

**CCRC**

Criminal • Cases • Review • Commission

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Criminal Cases Review Commission

**Annual Report and Accounts**

2013/14



# Criminal Cases Review Commission Annual Report and Accounts **2013/14**

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# Our vision:

is to give hope and bring justice to those wrