stated:

43. It was necessary to ask the CCRC to conduct an investigation into what occurred, along with the relevant arrangements in the context of a potential juror being summonsed for service at Aylesbury Crown Court. The results of the enquiries were extremely helpful to this court. Our various requests were faithfully undertaken and we wish to express our unreserved gratitude for the considerable assistance with which we have been provided.

We were similarly thanked for our "sensible and prompt investigation" of another section 15 case, the results of which led to the appeal being abandoned after we established that, contrary to the grounds of appeal, a juror did not know one of the prosecution witnesses.

Work on a third section 15 case was ongoing at the end of March 2022.

Royal prerogative of mercy

Section 16 of the Criminal Appeal Act 1995 gives us two areas of responsibility relating to the royal prerogative of mercy. One is to recommend the use of the royal prerogative where we see fit. The other is to respond to

requests from the Secretary of State for Justice in relation to the use of the royal prerogative.

Last year, we responded to two requests from the Secretary of State, including one in relation 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.

One further request from the Secretary of State for Justice was still under consideration at the end of March 2022.

We did not have cause to recommend the use of the royal prerogative during 2021/22.

Military cases

The Armed Forces Act 2006 amended the Criminal Appeal Act 1995 and the Court Martial Appeals Act 1986 to give us jurisdiction over convictions and sentences arising from the Court Martial or Service Civilian Court after 31 October 2009.

Last year, we received three cases of military origin and completed our review of five such cases. At the end of March 2022, one military case remained under review.

Undercover Policing Inquiry

In November 2021, we received the first cases from the Undercover Policing Inquiry.

At the end of March 2022, those cases were still under review.

Judicial reviews 2021/22

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

During the year 2021/22, correspondence was exchanged under the Pre-Action Protocol for Judicial Review in 21 cases. Two cases were conceded at this stage and re-opened. In one, the CCRC had misunderstood a submission and in another, some new information had not been properly addressed in the decision document.

In the same period, we were the subject of 11 claims in the Administrative Court. In eight cases, claimants did not follow the protocol and proceeded straight to claim. The CCRC issued defences in ten cases and conceded one case. This concession was in the Northern Ireland case of Brendan McConville. As the protocol had not been complied with and the CCRC

had not been given the opportunity to avoid litigation, we had no liability for costs. We have agreed to look again at some of the submissions made by Mr McConville's representatives.

Out of the ten cases defended this year, six have been refused permission, with two of those considered by the Court to be 'totally without merit'. Four are yet to be decided.

A particularly important judgment was handed down by the Court of Appeal Civil Division in Paul Cleeland's case,⁶ dismissing his appeal against the CCRC's decision.⁶ The Court confirmed that the CCRC could prioritise its resources, saying at 40:

The CCRC is right not to have an absolute rule prohibiting an applicant from applying to it more than once. Some miscarriages of justice do not come to light at the first time of asking. But Mr Cleeland has abused the flexibility of the CCRC by making repeated applications to the point of now being vexatious. The Commission has limited resources and should be entitled to give priority to first applications by serving prisoners, rather than further applications by a man who has long since been released but who, over a period of nearly half a century, has challenged his conviction about 12 times.

Complaints to the CCRC

The CCRC operates a formal complaints process. This not only provides an avenue for our applicants and other users to have their concerns independently investigated, but also helps us to ensure that we meet our obligations and show that we are transparent and accountable to the public. The process provides very useful information to prompt reviews of organisational performance and individual conduct, and is a vital tool to help improve policies, processes and public confidence.

When a complaint is received, our customer service officer looks into the concerns raised. They decide whether or not to uphold a complaint. If a complaint is upheld (fully or partially), they have the power to recommend redress and remedial action if necessary.

A second stage of the process is available if a complainant is dissatisfied with the way in which their complaint has been handled. This involves a senior member of staff looking into how the complaint was originally handled. Our complaints procedure is available at www.ccr.gov.uk and sets out the process in detail.

- In 2021/22, a total of 38 complaints were received. The previous year 30 complaints were received.

6 *R (Cleeland) v CCRC* [2022] EWCA Civ 5.

- The mean average time taken to acknowledge a complaint in 2021/22 was six working days.
- The mean average time from receipt of complaint to substantive response was 51 working days, which has increased from 45 working days last year. This was due to the increase in the number of complaints received and the intensification in applicant outreach work putting additional pressure on the customer service manager. The CCRC has addressed this by reorganising the team and hiring a full-time customer service officer whose primary responsibility is to deal with complaints. We have also hired an additional outreach officer.
- None of the complaints received in 2021/2022 moved to the second and final stage of the complaints process.
- In 2021/22, five complaints were upheld (four partially, one fully).
- One case was reopened as a form of redress. This was due to vague record keeping and the relevant member of staff having left the CCRC. This meant we could not fully evidence that a piece of work had been thoroughly carried out. The case was reopened to allow that work to be completed, which afforded the applicant the opportunity to raise any further new submissions.
- Other forms of redress include an apology with the error being corrected (where appropriate), or additional clarification provided.

- 35 of the complaints received in 2021/22 were made by applicants on their own behalf, while three complaints were made by lay representatives (none via a legal representative).

The largest proportion of complaints received in 2021/22 came from applicants who had concerns that certain submissions they had raised were not considered, addressed or reasoned properly.

As in previous years, the majority of complaints in 2021/22 were related to decisions about whether or not to refer a case, and to the way in which submissions were treated. Complaints about undue delay in the review process and complaints about the way we have communicated with an applicant have both dropped in recent years.

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.

Below are the results of the 172 feedback forms that have been returned this year. The percentage of applicants who are very satisfied with our service has dropped from 36.5% last year to 29.4% this year.

Table 1

Year	Good	Ok	Bad	Not ticked
2020/21	36.5%	33.6%	28.6%	1.2%
2021/22	29.4%	35.4%	33.4%	1.8%

We are pleased that two thirds of applicants are satisfied or above – particularly when most cases reviewed do not end in a referral. However, we would like that figure to improve. It is apparent from the feedback results that applicants would like more detail from the CCRC when we communicate. This is something the CCRC is currently looking into.

Equality and diversity

We have for some years gathered data on the applications we receive, broken down into 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 the prison population. Given that in most years around 80% of applications are received from individuals in custody, our assumption is that we should expect a reasonably close match in terms of the proportion of applications falling into the various categories we monitor.

Our aim, where possible, is to adjust our prison-focused 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 2021/22, 2.8% of the people applying to us were aged 21 or under. This is a rise from the previous year, where around 1.8% of applications were from this age group. In recent years, we have made progress improving the traditionally low proportion of young people applying to us and we will continue with our work to raise informed awareness among this group. The work we have done this year to reach out to this group includes content on our new Instagram page, specifically designed with young people in mind, and we have provided online training to charities who work with young people with convictions.

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 2021/22, 15.8% of applicants were from this age group, which is in line with previous years.

Ethnic minority groups

The make-up of our applications from different ethnic groups remains wide and varied.

In 2021/22, 24.4% of applicants describe themselves as being from a particular ethnic minority group. This is a rise from the previous year, where 19.8% of applicants described themselves as being from an ethnic minority group. Around 24% of the current prison population are from an ethnic minority group.

The number of applicants who have not filled in the ethnicity data or described themselves as 'other' dropped to 25.8% in 2021/22 from 35.8% in 2020/21. The CCRC's diversity and inclusion group modernised the ethnicity and equality form for applicants in 2021/22, which resulted in more applicants providing us with ethnicity data.

Female applicants

In 2021/22, 6.8% (81) of applicants were female. This is a rise from the previous year when 5.6% (64) of applicants were female. Women make up 5% of the population in custody, and therefore

women cannot be regarded as under-represented.

In 2021/22, training on the specific needs and challenges of women in prison was run for all staff, and our outreach work has also focused on potential female applicants. We have trained a number of charities in 2022 which help women with convictions.

Disability

In 2021/22, the number of applicants who described themselves as having a disability rose to 22% (264). This is a rise from the previous year, where it dropped substantially to 6% (68 applications). It is not known why this figure dropped in 2020/21, although 77.5% (880 applicants) did not answer this question in 2020/21. The CCRC's diversity and inclusion group modernised the equality and ethnicity form in 2021/22, which is likely to have resulted in more applicants filling in this section of the form in 2021/22.

Language and nationality

In 2021/22, 6.3% of applicants described themselves as being a foreign national, compared to 6.7% of applicants in 2020/21. Foreign nationals currently make up around 9% of the prison population. In 2021/22, the percentage of applicants who told us that they cannot speak English was 1.5%, compared to 3.7% in 2020/21.



Resources

Our people

During 2021/22, following a recruitment exercise, Amanda Pearce was appointed as the Casework Operations Director. 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 pages 64 to 74 of this report.

Telephone 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 2021/22, staff handled 137 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 CCRC 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 near to 100% system availability over the course of 2021/22. During that time, we successfully migrated all remaining on-premise IT services to the cloud in order to facilitate the office move to a government hub where on-premise services are not supported. The cloud migration included introducing an upgraded finance system and a replacement HR system. The migration to cloud-only services has also enabled us to better provide and support a remote-first way of working, with all of the benefits that this brings to the CCRC.

However, consuming more cloud services has meant a need for increased cyber security measures which the CCRC is now focusing its IT resources towards. Cyber Essentials accreditation has been achieved in 2022.

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. The capital departmental expenditure limit (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 former commissioners. The use of provisions and the cash payments arising do not form part of the DEL or RAME control totals.

For 2021/22, we received a delegated RDEL budget, excluding notional costs, of £7.303 million and a CDEL budget of £0.868 million. We have received a firm budget for 2022/23. The following table shows a comparison of budget figures for the current year, the previous year and the following year.

Table 2 2022 delegated RDEL budget

	2020/21 £000	2021/22 £000	2022/23 £000
Fiscal RDEL	6,013	6,703	6,998
Non-cash RDEL	337	600	350
RDEL total	6,350	7,303	7,348
RAME	258	258	266
CDEL	710	868	213
Total	7,318	8,429	7,827

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.

The balance at the end of the year was £220,000 (compared to £64,000 at the end of 2020/21).

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

Our actual expenditure compared with budget was as follows.

Table 3 Total Expenditure excluding notional costs

	2021/22			2020/21		
	Actual £000	Budget £000	(Under)/ over £000	Actual £000	Budget £000	(Under)/ over £000
Fiscal DEL	6,320	6,703	(383)	5,952	6,013	(61)
Non-cash	477	600	(123)	441	337	104
RDEL	6,797	7,303	(506)	6,393	6,350	43
RAME	82	258	(176)	116	258	(142)
CDEL	428	868	(440)	668	710	(42)
Total	7,307	8,429	(1,122)	7,177	7,318	(141)

In 2021/22, our actual expenditure against the RDEL total was £6.797 million and 6.93% less than the budget allocation. The main contributor to the underspend was on staff costs.

During the year, we managed an underspend on our capital allocation. The focus was on the new office fit out costs, upgrading IT equipment and completing the implementation of our new HR management system.

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 an increase in notional costs from £685,000 to £866,000, as lease charges were incurred on both our old office and new office during the period August to December 2021.

The notional costs are included in the statement of comprehensive net expenditure, in accordance with the Government Financial Reporting Manual. There is an equivalent reversing entry in the statement of changes in taxpayers' equity. Full details are given in notes 1 and 18 to the accounts. The following table reconciles to net expenditure after interest, as shown in the statement of comprehensive net expenditure on page 83.

The accounts for the year ended 31 March 2022 are set out on pages 83 to 86.

Table 4

	2021/22	2020/21
	£000	£000
Resource DEL	6,797	6,393
Resource AME	82	116
Total resource expenditure	6,879	6,509
Notional expenditure Note 18	741	685
Net expenditure after interest	7,620	7,194

The statement of comprehensive net expenditure on page 83 shows total comprehensive expenditure for the year of £7.993 million (compared to £7.533 million in 2020/21). Staff costs have increased by £129,000, office costs have increased by £144,000, recruitment costs have increased by £47,000. Also information and publication costs have increased by £43,000 and outreach costs have increased by £60,000 on the previous year.

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.

2016/17 was the final year in which any service cost needed to be recognised, because the final three commissioners who were entitled to pension benefits retired part-way through that year. The service cost in 2021/22 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 £373,000 (compared to a loss of £339,000 in 2020/21). Overall, the liability increased by £149,000 in the current year.

The statement of financial position on page 84 now shows overall net liabilities of £6.145 million (compared to £6.375 million in 2020/21). The net liabilities fall due in future years and will be funded as necessary from future grants 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 87.

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

Compliance with public sector payment

The CCRC follows the principles of the Better Payment Practice Code. The CCRC aims to pay suppliers wherever possible within 10 days. Where this is not possible, the CCRC 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 following table.

Table 5

	2021/22		2020/21	
	£000	Number	£000	Number
Total invoices paid in year	1,993	888	1,692	844
Total invoices paid within target	1,986	883	1,640	792
Percentage of invoices paid within target	99.7%	99.4%	97.0%	93.8%

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

Corporate

Engaging with stakeholders and potential at liberty applicants

Building positive relationships with our stakeholders is key to raising awareness of our work and encouraging people to apply to us. Applicants remained at the heart of our engagement activities during the year, and we also liaised with a wide range of stakeholders including the media, miscarriage of justice campaigners, legal academics and students, lawyers, criminal justice bodies, law officers and members of the judiciary.

During the year, our communications team dealt with around 300 requests from journalists and managed interviews with national media on subjects such as coercive control, the Post Office Horizon IT Inquiry, jury deliberations and our approach to reviewing applications which had initially been turned down. The latter included a letter to the Sunday Times to clarify claims made in the published article.

Following the highly publicised victim impact testimonies at the Post Office Horizon IT Inquiry, we wrote to over 170 potential Post Office applicants with information on how to challenge their conviction and set up a dedicated Post Office page on our website.

Behind the scenes, we have increased our monitoring of CCRC mentions online and in social media to better inform our press work and Twitter presence and we are now on Instagram. We have also started a programme to improve the search engine rankings of our website,

as this is key for enabling those potential applicants who are not in custody to find out about our work.

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 did prior to this.

We continued to reach applicants and potential applicants in custody through our work with National Prison Radio. Our 2021/22 National Prison Radio campaign began in spring 2021 and used National Prison Radio'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, 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 newspaper and on its website.

In 2021/22, we updated our literature for prisoners and continued to send out monthly application packs to under-represented prisons in England, Wales and Northern Ireland.

In 2021/22, we provided online training for charities that work with people who have been in the prison system. These charities include Women in Prison and 3Pillars. The online training is being rolled out to more charities and to prisons to train prison staff throughout 2022/23. We have also written articles for Women in Prison magazine and for the Community Chaplaincy Association.

Visits and events

Over this past year, we have been involved in numerous online presentations and have attended a number of events in person. Guest speakers have been invited to deliver training on topical themes, which help keep us up to date and develop our relationships. We continue to build our reputation as a leading force within the criminal justice system and to raise our profile as the independent body tasked with investigating miscarriages of justice, equipped with the statutory powers to do so. Among the most notable events were:

- a talk by Liam Allan to commissioners and staff on his experience of being wrongly accused
- research and a presentation to the Criminal Appeal Office on the use of 'loss of time' directions
- attending and contributing to a seminar on the statutory test for references at the Criminal Law Reform Now conference at the University of Birmingham
- hosting two online training sessions for CCRC staff delivered by the

Centre for Women's Justice – these focused on cultural issues and the work undertaken by lawyers dealing with domestic violence and coercive control cases

- presentations by CCRC staff to students at the University of Manchester and the University of Nottingham
- training from the CCRC to the charities Women in Prison and 3Pillars
- presentations to the Criminal Appeal Office staff and members of the senior judiciary
- Ben Douglas Jones QC presenting a module on developments in the law on modern slavery and trafficking
- training from No5 Chambers on the law relating to confiscation and the Proceeds of Crime Act 2000
- a presentation from the Miscarriage of Justice Support Service (Helen Pitcher, our Chairman sits on their Advisory board) covering the work it does to support those individuals who have their cases referred by the CCRC
- a presentation to the Criminal Bar Association (given in April 2022)

In response to suggestions by the Westminster Commission, we also had speakers connected with youth justice and vulnerable defendants, including Dr Michelle Mattison (University of Nottingham) on the work of intermediaries, Professor Penny Cooper QC (Advocates Gateway) and Dr Rebecca Helm (University of Exeter) on her research into child guilty pleas.

In terms of written responses, we made submissions to the independent review of criminal legal aid chaired by Sir Christopher Bellamy. Sir Christopher subsequently recommended an increase in funding for legal representatives making applications to the CCRC. We also made submissions to the Law Commission on its 14th Programme. The submissions reiterated our concerns about private prosecutions in the wake of the Horizon cases, as well as welcoming scrutiny of the use of loss of time orders in applications for leave to appeal that are deemed to be 'unmeritorious'. We also endorsed the Westminster Commission's suggestions relating to reviews of the CCRC's 'real possibility' test and the requirement for appellants to demonstrate 'substantial injustice' in change of law cases.

Stakeholder forum

The CCRC's stakeholder forum was created in 2017 to improve our transparency and provide an opportunity for candid and constructive discussions with a range of stakeholders.

The forum met twice during 2021/22. Discussions included how the CCRC is improving the way it works with victims and the latest work of the Research Committee. A number of casework issues were covered, which included the Post Office cases. The Challen review, which involved a reanalysis of closed cases where the CCRC felt a similar defence could apply, was also discussed.

The last year has seen the stakeholder forum develop to hold specific 'breakout groups', focusing on key issues of importance to the CCRC and its stakeholders. The first group focused on legal aid funding for applications to the CCRC, in response to Sir Christopher Bellamy's independent review of the criminal legal aid report.

The CCRC continues to work to encourage more stakeholders to join the stakeholder forum. We are extremely grateful to the current members for their support and their invaluable and ongoing contributions to the work of the CCRC.

The Westminster Commission on Miscarriages of Justice

The Westminster Commission on Miscarriages of Justice was set up in February 2019 by the All-Party Parliamentary Group on Miscarriages of Justice with a brief to investigate the ability of the criminal justice system to identify and rectify miscarriages of justice. It published its report in March 2021.

In our response, published in June 2021, we indicated a need for clarification in relation to three recommendations concerning cases involving allegations of misconduct by law enforcement officers, cases involving alleged non-disclosure, and our interpretation of the test in *R v Secretary of State for the Home Department ex parte Hickey and Ors* (No.2) [1995] 1 All ER 489.

We are engaging with representatives of the All-Party Parliamentary Group on Miscarriages of Justice to better understand those recommendations.

We committed to act in relation to seven of the recommendations and have done so. We have:

- begun two internal research projects to look at no-appeal cases and 'exceptional circumstances'
- completed planned work to review our casework KPIs
- carried out a thematic quality audit in relation to applicant updates, which will inform revised guidance for case review managers
- carried out a thematic quality audit in connection with the use of provisional statements of reasons, which will inform revised guidance for case review managers and commissioners
- reviewed our decision templates to better meet the needs of our applicants
- introduced a youth justice champion to ensure that we consider the unique challenges faced by youth defendants and applicants
- arranged training from youth justice specialists – Dr Rebecca Helm of the University of Exeter, on young children and guilty pleas, and Michelle Mattison of the University of Nottingham, on the role of intermediaries

In 2022/23, we will continue work to review our approach to no-appeal cases and exceptional circumstances, and carry out further work to improve the quality of our decision documents.

Our Challen review

In February 2019, the Court of Appeal gave its judgment in the case of *R v Challen* [2019] EWCA Crim 916. The Court heard evidence about the effects of coercive control and, based on new psychiatric evidence, quashed Ms Challen's conviction for the murder of her husband. As a result of the *Challen* judgment, we decided to revisit all closed murder convictions (approximately 3,000 cases) to try to identify any that might be affected by the issue of coercive control.

In April 2021, following the publication of the Centre for Women's Justice research, 'Women Who Kill', we carried out a further scrutiny of domestic murder cases involving female applicants.

As a result of those two exercises, we identified nine cases requiring further investigation. At the end of March 2022, three of those nine cases were still under review. As yet, none of the cases have resulted in a referral to the Court of Appeal, but the work is helping us to develop guidance for case review managers dealing with domestic homicide cases.

Casework structure

In 2021/22, we introduced new roles within our casework structure. For the first time ever, we have recruited four trainee case review managers and developed a dedicated training programme for people who have the skills, but not the experience, to become successful case review managers.

In January 2022, we also appointed our first four senior case review managers. Designed to recognise and retain our most experienced and highly skilled casework staff, the role of senior case review manager is key to developing and sharing expertise in the effective investigation of possible miscarriages of justice. Senior case review managers help to set, maintain and enhance the standard for excellence in case review and applicant communication, provide casework advice and guidance to colleagues, and contribute to our overall objectives by undertaking roles or tasks outside of direct casework – for example, in relation to research, communications and policy work.

In 2021/22, we also continued our relationship with the Kalisher Trust, which aims to improve ethnic and social representation at the criminal bar by supporting those who, despite their potential, have faced multiple challenges as they strive to achieve their career ambitions. With the support of the Kalisher Trust, we appointed three Kalisher interns in 2021/22.

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 was completed on the 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 Research Committee published its response addressing the recommendations made by Sussex University in June 2021. In addition, it sent representatives to the Criminal Law Reform Now Network conference in September 2021 to discuss the research findings, and also attended a roundtable discussion on ‘legal aid cuts and the CCRC’ in September 2021, arranged by Sussex University.

A copy of our response can be found here: www.ccrcc.gov.uk/research

Since the publication of the Centre for Women’s Justice research in February 2021, the Centre for Women’s Justice has met with CCRC staff on two occasions: in April 2021 to discuss its research findings, and in February 2022 to lead two training sessions on issues arising in CCRC applications involving female offenders subjected to domestic violence and coercive control.

In addition to follow-up work with researchers who have completed projects with Research Committee assistance, several research projects are ongoing or about to start.

Joint enterprise cases

During 2021/22, the Research Committee 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* [2016] UKSC 8. The aim is to inform the CCRC, 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’.

Dr Hewitt’s research is now at an advanced stage and she aims to report her findings in July 2022.

CCRC evaluation of new witness evidence

The Research Committee has also continued to assist research into the way that the CCRC evaluates new witness evidence in its case reviews. This research is being conducted by Dr Rebecca Helm of Exeter University.

Following on from its research call in October 2020, the CCRC identified three exciting new research projects which it will be supporting with data and information in the coming year.

Digital communications evidence

Michele Burnham, Professor of Criminology at Glasgow University, is heading up a team of researchers investigating digital communications evidence in CCRC cases, focusing in particular on the use of such evidence in adult sexual offence cases. The team is in the process of reviewing a tranche of CCRC case files, analysing how often digital communications data features in the cases, and how such data is assessed by the CCRC.

Young offenders

The Research Committee is also pleased to lend its support to a PhD student at Northumbria University to carry out research into the under-representation of young offenders in applications to the CCRC. Judith Addo is currently identifying relevant CCRC cases to inform her research.

Human trafficking

Dr Shahrzad Fouladvand and Prof Richard Vogler at Sussex University are leading a project on human trafficking which began its work in June 2021. The CCRC has provided over 800 case files to researchers, and a stage 1 report identifying common themes arising in CCRC cases has now been received.

We are 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 remains invaluable.



Karen Kneller

Chief Executive and Accounting Officer
11 October 2022

2

Accountability report

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



Corporate governance report

Directors

Our board is made up of the chairman, three commissioners in their capacity as non-independent non-executive directors, the chief executive and directors, and three independent non-executive directors.

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 10 years.

During 2021/22, one commissioner left during the year before the end of their term. Three new commissioners joined in the year. This means that at the end of March 2021, there were 11 commissioners in post, including the chairman.

During 2021/22, 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
Mr Ian Comfort
Mrs Johanna Higgins
Mrs Christine Smith QC (until 6 May 2021)
Miss Zahra Ahmed (from 1 June 2021)
Miss Joanne Fazakerley (from 1 June 2021)
Ms Nicola Cockburn (from 1 June 2021)

Independent non-executive directors

During the year, the CCRC's non-executive directors were Mr Andre Katz, Mr Martin Spencer and Mr Mark Oldham.

The chief executive and directors

During 2021/22, responsibility for the day-to-day running of the CCRC fell to Miss Karen Kneller, Chief Executive and Accounting Officer, Mrs Amanda Pearce, Interim Director of Casework Operations (until 13 June 2021) and Casework Operations Director (from 14 June 2021), and Mr Peter Ryan, Finance and Corporate Services Director. 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's 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. 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's terms of reference, a smaller board has responsibility for governance of the CCRC. 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 meets twice a year.

Register of interests

The code of conduct for CCRC 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

The Audit and Risk Assurance 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

Information security and data protection are taken very seriously at the CCRC, and we ensure that any data entrusted to us is secure and handled appropriately. During 2021/22, to support the 'remote-first' working principles, we further enhanced our information data protection regime and introduced an information governance working from home policy. This builds on our existing high standards and further improves our compliance with information security and data protection regulations. In addition to the other Government Internal Audit Agency audits and to provide further reassurance of our data protection compliance status, the CCRC also undertook an external, independent, data protection assurance audit from BDO. The results of the audit were positive, with only very minor recommendations made.

Our management information security forum 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. The forum considered 12 security-related incidents during 2021/22. All were assessed as low risk and none of the incidents were notified to the Information Commissioner's Office.

Expenses of the CCRC's chairman and chief executive

The total expenses claimed in 2021/22 by the chair was £0 (£nil 2020/21). The total claimed by the chief executive was £1,496 (£3,412.85 2020/21).



Karen Kneller

Chief Executive and Accounting Officer
11 October 2022

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 CCRC 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 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 is fair, balanced and understandable, and take personal responsibility for the annual report and accounts and the judgements required for determining that it is fair, balanced and understandable

The Accounting Officer of the Ministry of Justice has designated the chief executive as accounting officer of 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 CCRC's assets, are set out in Managing Public Money published by the HM Treasury.

As Accounting Officer of the CCRC, 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
11 October 2022

Governance statement

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

I am supported by the independent scrutiny provided by the Audit and Risk Assurance Committee.

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

Governance framework

The Criminal Appeal Act 1995, which founded the CCRC, describes the broad structure and function of the CCRC. The diagram below illustrates how, in 2021/22, we related to our sponsor department, the MoJ, and are held to account from time to time by Parliament in the form of the Justice Select Committee.



Our framework agreement with the MoJ establishes certain aspects of governance and accountability for the CCRC, but the structure of the board and its sub-committees is largely a decision for the CCRC. Since 2019/20, our board is made up of 10 members: the chairman, the chief executive and two executive directors, three commissioners who are non-executive members, and three independent non-executive directors. This establishes a more balanced board and accords with the HM Treasury corporate governance code.

Quality of information

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

Board and sub-committee

Board performance

During 2021/22, the board met seven 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 a number of processes and systems to ensure that it can operate effectively. Recruitment by the sponsor department of new commissioners is conducted in accordance with the Governance Code for Public Appointments as applied by the 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 chairman with an annual appraisal supplemented by monthly reviews.

Meeting agendas and papers are made available to members a week before board meetings. Papers provide sufficient information and evidence for sound decision making. At each meeting, the board receives a comprehensive management information pack detailing progress against key performance indicators (KPIs), 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 helps the board to make timely and robust decisions.

During 2019/20, the governance underwent a period of significant transition, including restructuring our board arrangements and formalising biannual meetings of our body corporate. The new arrangements are working very well, with the board better able to make focused decisions and 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.

Audit and Risk Assurance Committee

The Audit and Risk Assurance Committee supports the board and the accounting officer by reviewing the comprehensiveness and reliability of assurances on governance, risk management, the control environment and the integrity of the financial statement. Through a risk and assurance lens, it also routinely reviews operational performances and progress towards the achievement of KPIs, supporting the identification of and management of risks to delivery accordingly. Membership of the committee is usually made up by the three independent non-executive directors, aligning with recommended best practice. The meetings are attended by the accounting officer, a commissioner, the finance and corporate services director, the casework operations director, representatives of internal audit and external audit, and a representative of the MoJ arm's length body centre of expertise. The committee meets quarterly and reviews the CCRC's major risks and the plans for their mitigation at each of those meetings.

Members of the Audit and Risk Assurance Committee complete a self-assessment questionnaire each year, which is discussed at the first meeting in the new financial year.

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, focusing 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, whilst on occasion 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 and when case reviews face challenges. Since its inception the committee has recommended several improvements to case review procedure.

Remuneration Committee

The Remuneration Committee keeps under review the salaries of the senior staff who are not placed on the CCRC's normal salary scales, to support the chief executive on the implementation and review of the CCRC's people strategies.

In addition to the board sub-committees, there are a number of other committees and groups that contribute to the wider governance of the CCRC. 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 main committees and the attendance record of members are shown in the table below.

Table 6

Member	Role	Board	Audit and Risk Committee	Long-Running Cases Review Committee	Remuneration Committee
H Pitcher	Commissioner	7/7*			3/3*
D Brown	Commissioner	7/7	3/3		
L Lee	Commissioner	7/7			
R Ward	Commissioner	5/7			
K Kneller	Chief Executive	7/7	4/4	11/11*	
A Pearce	Director	7/7	4/4	11/11	
P Ryan	Director	7/7	4/4		
A Katz	Non-Executive	7/7	4/4*		3/3
M Spencer	Non-Executive	7/7	3/4		3/3
M Oldham	Non-Executive	6/7	3/4	9/11	3/3

* = Chairman

HM Treasury's corporate governance code

We aim to ensure that our governance arrangements follow best practice set out in HM Treasury's corporate governance code to the extent that it is relevant and meaningful. Although we have three rather than four independent non-executive directors, one third of the board comprises 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.

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 the

Audit and Risk Assurance Committee and reports to the board. The system of internal control prioritises the risks to the achievement of the CCRC's aims and objectives, and seeks to apply policies and resources which manage them proportionally, effectively and economically. It cannot eliminate all risk of failure to achieve aims and objectives, and can therefore only provide reasonable and not absolute assurance of effectiveness. The CCRC's internal control framework is based on the review of regular management information, administrative procedures including the segregation of duties, and a system of delegation and accountability. This is supported by regular meetings of the board, at which the CCRC's strategic direction and plans are reviewed and performance against goals is reported.

The CCRC's risk management framework is illustrated below.

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

The overall risk tolerance set by the board is low. Risks are assessed in the light of their impact and likelihood using a scale which reflects our appetite for risk. The CCRC's strategic objectives will impact the way in which the organisation accepts those risks in respect of those specific areas, commensurate with the potential reward. Overall, the CCRC has a 'minimalistic to cautious' appetite for risk, particularly with respect to ensuring that we deliver timely, high-quality casework decisions, we protect the information in our possession, and we are independent from the MoJ and the courts in our decision making. It is acknowledged that there may be occasions where the CCRC will undertake specific activities within its identified strategic corporate risks rather than in casework risk areas, where the appetite may be higher or lower. Where the CCRC chooses to accept an increased level of risk, it will do so, subject always to ensuring that the potential benefits and threats are fully understood before actions are authorised, that it has sufficient risk capacity, and that sensible and proportionate measures to mitigate risk are established.

In 2021/22, six internal audits were undertaken, resulting in an overall 'moderate' rating for the CCRC. One of the internal audits, the victim notification programme, was given a substantial assurance rating. The remaining five internal audits, communication with applicants, business continuity and COVID-19 response, information security,

financial controls (payments), and quality framework for casework, were given a moderate assurance rating.

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

Both internal and external audits assist the CCRC 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.

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. We achieved Cyber Essentials accreditation in 2022 and we continue to look for ways to improve IT security within the CCRC.

Information governance and information security risks are managed through the management information security forum, chaired by our security information responsible officer, the

executive of finance and corporate services director, and escalated to the Audit and Risk Assurance Committee or the board as appropriate. 12 incidents and near misses were reported by staff during the year, relating to information that was misdirected in the post, lost or damaged. All the incidents were reviewed by the forum and all were assessed as low risk. No incidents required reporting to the Information Commissioner's Office.

Major risks

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

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 the following to be our top risks as of March 2022.

- Cyber/data security incident – The IT infrastructure has been designed following all current government and National Cyber Security Centre security guidelines, and we carry out regular reviews and checks to make sure the systems remain secure. 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 third-party incident response contract providing immediate assistance from experienced cyber security professionals.
- People – Retaining and attracting a highly qualified workforce of staff and commissioners with sufficient skills and a manageable workload in a demand-led organisation is a challenge. During the year, we were carrying several unfilled posts due to difficulties recruiting staff. The CCRC took the decision to become a remote-first organisation, and this was formally implemented January 2022 for those roles that could be performed away from the office. The move to remote working has allowed the CCRC to recruit staff from outside the Birmingham office location from such places as Northern Ireland, London, and the North East of England. The reward package available to staff is also contributing to this risk and continues to be a challenge.
- Reputation – We need to ensure that we raise awareness of what we do with all our stakeholders, being increasingly transparent about how we work while ensuring the security of information and data. The level of awareness is a concern, and we continue to work with stakeholders through running events, using social media and doing outreach work when possible.
- COVID-19 impact – During the year, this risk has decreased as we adjusted to remote working, the pandemic started to be controlled and a sense of normality returned. The number of applications, though up on the

previous year, are still not at pre-COVID-19 numbers, which we have linked to restrictions within prisons.

- Exposure to legal action – We must ensure 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 CCRC. We also engage with applicants who seek judicial review or to bring other legal action.

Assurance

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

- first line: management assurance from frontline or business operational areas
- second line: oversight of management activity, separate from those responsible for delivery, but not independent of the organisation's management chain
- 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 was reviewed and revised during 2021/22, reinforcing the role of the independent non-executive directors as whistleblowing champions. In 2021/22, there were no occasions when staff raised a concern under the whistleblowing policy.

Prescribed body for whistleblowing

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

As Chief Executive of the CCRC, I am the prescribed person within the meaning of section 43F of the Public Interest Disclosure Act 1998 to whom individuals with such concerns can make protected disclosures. The Prescribed Persons (Reports on Disclosures of Information) Regulations 2017 require the CCRC to report annually on any such disclosures made to us, how they were handled and what actions were taken. During 2021/22, we received no disclosures (during 2020/21 we received none).

Accounting officer

In their annual report, our internal auditors have given a moderate assurance that the framework of governance, risk management and control is adequate and effective. I have been advised on the implications of the result of my review by the board and the Audit and Risk Assurance Committee. 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
11 October 2022

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 fixed-term 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 within MoJ constraints.

Membership comprises the chairman of the CCRC 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 reappointment, 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 reappointment are set out in the Governance Code for Public Appointments, which was 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 total tenure is not exceeded. 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 nuvos and alpha (or 65 if higher). Further details of the pension schemes are provided later in this report and in note 4 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 – that is, 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 CCRC and is treated by HM Revenue and Customs as a taxable emolument.

Table 7

	2021/22				2020/21			
	Salary/ fees £000	Benefit- in-kind (to nearest £100) £000	Pension benefits £000	Total	Salary/ fees £000	Benefit- in-kind (to nearest £100) £000	Pension benefits £000	Total
Commissioners								
Mrs Helen Pitcher (Chairman)	90-95	-	-	90-95	105-110	-	-	105-110
Miss Zahra Ahmed (from 01/06/21)	20-25	0.5	-	20-25	-	-	-	-
Mr David Brown	40-45	0.9	-	40-45	30-35	-	-	30-35
Ms Nicola Cockburn (from 01/06/21)	10-15	0.5	-	10-15	-	-	-	-
Mr Ian Comfort	20-25	0.5	-	25-30	25-30	-	-	25-30
Miss Rachel Ellis	25-30	1.4	-	25-30	30-35	0.5	-	30-35
Miss Joanne Fazakerley (from 01/06/21)	15-20	0.5	-	15-20	-	-	-	-
Mrs Jill Gramann	20-25	0.4	-	20-25	25-30	-	-	25-30
Mrs Johanna Higgins	45-50	0.4	-	45-50	35-40	0.7	-	35-40
Mrs Linda Lee	30-35	0.3	-	30-35	30-35	-	-	30-35
Ms Christine Smith (until 06/05/21)	0-5	-	-	0-5	35-40	-	-	35-40
Mr Robert Ward	25-30	1.1	-	25-30	15-20	0.4	-	15-20

	2021/22				2020/21			
	Salary/ fees £000	Benefit- in-kind (to nearest £100) £000	Pension benefits £000	Total	Salary/ fees £000	Benefit- in-kind (to nearest £100) £000	Pension benefits £000	Total
NEDs								
Mr Andre Katz	0-5	-	-	0-5	0-5	-	-	0-5
Mr Mark Oldham	0-5	-	-	0-5	0-5	-	-	0-5
Mr Martin Spencer	5-10	-	-	5-10	5-10	-	-	5-10
Directors								
Miss Karen Kneller	110-115	1.5	18	130 -135	100-105	-	135	235 -240
Mrs Amanda Pearce ¹	95-100	0.2	177	270 -275	5-10	-	11	15-20
Mr Peter Ryan	85-90	0.1	34	120 -125	80-85	-	32	110-115

1. Full-time equivalent salary banding for Amanda Pearce in 2020/21 was £80,000-£85,000. Fees for Commissioners who joined during the year have not been annualised as there fees are based on the number of days worked at a fixed daily rate.
'Salary' includes gross salary or remuneration.

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 £6,007 (2020/21: £1,458).

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 £3,150 to £111,507 (2020/21: £2,100 to £103,746).

The median total remuneration ratio (see Table 9) has moved from 2.6:1 (2020/21) to 3:1 (2021/22) due to an increase in staff numbers from 107 (2020/21) to 114 (2021/22).

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

Table 8 Fair pay disclosure

	25th percentile pay ratio	Median pay ratio	75th percentile pay ratio
2021/22	4:1	3:1	2:1
Actual salaries	£26,815	£36,471	£55,000

These details have been subject to audit.

Table 9

	2021/22	2020/21
Band of highest paid Board member's total annualised remuneration (£000)	110-115	100-105
Median total remuneration	£36,471	£39,053
Ratio	3.1	2.6

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 Scheme (PCSPS).

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 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 10 years of their normal pension age on 1 April 2012 remained in the PCSPS after 1 April 2015. Those who were between 10 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 between 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 one-eightieth of final pensionable earnings for each year of service.

In addition, a lump sum equivalent to three years' initial pension is payable on retirement for members of classic. For premium, benefits accrue at the rate of one-sixtieth 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 and 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 that the member is entitled to receive when they reach pension age, or immediately on ceasing to be an active member of the scheme if they are already at or over pension age. Pension age is 60 for members of classic, premium, and classic plus, 65 for members of nuvos, and the higher of 65 or state pension age for members of alpha. (The pension figures quoted for individuals show pension earned in PCSPS or alpha – as appropriate. Where the individual has benefits in both the PCSPS and alpha, the figure quoted is the combined value of their benefits in the two schemes, but note that part of that pension may be payable from different ages).

Further details about the Civil Service pension arrangements can be found at the website: www.civilservicepensionscheme.org.uk

Cash equivalent transfer values

A cash equivalent transfer value (CETV) is the actuarially assessed capitalised value of the pension scheme benefits accrued by a member at a particular point in time.

The benefits valued are the member's accrued benefits and any contingent spouse's pension payable from the scheme. A CETV is a payment made by a pension scheme or arrangement to secure pension benefits in another

pension scheme or arrangement when the member leaves a scheme and chooses to transfer the benefits accrued in their former scheme.

The pension figures shown relate to the benefits that the individual has accrued as a consequence of their total membership of the pension scheme, not just their service in a senior capacity to which disclosure applies.

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 of additional pension or years of pension service in the scheme at their own cost.

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

Pension benefits

These details have been subject to audit.

Table 10

	Accrued pension at normal retirement age at 31 March 2022 and related lump sum £000	Real increase in pension and related lump sum at normal retirement age £000	CETV at 31 March 2022 £000	CETV at 31 March 2021 £000	Real increase/ (decrease) in CETV £000
Miss Karen Kneller – Chief Executive	50-55 plus a lump sum of 130-135	0-2.5 plus a lump sum of 0-2.5	1,128	1,060	1
Mrs Amanda Pearce – Casework Operations	25-30 plus a lump sum of 50-55	7.5-10 plus a lump sum of 17.5-20	439	281	138
Mr Peter Ryan – Finance and Corporate Services Director	0-5	0-2.5	66	35	24

1. The Non-executive Directors are not entitled to pension benefits.
2. Commissioners appointed after 2012/13 are not entitled to pension benefits.
3. Total accrued pensions may include benefits arising from transfers-in from other schemes and may also be augmented by additional voluntary contributions paid by the individual.
4. CETVs are calculated using common market valuation factors for the start and end of the period, which may be different from the factors used in the previous year. Consequently, the CETV at 31/3/21 shown in the table above may differ from the CETV at 31/3/20 as disclosed in the 2020/21 remuneration report.

Staff report

Our staff numbers have remained relatively stable during 2021/2022, but recruitment activity has increased compared with last year as we have taken on staff to fixed-term roles to enable us to change the way we work. Turnover has risen, with staff leaving at the end of fixed-term appointments and with the COVID-19 pandemic coming to an end, resulting in some staff reevaluating their positions and deciding to move on.

As at 31 March 2022, there were 99 (94 in 2020/21) members of staff, making up an average full time equivalent of 93.04 (87.52 in 2020/21).

Within the staff cohort, the chief executive and two directors are evaluated at the Senior Civil Service staff band equivalent of SCS2 and SCS1 respectively.

At the end of 2021/22, there were 11 commissioners (an average full time equivalent of 2.46), including the chairman (9 and a full time equivalent of 2.24 in 2020/2021).

These details have been subject to audit.

We engaged in consultation with our staff and the Public and Commercial Services Union regarding our move to remote working. As a result of the pandemic, we have continued to support our staff and managers

with regular, communication, training, support and advice. Our Employee Engagement Index score for the 2021 staff survey was 68%, similar to the 70% score for 2020.

Effective controls around health and safety were also instigated due to COVID-19 in line with government guidance, closing the office to all but a small number of staff to enable the continued functioning of the organisation. This year, we ran a pilot mentoring programme which was open to all staff to apply for, and we launched a trainee scheme during the year, which was open to current staff and external applicants.

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

Staff composition

At 31 March 2022, we had 61 female and 38 male staff, three male and seven female commissioners, and three male non-executive directors. At the end of March 2022, 23.9% of our employees (including commissioners and non-executive directors) identified themselves as being from an ethnic minority group (18.87% at 31 March 2021) .

Staff costs

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

Table 11

	2021/22 £000	2020/21 £000
Commissioners		
Salaries and Emoluments	373	371
Social Security Contributions	42	40
Total Commissioners' Costs	415	411
Non-executive Directors		
Salaries and Emoluments	14	11
Social Security Contributions	1	1
Total Non-executive Directors' Costs	15	12
Staff		
Staff with permanent employment contracts		
Salaries and Emoluments	3,535	3,428
Social Security Contributions	370	359
Pension Costs	840	836
Total Staff Cost	4,745	4,623
Total	5,175	5,046

Sickness absence data

We aim for sickness absence to be less than 7.5 days per person (full time equivalent) per year (see KPI 7 on page 125). The actual average in 2021/22 was 5.6 (which was the same in 2020/21 and 8.9 in 2019/20). As the CCRC 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
- homeworking
- flexible working
- sickness and absence management
- performance and appraisal
- training and development, including capability
- flexi-time working
- volunteering policy
- whistleblowing

Using blind recruitment practices, candidate applications are anonymised. Personal details and equal opportunities data is removed on receipt and is not shared with the recruitment 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 their awareness of the policies by appropriate training, routine reminders and the involvement of Human Resources specialists in matters affecting staff working conditions.

We make reasonable adjustments to accommodate staff with disabilities, seeking occupational health input where appropriate, carrying out stress risk assessments and by using workplace adjustment passports. Training is available to all staff employed by us and is identified through regular one-to-one meetings and appraisals.

Expenditure on consultancy

We incurred £63,000 on consultancy expenditure in 2021/22 which was mainly for IT related matters. This compares to a £12,000 spend in 2020/21.

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 2021/22 (nil in 2020/21). 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 the CCRC, to report annually on paid time off, provided to trade union representatives for trade union duties and activities (this is known as union facility time). It requires that we publish a report on our website by 31 July 2022 and that we include the details in this annual report and accounts.

In 2021/22, three employees (full time equivalent of 2.76) were relevant union officials during the reporting period.

All three employees spent between 0% and 2.19% of their time on facility time. The percentage of the total pay bill spent on facility time was 0.02%.

100% of paid facility time hours were spent on paid union activities.

Parliamentary accountability and audit report

Regularity of expenditure

We operate within a framework agreement between the sponsor department and the CCRC, 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 2021/22 or 2020/21.

This has been subject to audit.

Gifts

We neither received nor were given any gifts above a trivial value during 2021/22 or 2020/21.

This has been subject to audit.

Fees and charges

We did not levy any fees or charges in 2021/22 or 2020/21.

This has been subject to audit.

Long-term expenditure trends

As part of the Spending Review in 2015, the MoJ agreed a long-term settlement of resource and capital budgets for the period up to 2021/22. We work with the MoJ to agree budgets on an annual basis.



Karen Kneller

Chief Executive and Accounting Officer
11 October 2022

Certificate and Report of the Comptroller and Auditor General

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 2022 under the Criminal Appeal Act 1995.

The financial statements comprise the Criminal Cases Review Commission's

- Statement of Financial Position as at 31 March 2022;
- Statement of Comprehensive Net Expenditure, Statement of Cash Flows and Statement of Changes in Taxpayers' Equity for the year then ended; and
- the related notes including the significant accounting policies.

The financial reporting framework that has been applied in the preparation of the financial statements is applicable law and UK adopted International Accounting Standards.

In my opinion, the financial statements:

- give a true and fair view of the state of the Criminal Case Review Commission's affairs as at 31 March 2022 and its net expenditure for the year then ended; and
- have been properly prepared in accordance with the Criminal Appeal Act 1995 and directions issued by the Secretary of State 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 (UK) (ISAs UK), applicable law and Practice Note 10 Audit of Financial Statements and Regularity 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. My staff and I have fulfilled our other ethical responsibilities in accordance with these requirements.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

Conclusions relating to going concern

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.

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

The going concern basis of accounting for the Criminal Cases Review Commission is adopted in consideration of the requirements set out in HM Treasury's Government Financial Reporting Manual, which require entities to adopt the going concern basis of accounting in the preparation of the financial statements where it anticipated that the services which they provide will continue into the future.

Other information

The other information comprises information included in the Annual Report but does not include the financial statements nor my auditor's certificate. 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 certificate, 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 the part of the Remuneration and Staff Report to be audited has been properly prepared in accordance with the Criminal Appeal Act 1995 and the Secretary of State directions issued thereunder.

In my opinion, based on the work undertaken in the course of the audit:

- the parts of the Accountability Report subject to audit have been properly prepared in accordance with the Criminal Appeal Act 1995 and the Secretary of State directions issued thereunder; 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 and is in accordance with the applicable legal requirements.

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:

- I have not received all of the information and explanations I require for my audit; or
- adequate accounting records have not been kept by the Criminal Cases Review Commission 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 subject to audit are not in agreement with the accounting records and returns; or
- certain disclosures of remuneration specified by HM Treasury's Government Financial Reporting Manual have not been made or parts of the Remuneration and Staff Report to be audited is not in agreement with the accounting records and returns; or
- the Governance Statement does not reflect compliance with HM Treasury's guidance.

Responsibilities of the Board and Accounting Officer for the financial statements

As explained more fully in the Statement of Accounting Officer's Responsibilities, the board and Accounting Officer are responsible for:

- maintaining proper accounting records;
- the preparation of the financial statements and Annual Report in accordance with the applicable financial reporting framework and for being satisfied that they give a true and fair view;

- ensuring that the Annual Report and accounts as a whole is fair, balanced and understandable;
- 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; and
- 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 Board and Accounting Officer anticipates that the services provided by the Criminal Case Review Commission will not continue into 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.

Extent to which the audit was considered capable of detecting non-compliance with laws and regulations including fraud

I design procedures in line with my responsibilities, outlined above, to detect material misstatements in respect of non-compliance with laws and regulations, including fraud. The extent to which my procedures are capable of detecting non-compliance with laws and regulations, including fraud is detailed below.

Identifying and assessing potential risks related to non-compliance with laws and regulations, including fraud

In identifying and assessing risks of material misstatement in respect of non-compliance with laws and regulations, including fraud, we considered the following:

- the nature of the sector, control environment and operational performance including the design of the Criminal Cases Review Commission's accounting policies.
- Inquiring of management, the Criminal Cases Review Commission's head of internal audit and those charged with governance, including obtaining and reviewing supporting documentation relating to 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 Case Review Commission's controls relating to the Criminal Case Review Commission's compliance with the Criminal Appeal Act 1995 and Managing Public Money.
- discussing among the engagement team regarding how and where fraud might occur in the financial statements and any potential indicators of fraud.
 - As a result of these procedures, I considered the opportunities and incentives that may exist within the Criminal Case Review Commission for fraud and identified the greatest potential for fraud in the following areas: revenue recognition, posting of unusual journals and accounting estimates. In common with all audits under ISAs (UK), I am also required to perform specific procedures to respond to the risk of management override of controls.

I also obtained an understanding of the Criminal Cases Review Commission's

framework of authority as well as other legal and regulatory frameworks in which the Criminal Cases Review Commission operates, focusing on those laws and regulations that had a direct effect on material amounts and disclosures in 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 law.

Audit response to identified risk

As a result of performing the above, the procedures I implemented to respond to identified risks included the following:

- reviewing the financial statement disclosures and testing to supporting documentation to assess compliance with provisions of relevant laws and regulations described above as having direct effect on the financial statements;
- enquiring of management, the Audit Committee and in-house legal counsel concerning actual and potential litigation and claims;
- reading and reviewing minutes of meetings of those charged with governance and the Board and internal audit reports;
- 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; and evaluating the business rationale of any significant transactions that are unusual or outside the normal course of business; and

- and testing the appropriateness of expenditure incurred.

I also communicated relevant identified laws and regulations and potential fraud risks to all engagement team members 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. This description forms part of my certificate.

Other auditor's responsibilities

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.

Report

I have no observations to make on these financial statements

Gareth Davies

Comptroller and Auditor General
13 October 2022
National Audit Office
157-197 Buckingham Palace
Road Victoria
London SW1W 9SP

3

Financial Statements

This section presents the Commission's audited accounts for the period 1 April 2021 to 31 March 2022 in Financial Statements and Notes to the Accounts.

Statement of Comprehensive Net Expenditure for the year ended 31 March 2022

	Note	2021/22 £000	2020/21 £000
Expenditure			
Staff Costs	3	5,175	5,046
Depreciation & Amortisation	9, 10	413	432
Other Expenditure	5	2,019	1,603
Total Operating Expenditure		7,607	7,081
Income			
Income from Activities	7	(4)	(4)
Net Operating Expenditure		7,603	7,077
Finance expense	6	17	117
Net Expenditure for the year		7,620	7,194
Other Comprehensive Net Expenditure			
Pensions: actuarial losses	4	373	339
Comprehensive Net Expenditure for the year		7,993	7,533

The notes on pages 87 to 110 form part of these accounts.

Statement of Financial Position

as at 31 March 2022

	Note	31 March 2022 £000	31 March 2021 £000
Non-current assets			
Property, plant & equipment, and Right of Use Assets	9	3,432	184
Intangible assets	10	407	628
Trade & other receivables	11	5	0
Total non-current assets		3,844	812
Current assets			
Trade & other receivables	11	96	45
Cash and cash equivalents	12	220	64
Total current assets		316	109
Total assets		4,160	921
Current liabilities			
Trade payables & other current liabilities	13	(471)	(407)
Provisions	14	0	(155)
Lease liabilities	17	(207)	0
Total assets less current liabilities		3,482	359
Non-current liabilities			
Provisions	14	(27)	0
Lease liabilities	17	(2,717)	0
Pension liabilities	4	(6,883)	(6,734)
Total non-current liabilities		(9,627)	(6,734)
Total assets less total liabilities		(6,145)	(6,375)
Taxpayers' equity			
General reserve		(6,145)	(6,375)
Total taxpayers' equity		(6,145)	(6,375)

The notes on pages 87 to 110 form part of these accounts.

The financial statements on pages 83 to 110 were approved by the Board on 1 July 2022 and were signed on behalf of the Criminal Cases Review Commission by:



Karen Kneller

Chief Executive and Accounting Officer
11 October 2022

Statement of Cash Flows

for the year ended 31 March 2022

	Note	2021/22 £000	2020/21 £000
Cash flows from operating activities			
Net cash outflow from operating activities	15	(6,798)	(6,053)
Cash flows from investing activities			
Purchase of property, plant and equipment	9, 13	(392)	(82)
Purchase of intangible assets	10	(11)	(586)
Total cash outflow from investing activities		(403)	(668)
Cash flows from financing activities			
Capital Grant in Aid	2	428	668
Revenue Grant in Aid	2	6,929	6,055
Total financing		7,357	6,723
Net increase in cash and cash equivalents	12	156	2
Cash and cash equivalents at beginning of year	12	64	62
Cash and cash equivalents at end of year	12	220	64

The notes on pages 87 to 110 form part of these accounts.

Statement of Changes in Taxpayers' Equity

for the year ended 31 March 2022

	Note	General reserve £000	Total reserves £000s
Balance at 1 April 2020		(6,250)	(6,250)
Changes in taxpayers' equity for 2020-21			
Comprehensive net expenditure for 2020-21		(7,533)	(7,533)
Grant from sponsor department	2	6,723	6,723
Reversal of notional transactions:	18	685	685
Balance at 31 March 2021		(6,375)	(6,375)
Changes in taxpayers' equity for 2021-22			
Comprehensive net expenditure for 2021-22		(7,993)	(7,991)
Grant from sponsor department	2	7,357	7,357
Reversal of notional transactions:	18	866	866
Balance at 31 March 2022		(6,145)	(6,143)

The notes on pages 87 to 110 form part of these accounts.

Notes to the accounts

1. Accounting policies

Basis of Accounts

These financial statements have been prepared in accordance with the Accounts Direction given by the Secretary of State for Justice with the consent of the Treasury in accordance with paragraph 9(2) of Schedule 1 to the Criminal Appeal Act 1995. The Accounts Direction requires the financial statements to be prepared in accordance with the 2021/22 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

I. New and amended standards adopted by CCRC:

International Financial Reporting Standards (IFRS16) leases will be adopted in central government from 2022-23, however CCRC and its parent department MoJ have been permitted to adopt the standard a year early, from 2021-22.

IFRS 16 requires lessees to recognise a right-of-use (ROU) asset and a liability for future payments arising from a lease contract. Lessees will recognise a finance charge on the liability and a depreciation charge on the asset which could affect the timing of the recognition of expenses on leased assets.

The standard provides a single lessee accounting model, requiring lessees to recognise assets and liabilities for all leases unless the lease term is short term (less than 12 months), or the underlying asset has a low value.

At the date of implementation, the value of the ROU assets and the lease liability was £3,049,000 for the future lease payments in the statement of financial position. All other leases are of low value and will continue to be expensed as payments are made.

The detailed accounting policies are disclosed in Note 17.

II. New standards, amendments and interpretations issued but not effective for the financial year beginning on or after 1 April 2021 and not early adopted:

There were no IFRS interpretations not yet effective that would be expected to have a material impact on the company.

International Financial Reporting Standards (IFRS16) Leases will be adopted in central government from 2022–23, however CCRC and its parent department MoJ have been permitted to adopt the standard a year early, from 2021–22. The detailed accounting policies are disclosed in Note 17.

Going Concern

The Statement of Financial Position at 31 March 2022 shows negative total taxpayers' equity of £6,145,000. 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 2022/23, 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.

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
Right of Use	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 pension contributions.

Pensions

I. Staff pensions

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

II. Commissioners' pensions

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

after operating expenditure. Actuarial gains and losses are recognised as Other Comprehensive Expenditure in the Statement of Comprehensive Net Expenditure.

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

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.

The provision for the new office which the CCRC moved into on 10 August 2021 has been based on an estimate of £70.45 per m².

The estimated amount used is based on the actual dilapidations costs incurred on the expiry in 2021 of the old office lease.

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 2022.

2. Grant in aid

	2021/22	2020/21
	£000	£000
Received for revenue expenditure	6,929	6,055
Received for capital expenditure	428	668
Total	7,357	6,723

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

3. Staff costs

	2021/22 £000	2020/21 £000
Commissioners		
Salaries and emoluments	373	371
Social security contributions	42	40
Total Commissioners cost	415	411
Non-Executive Directors		
Salaries and emoluments	15	11
Social security contributions	-	1
Total Non-Executive Directors cost	15	12
Staff		
Staff with permanent employment contracts		
Salaries and emoluments	3,306	3,183
Social security contributions	348	331
Pension costs	791	768
Other staff (contract, agency/temporary)		
Salaries and emoluments	29	-
IT Project Change - Staff with permanent employment contracts		
Salaries and emoluments	200	245
Social security contributions	22	28
Pension costs	49	68
Total Staff cost	4,745	4,623
Total	5,175	5,046

There were no exit packages in 2021/22 (2020/21 nil).

4. Pensions

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).

The cost of the Commission's pension contributions to the Principal Civil Service Pension Schemes is included in employment costs. For 2021/22, employers' contributions of £787,000 (2020/21 £793,000) 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 2021/22 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 £51,000 (2020/21 £43,000) 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 £2,000 (2020/21 £1,000).

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

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:

	2021/22	2020/21	2019/20	2018/19	2017/18
	£000	£000	£000	£000	£000
Liability in respect of					
Active members	0	0	0	0	0
Deferred pensioners	496	470	666	620	615
Current pensioners	6,387	6,264	5,932	5,687	5,917
Total present value of scheme liabilities	6,883	6,734	6,598	6,307	6,532

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

	2021/22	2020/21	2019/20	2018/19	2017/18
Discount rate	1.55%	1.25%	1.80%	2.90%	2.55%
Rate of increase in salaries	0.00%	0.00%	0.00%	0.00%	0.00%
Price inflation	2.90%	2.22%	2.35%	2.60%	2.45%
Rate of increase in pensions (deferred and in payment)	2.90%	2.22%	2.35%	2.60%	2.45%

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

	31 March 2022		31 March 2021	
	Men	Women	Men	Women
Current pensioners				
At age 60	27.0	28.6	26.9	28.6
At age 65	22.1	23.8	22.0	23.7
Future pensioners				
At age 60	28.7	30.3	28.6	30.2
At age 65	24.2	25.8	24.1	25.7

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

An increase of 0.5% in the discount rate would increase the present value of the scheme liability by approximately 6% or £389,000.

An increase of 0.5% in the rate of increase in CPI would decrease the scheme liability by approximately 6% or £418,000.

An increase of one year in the life expectancies would increase the present value of the scheme liability by approximately 3% or £224,000.

The 2021-22 disclosures are being produced when the UK continues to deal with the Covid-19 pandemic. I have considered the potential implications of how this pandemic could impact on the actuarial calculations required for these disclosures.

The assumptions for the discount rate and pension increases are specified by HM Treasury in the PES (2021) 10, dated 13 December 2021, and remain unchanged for these disclosures. The PES assumptions reflect market conditions at the previous 30 November 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.

The actuary view is that it remains too early to determine whether Covid-19 changes the long-term view of life expectancy in the UK. It is therefore not unreasonable to retain the existing mortality assumptions. A death rate from Covid-19 in excess of that already allowed for in the mortality assumptions would emerge as an experience gain over the next year's disclosures.

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

	2021/22 £000	2020/21 £000
Interest on pension scheme liabilities	82	116
Total charge to Finance Expense	82	116

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:

	2021/22 £000	2020/21 £000
Present value of scheme liabilities at start of year	6,734	6,598
Interest cost	82	116
Actuarial losses/(gains)	373	339
Benefits paid	(306)	(319)
Present value of scheme liabilities at end of year	6,883	6,734

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

	2021/22	2020/21
	£000	£000
Loss at start of year	2,854	2,515
Net actuarial losses/(gains) recognised in the year	373	339
Loss at end of year	3,227	2,854

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:

		2021/22	2020/21	2019/20	2018/19	2017/18
Experience losses/(gains) pension liabilities	£000	91 (1.3%)	(28) 0.4%	8 (0.1%)	56 (0.9%)	(4) 0.1%
Changes in demographic and financial assumptions	£000	282 (4.1%)	367 (5.4%)	398 (6.0%)	(159) 2.5%	(300) 4.6%
Net actuarial losses/ (gains)	£000	373	339	406	(103)	(304)

5. Other expenditure

	2021/22 £000	2020/21 £000
Accommodation	721	685
IT costs	531	347
Training and other HR	151	122
Recruitment	136	89
Information and publications	76	33
Records management	68	62
Loss on disposal of non-current assets	64	9
Outreach	60	-
Travel, subsistence and external case-related costs	45	47
Audit fee – internal	38	28
Audit fee – external	29	27
Telephones	21	32
Payroll and pension costs	19	18
Legal and professional costs	17	54
Office services	13	13
Case storage	12	13
Office supplies	8	7
Equipment rental under operating lease	3	6
Library and reference materials	3	3
Health & safety	2	6
Bank charges	2	2
Total	2,019	1,603

Other Expenditure includes notional expenditure – details are given in notes 1 and 18.

6. Finance expense

	2021/22	2020/21
	£000	£000
Interest on pension scheme liabilities	82	116
Unwinding of discount on dilapidations provision	-	1
Lease interest	20	0
Dilapidations provision release	(85)	0
	17	117

7. Income from activities

	2021/22	2020/21
	£000	£000
Kalisher Trust internships	4	4
Total	4	4

8. Analysis of net expenditure by programme & administration budget

	2021/22			2020/21		
	Programme £000	Administration £000	Total £000	Programme £000	Administration £000	Total £000
Expenditure						
Staff costs	4,646	529	5,175	4,455	591	5,046
Depreciation & amortisation	413	-	413	432	-	432
Other expenditure	1,833	186	2,019	1,443	160	1,603
Total Expenditure	6,892	715	7,607	6,330	751	7,081
Income						
Income from activities	(4)	-	(4)	(4)	-	(4)
Net Expenditure	6,888	715	7,603	6,326	751	7,077
Finance Expense	17	-	17	117	-	117
Net Expenditure after Interest	6,905	715	7,620	6,443	751	7,194

9. Property, plant & equipment, and Right of Use Asset

	Right of Use Asset £000	Refurbishment Costs £000	Plant and Equipment £000	Furniture and Fittings £000	IT Hardware £000	Total £000
Cost/valuation at 1 April 2021	0	110	77	137	662	986
Additions	3,049	361	1	15	43	3,469
Disposals	0	(110)	(68)	(126)	(436)	(740)
Cost/valuation at 31 March 2022	3,049	361	10	26	269	3,715
Depreciation at 1 April 2021	0	110	75	136	481	802
Charged during the year	136	14	1	4	66	221
Depreciation on disposals	0	(110)	(68)	(126)	(436)	(740)
Depreciation at 31 March 2022	136	14	8	14	111	283
Carrying amount at 31 March 2022	2,913	347	2	12	158	3,432
Carrying amount at 31 March 2021	-	-	2	1	181	184

	Right of Use Asset £000	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	920
Additions	-	-	-	1	81	82
Disposals	-	-	-	(1)	(15)	(16)
Cost/valuation at 31 March 2021	-	110	77	137	662	986
Depreciation at 1 April 2020	-	101	71	124	396	692
Charged during the year	-	9	4	13	100	126
Depreciation on disposals	-	-	-	(1)	(15)	(16)
Depreciation at 31 March 2021	-	110	75	136	481	802
Carrying amount at 31 March 2021	-	-	2	1	181	184
Carrying amount at 31 March 2020	-	9	6	13	200	228

All assets are owned by the Commission with the exception of the Right of Use assets which is the CCRC office on a 15 year lease term (see note 17).

10. Intangible assets

	Software Licences £000	Total £000
Cost/valuation at 1 April 2021	861	861
Additions	35	35
Disposals	(226)	(226)
Cost/valuation at 31 March 2022	670	670
Amortisation at 1 April 2021	233	233
Charged during the year	192	192
Amortisation on disposals	(162)	(162)
Amortisation at 31 March 2022	263	263
Carrying amount at 31 March 2022	407	407
Carrying amount at 31 March 2021	628	628
Cost/valuation at 1 April 2020	953	953
Additions	586	586
Disposals	(678)	(678)
Cost/valuation at 31 March 2021	861	861
Amortisation at 1 April 2020	596	596
Charged during the year	306	306
Amortisation on disposals	(669)	(669)
Amortisation at 31 March 2021	233	233
Carrying amount at 31 March 2021	628	628
Carrying amount at 31 March 2020	357	357

All assets are owned by the Commission.

11. Other receivables

	31 March 2022 £000	31 March 2021 £000
Amounts falling due within one year		
Travel loans to staff	2	2
Prepayments	94	43
Total	96	45
Amounts falling due after more than one year		
Prepayments	5	-
Total	5	-

12. Cash & cash equivalents

	2021/22 £000	2020/21 £000
Balance at 1 April	64	62
Net change in cash balances	156	2
Balance at 31 March	220	64

The following balances at 31 March 2022 were held at:

Government Banking Service	220	64
Balance at 31 March	220	64

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 2022 £000	31 March 2021 £000
Amounts falling due within one year		
UK taxation & social security	121	104
Total	121	104
Trade payables	70	45
Capital accruals	25	20
Accruals	255	238
Total	471	407

14. Provisions

The movements in the provisions are analysed as follows:

	2021/22 Dilapidations £000	2021/22 Total £000	2020/21 Total £000
Balance at 1 April	155	155	154
Provided in year	27	27	-
Provision utilised	(70)	(70)	-
Provision reversed unused	(85)	(85)	-
Balance at 31 March	27	27	155

The expected timing of discounted cash flows is as follows:

	31 March 2022 £000	31 March 2021 £000
Dilapidations:		
Under one year	0	155
Later than five years	27	-
Balance at 31 March	27	155

15. Reconciliation of net expenditure to net cash outflow from operating activities

	Note	2021/22 £000	2020/21 £000
Net expenditure		(7,620)	(7,194)
Finance Expense	6	17	117
Depreciation and amortisation	9,10	413	432
Loss on disposal of non-current assets	5	64	9
(Increase)/decrease in receivables	11	(56)	150
(Decrease)/ increase in payables	13	59	67
(Decrease)/ increase in provisions	14	(110)	-
Pension provision:			
Benefits paid	4	(306)	(319)
Notional expenditure	18	741	685
Net cash outflow from operating activities		(6,798)	(6,053)

16. Capital commitments

Capital commitments contracted for at 31 March 2022 were £nil (2021 £nil).

17. Lease liabilities

On the 10 August 2021, the CCRC moved to new offices at 23 Stephenson Street, Birmingham. The new office is occupied under a Memorandum of Terms of Occupation (MOTO) issued in accordance with the Departmental Estate Occupancy Agreement for Crown Bodies. The MOTO is between the Ministry of Justice on behalf of the Commission and the Department for Communities and Local Government. The costs of occupation are payable by the Ministry of Justice but are included in the Commission's accounts as notional expenditure. At the date of implementation, the remaining lease liability was £3,049,000 based on discounted lease payments. The monthly rate used to discount the lease payments for IFRS 16 purposes was 0.91 per cent

	31 March 2022 £000	31 March 2021 £000
Value of discounted future cash flows on ROU assets at implementation	3,049	0
Payments during the year	(145)	0
Interest expense on lease liabilities	20	
Lease liabilities at 31 March	2,924	0
Lease liabilities fall due as follows:		
Within 1 year	207	0
Within 2-5 years	800	0
Greater than 5 years	1,917	0
Lease liabilities at 31 March	2,924	0

18. Notional expenditure

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

	2021/22	2020/21
	£000	£000
Notional expenditure		
Other expenditure – incurred by MoJ:		
Accommodation	866	685
Lease liability payments during the year	(145)	
Interest expense on lease liabilities	20	
Total notional other expenditure	741	685
Total notional expenditure	741	685

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. The 2021/22 expenditure of £866k includes capital and interest payments in respect of the new offices under IFRS16 of £145k and £20k respectively.

19. Related party transactions

The Ministry of Justice is a related party to the Commission. During the period 1 April 2021 to 31 March 2022, the Ministry of Justice provided the Commission with Grant in Aid and made certain payments on behalf of the Commission disclosed in these financial statements and notes as notional expenditure.

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

During the period 1 April 2021 to 31 March 2022, 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.

4

Tables



Commission referrals to the appeal courts during 2021/22

Name	Ref	Referral date	Offence	Sentence Only
Custody (C) Liberty (L)				
JOHNSON, Texo (L)	713/21	19-Aug-21	Assault with Intent to Rob	
TRENDELL, Gavin (C)	115/20	02-Sep-21	Count 1: Grievous Bodily Harm with Intent. Count 2: False Imprisonment	✓
Ms G (L)	408/19	02-Sep-21	Failure to produce an immigration document	
ASLAM, Mohammed (L)	1006/20	10-Sep-21	False Accounting	
BARBER, Norman (L)	1005/20	10-Sep-21	Fraud by false representation	
BARBER, Amanda (L)	1000/20	10-Sep-21	Fraud by false representation	
GREWAL, Balbir (L)	989/20	10-Sep-21	Fraud/Forgery/Deception	
GANT, Anthony (L)	987/20	10-Sep-21	False Accounting	
HUGHES, David (L)	874/20	10-Sep-21	Making a false instrument - forgery	
PATEL, Hanif (L)	289/20	16-Nov-21	Encouraging or assisting offences, believing that one or more offences would be committed, under section 46 of the Serious Crime Act 2007	
Mr H (L)	752/20	15-Dec-21	Sexual Assault	
WILLIAMS, Thomas (L)	911/21	16-Dec-21	Unlawful Assembly, Affray	
BALASUBRAMANIAN, Uthayathas (L)	411/19	17-Dec-21	Conspiracy to commit assault occasioning actual bodily harm	
BONTOFT, Dorothy (L)	660/21	20-Dec-21	False Accounting x 4; Theft	
Mr I (L)	1118/19	17-Feb-22	3 Counts of Burglary, Robbery, Failure to comply with youth rehabilitation order, Possession of Class B controlled drug	
Mr I (L)	1002/21	17-Feb-22	3 Counts of Burglary, Robbery, Failure to comply with youth rehabilitation order, Possession of Class B controlled drug	

Name Custody (C) Liberty (L)	Ref	Referral date	Offence	Sentence Only
Mr I (L)	1119/19	17-Feb-22	3 Counts of Burglary, Robbery, Failure to comply with youth rehabilitation order, Possession of Class B controlled drug	
Mr I (L)	1123/19	17-Feb-22	3 Counts of Burglary, Robbery, Failure to comply with youth rehabilitation order, Possession of Class B controlled drug	
Mr I (L)	1120/19	17-Feb-22	3 Counts of Burglary, Robbery, Failure to comply with youth rehabilitation order, Possession of Class B controlled drug	
Mr I (L)	1122/19	17-Feb-22	3 Counts of Burglary, Robbery, Failure to comply with youth rehabilitation order, Possession of Class B controlled drug	
Mr J (L)	836/19	02-Mar-22	Making indecent images of children x 11. Possession of indecent images of children	
THOMPSON, Patrick (L)	230/18	10-Mar-22	Murder (x4), Membership of a Proscribed Organisation	
Mr K (L)	155/16	01-Mar-22	Possession of explosives belonging to a proscribed organisation	
Mr L (L)	813/17	01-Mar-22	Possession of explosives with intent	
Mr M (L)	815/17	01-Mar-22	Possession of explosives with intent	
ORMEROD, Richard (L)	527/21	29-Mar-22	Fraud	

Commission referrals decided by appeal courts during 2021/22

Name	Referral Date	Offence	Sentence Only	Outcome: Conviction or Sentence	Appeal Decision
Custody (C) Liberty (L)				Quashed (Q) Upheld (U) Abandoned (A)	
JONES, Adrian (C)	18-Oct-19	Murder		U	22-Jun-21
TREDGET, Peter (C)	23-Oct-19	Arson, Manslaughter		Q	08-Feb-22
KAVEH, Amin (L)	20-Nov-19	Conspiracy to Supply mephedrone. Supply of mephedrone x 3	✓	U	24-Sep-21
HALL, Alison (L)	03-Jun-20	False Accounting		Q	23-Apr-21
HENDERSON, Allison (L)	03-Jun-20	False Accounting		Q	23-Apr-21
ISHAQ, Khayyam (L)	03-Jun-20	Theft		Q	23-Apr-21
SKINNER, Janet (L)	03-Jun-20	False Accounting		Q	23-Apr-21
WILSON, Julian (deceased) (L)	03-Jun-20	False Accounting		Q	23-Apr-21
HEDGES, David Thomas (L)	03-Jun-20	False Accounting & theft		Q	23-Apr-21
GILL, Kashmir (L)	03-Jun-20	False Accounting		Q	23-Apr-21
DARLINGTON, Scott (L)	04-Jun-20	False Accounting		Q	23-Apr-21
FELL, Stanley (L)	04-Jun-20	False Accounting		U	23-Apr-21
FELSTEAD, Tracy (L)	04-Jun-20	False Accounting & theft		Q	23-Apr-21
HAMILTON, Josephine (L)	04-Jun-20	False Accounting		Q	23-Apr-21
McDONALD, Jacqueline (L)	04-Jun-20	False Accounting & theft		Q	23-Apr-21
MISRA, Seema (L)	04-Jun-20	False Accounting & theft		Q	23-Apr-21
ROBINSON, Della (L)	04-Jun-20	False Accounting		Q	23-Apr-21
THOMAS, Hughie (L)	04-Jun-20	False Accounting		Q	23-Apr-21
WARD, Gail (L)	04-Jun-20	False Accounting		Q	23-Apr-21

Name Custody (C) Liberty (L)	Referral Date	Offence	Sentence Only	Outcome:	Appeal Decision
				Conviction or Sentence Quashed (Q) Upheld (U) Abandoned (A)	
HOLMES, Peter Anthony (deceased) (L)	04-Jun-20	False Accounting		Q	23-Apr-21
SHAHEEN, Rubina (L)	04-Jun-20	False Accounting		Q	23-Apr-21
OWEN, Damian (L)	04-Jun-20	Theft		Q	23-Apr-21
PAREKH, Vijay (L)	04-Jun-20	Theft		Q	23-Apr-21
HUTCHINGS, Lynette (L)	04-Jun-20	False Accounting		Q	23-Apr-21
O'CONNELL, Dawn (deceased) (L)	04-Jun-20	False Accounting		Q	23-Apr-21
RASUL, Mohammed (L)	04-Jun-20	Theft		Q	23-Apr-21
BUFFREY, Wendy (L)	04-Jun-20	False Accounting		Q	23-Apr-21
BRENNAN, Lisa (L)	04-Jun-20	Theft		Q	23-Apr-21
GRAHAM, William (L)	04-Jun-20	False Accounting		Q	23-Apr-21
PAGE, Carl (L)	04-Jun-20	Theft		Q	23-Apr-21
SAYER, Siobhan (L)	04-Jun-20	False Accounting		Q	23-Apr-21
THOMPSON, Pauline (L)	04-Jun-20	False Accounting		Q	23-Apr-21
HUSSAIN, Neelam (L)	04-Jun-20	Theft		U	23-Apr-21
CAPON, Barry (L)	04-Jun-20	False accounting; theft by employee		Q	23-Apr-21
COUSINS, Wendy (L)	04-Jun-20	Theft		U	23-Apr-21
CLARK, Nicholas (L)	04-Jun-20	False Accounting		Q	23-Apr-21
BURGESS, Tim (L)	04-Jun-20	False Accounting		Q	23-Apr-21
BLAKEY, David (L)	31-Jul-20	False accounting; Theft		Q	23-Apr-21
BUTOY, Harjinder (L)	31-Jul-20	Theft		Q	23-Apr-21
HOWARD, Gillian (L)	31-Jul-20	False accounting		Q	23-Apr-21
MAHMOOD, Tahir (L)	31-Jul-20	False Accounting		Q	23-Apr-21
WARREN, Ian (L)	31-Jul-20	Theft		Q	23-Apr-21
WILLIAMS, Margery (L)	31-Jul-20	Dishonestly making a false representation		Q	23-Apr-21

Name Custody (C) Liberty (L)	Referral Date	Offence	Sentence Only	Outcome: Conviction or Sentence	Appeal Decision
				Quashed (Q) Upheld (U) Abandoned (A)	
YATES, David (L)	31-Jul-20	Theft, false accounting		Q	23-Apr-21
MUWANGUZI, Jennifer (L)	10-Sep-20	Possession of false passport		Q	16-Jul-21
LOCK, Pamela (L)	25-Nov-20	False Accounting		Q	23-Apr-21
GREEN, Paul (L)	07-Dec-20	Assault with intent to rob		Q	06-Jul-21
HARRIOTT, Courtney (L)	07-Dec-20	Assault with intent to rob, unlawfully having an offensive weapon		Q	06-Jul-21
ADEDAYO, Oyeteju (L)	14-Jan-21	False accounting x3		Q	14-May-21
KALIA, Parmod (L)	14-Jan-21	Theft		Q	14-May-21
ALLEN, Roger (L)	21-Jan-21	Theft		U	10-Dec-21
Mr N (C)	18-Feb-21	Murder, theft, burglary, taking a vehicle without consent and theft of a vehicle		Q	15-Jul-21
Mr O (C)	02-Mar-21	Count 1: Murder Count 2: Wounding with intent to cause GBH Count 3: Attempted wounding with intent to cause GBH		Q	26-Nov-21
DAVIDSON, Cleveland (L)	15-Mar-21	Attempted Robbery		Q	06-Jul-21
JOHNSON, Texo (L)	19-Aug-21	Assault with Intent to Rob		Q	23-Nov-21
TRENDELL, Gavin (C)	02-Sep-21	Count 1: Grievous Bodily Harm with Intent. Count 2: False Imprisonment	✓	Q	16-Feb-22

Name Custody (C) Liberty (L)	Referral Date	Offence	Sentence Only	Outcome:	Appeal Decision
				Conviction or Sentence Quashed (Q) Upheld (U) Abandoned (A)	
Ms G	02-Sep-21	Failure to produce an immigration document		A	10-Feb-22
ASLAM, Mohammed (L)	10-Sep-21	False Accounting		Q	18-Nov-21
BARBER, Norman (L)	10-Sep-21	Fraud by false representation		Q	18-Nov-21
BARBER, Amanda (L)	10-Sep-21	Fraud by false representation		Q	18-Nov-21
GREWAL, Balbir (L)	10-Sep-21	Fraud/Forgery/Deception		Q	18-Nov-21
GANT, Anthony (L)	10-Sep-21	False Accounting		Q	18-Nov-21
HUGHES, David (L)	10-Sep-21	Making a false instrument - forgery		Q	18-Nov-21
PATEL, Hanif (L)	16-Nov-21	Encouraging or assisting offences, believing that one or more offences would be committed, under section 46 of the Serious Crime Act 2007		Q	11-Mar-22
BONTOFT, Dorothy (L)	20-Dec-21	False accounting x4, Theft		A	21-Mar-22

Key Performance Indicators

KPI 1 – The % of cases closed within 12 months

Purpose – The measure provides an indication of the timeliness with which we complete our cases, taken as a whole, from the point of an application being received.

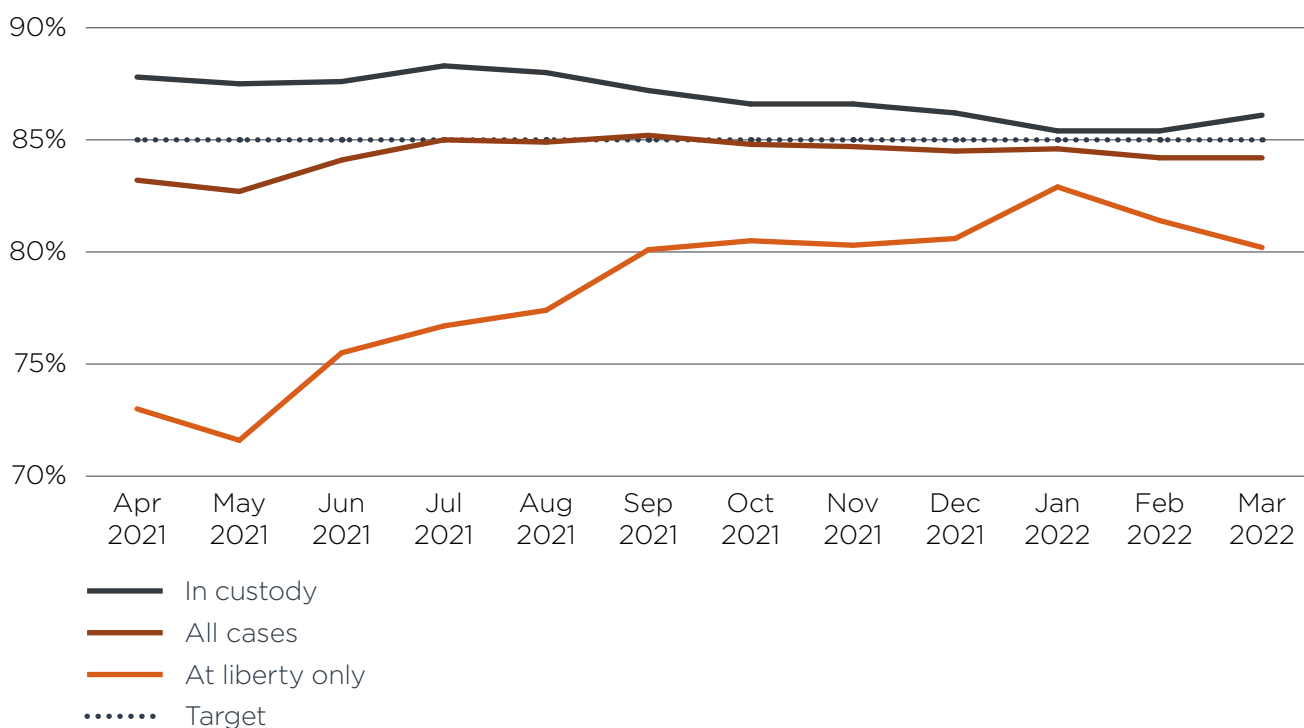
Definition – A case is complete when a final decision has been sent (or, where a provisional decision was sent and no further submissions have been made in response within the time allowed).

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 – Case statistics compiled from the case management system.

Target – >85% of cases closed <12m



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 review cases (those which progress through the screening stage to require full analysis).

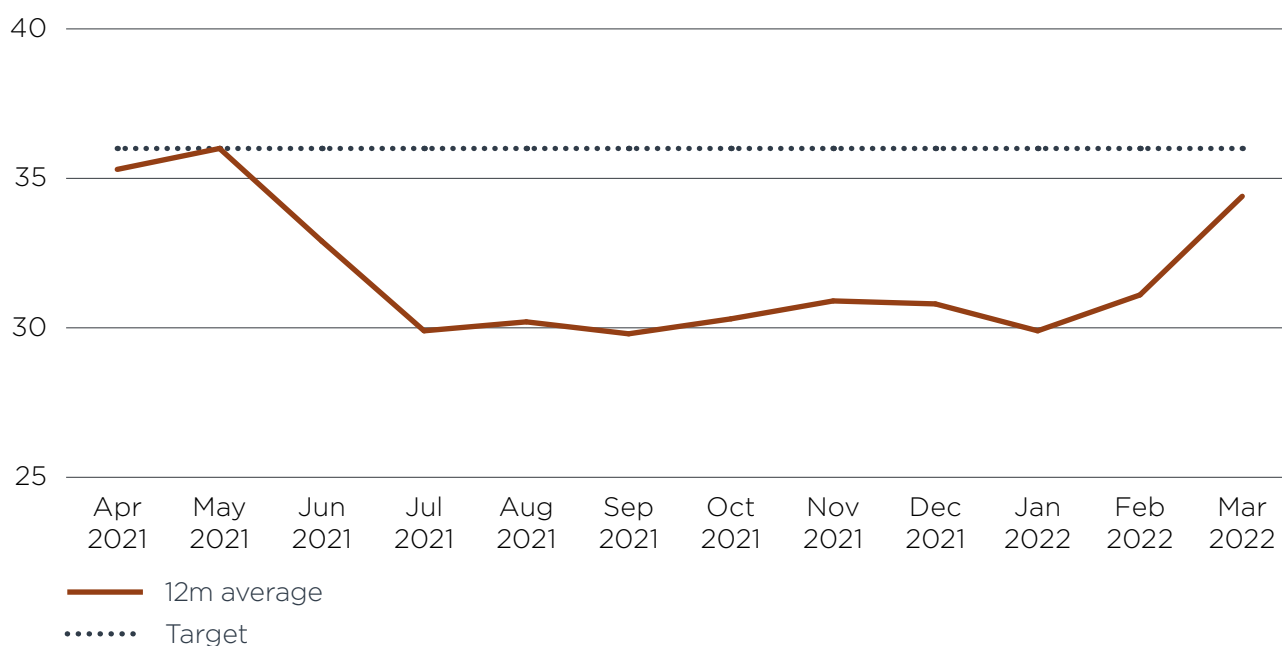
Definition – The time from the date of allocation of the application to a case review manager to the issue of an initial decision, averaged for all review applications in the reporting period for which an initial decision has been.

Calculation – Taking the review 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 – Case statistics compiled from the case management system

Target – Average duration of review <36 weeks



KPI 3 – Long Running Cases

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

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

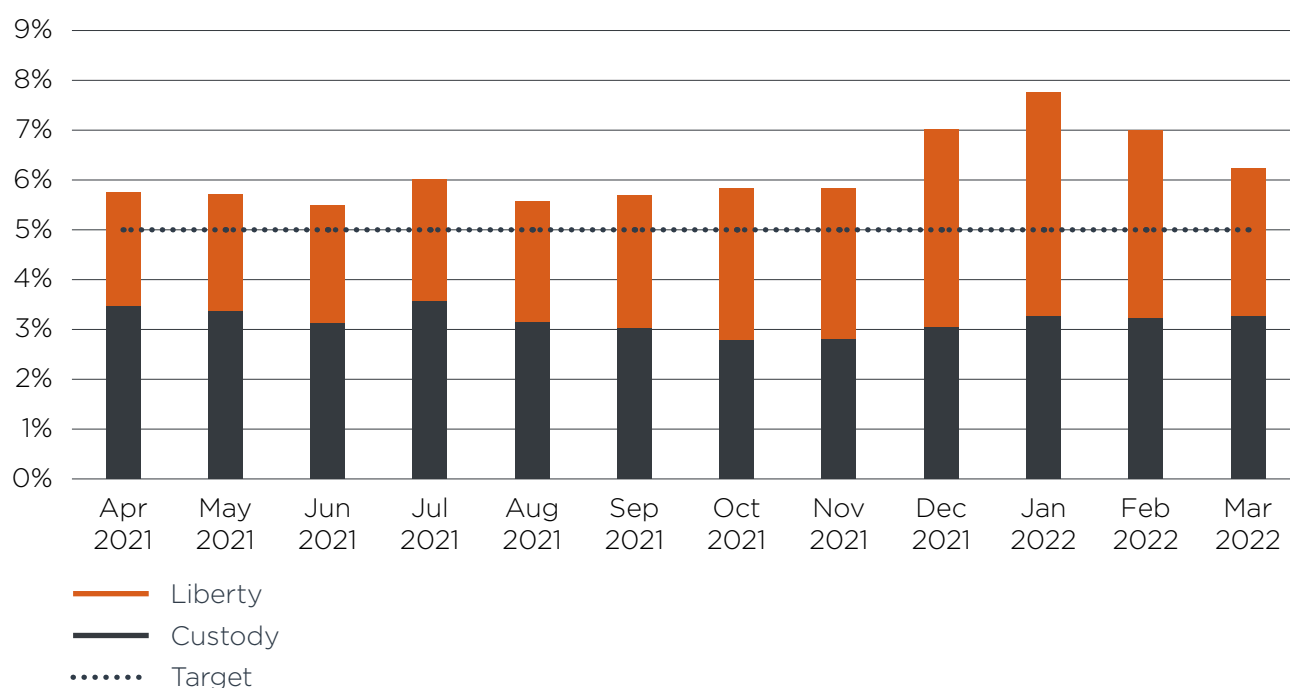
Calculation – Taking the cases under review, to identify those 2 years or more since allocation to a case review manager (split into custody and liberty and total) as an absolute number and as a proportion of the total number of cases currently open.

Frequency – Monthly

Data Source – Case statistics compiled from the case management system

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

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



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.

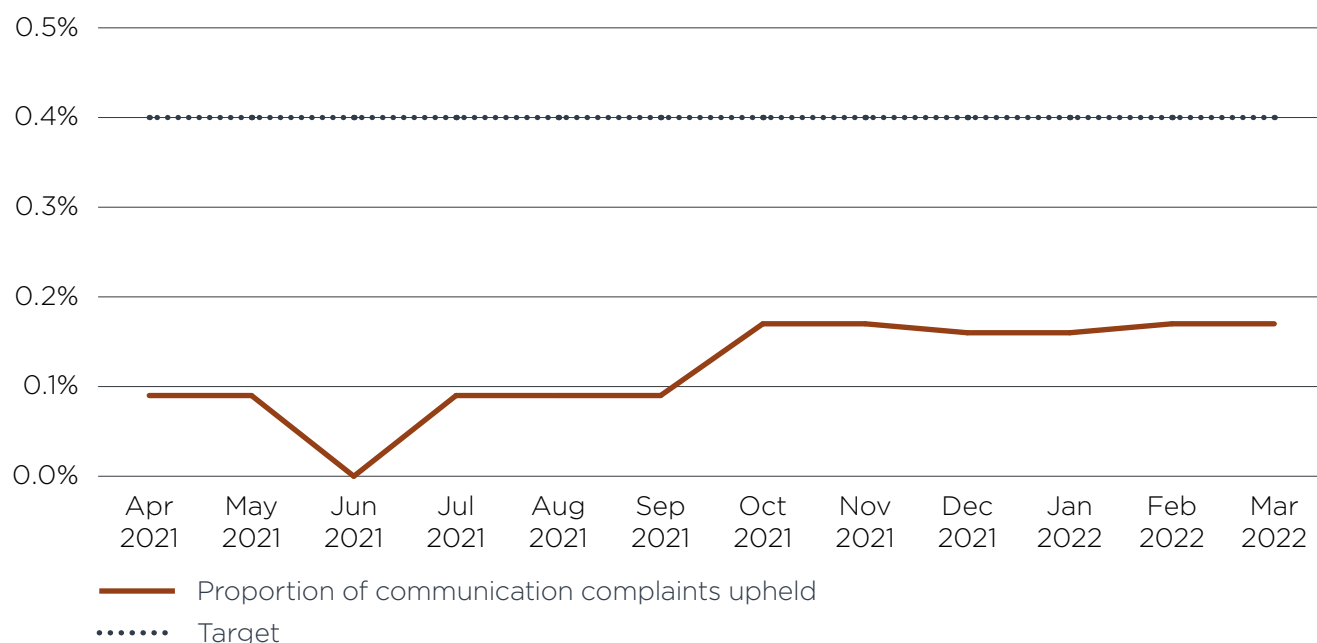
Definition – The number of cases in which communication to applicants or their representatives leads to a complaint being upheld in the last 12 months.

Calculation – Percentage of communication related complaints upheld in the last 12 months 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



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

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

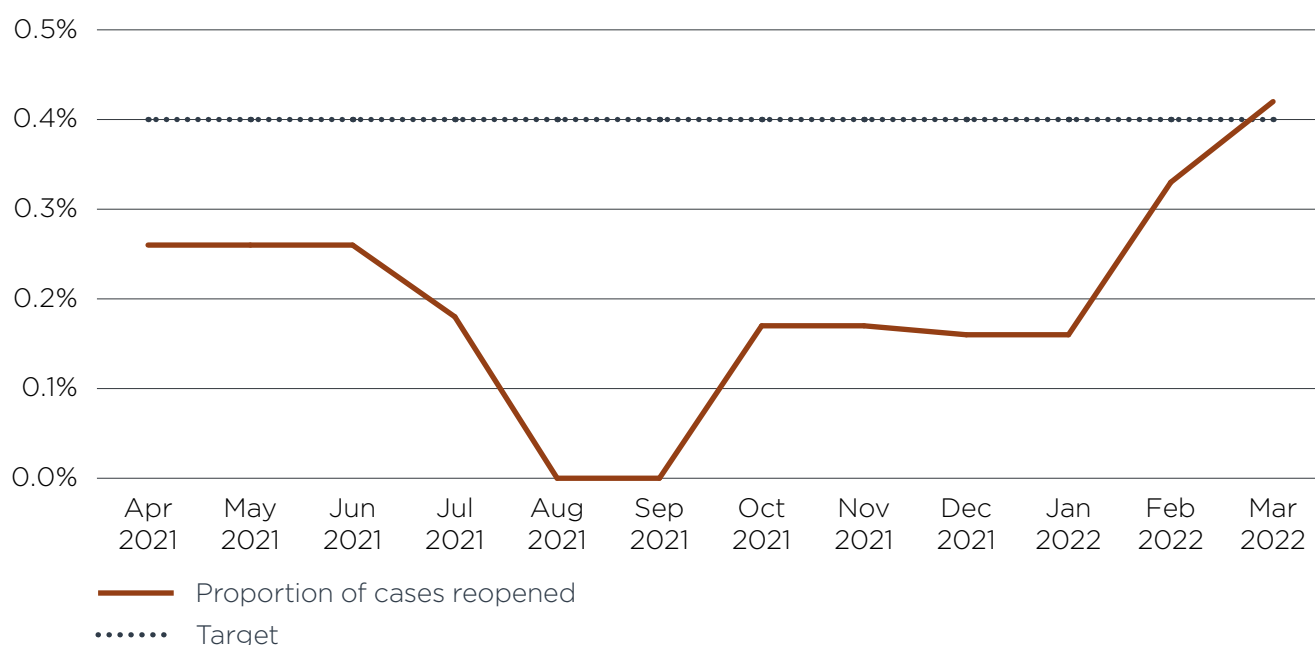
Definition – The number of cases for which additional review work is required as a result of the CCRC's QA, Complaints or Judicial Review processes.

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



KPI 6 – Percentage of Complaints upheld

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

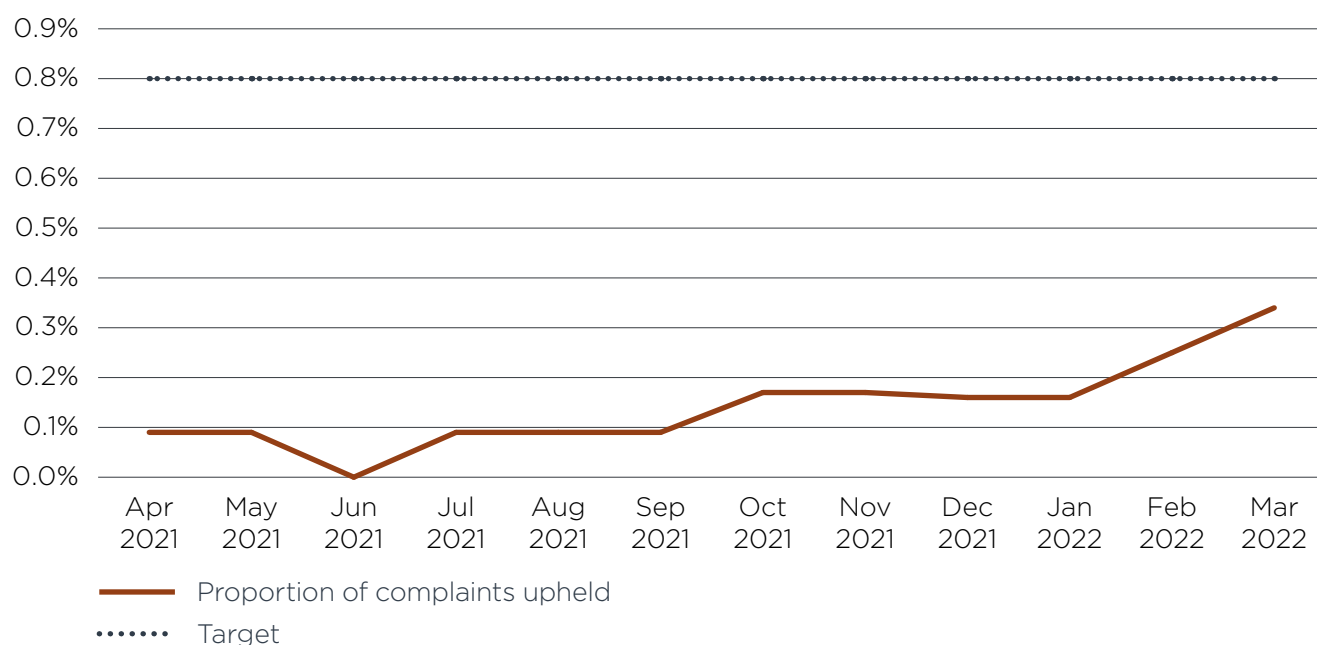
Definition – The number of complaints upheld.

Calculation – Percentage of complaints upheld in the last 12 months 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.

Target – <10 and 0.8% of total number of cases closed in the last 12 months



KPI 7 – Staff Absence

Purpose – The measure provides an indication of the loss of productivity due to staff sickness.

Definition – Average working days lost per FTE

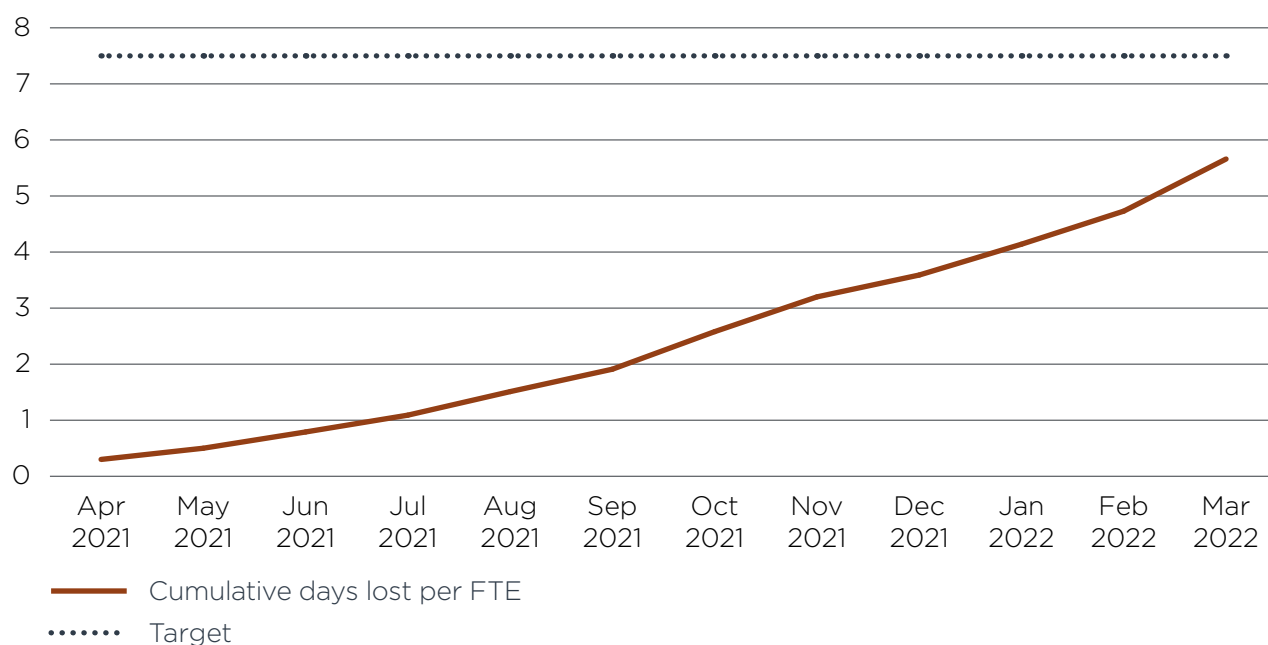
Calculation – Days lost due to sickness divided by the total number of full-time equivalent staff (FTE).

Frequency – Monthly

Data Source – HR statistics.

Target – Less than an average of 7.5 days per year

Working days lost per FTE (for the month):



KPI 8 – Expenditure against budget

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

Definition – Total expenditure RDEL and CDEL against budget.

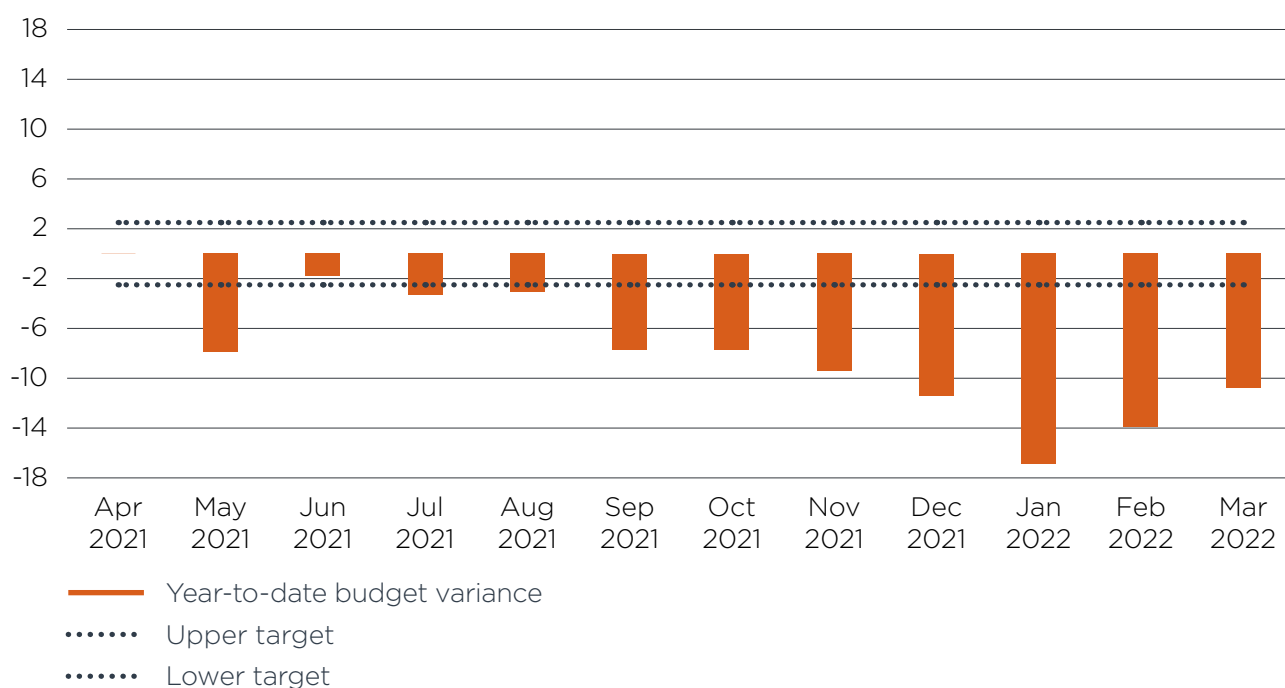
Calculation – Actual overspend or underspend as a percentage of the year-to-date budget.

Frequency – Monthly.

Data source – Financial records.

Target – Underspend or overspend to be within 2.5% of budget.

Year to date expenditure against budget:



KPI 9 – Internal Audit actions completed on time

Purpose – Measure the response to audit recommendations.

Definition – Number of internal audit actions in each financial year.

Calculation – Number of actions completed on time against the total number of actions in each financial year.

Frequency – Quarterly

Data source – ARAC records

Target – 95% actions completed on time.

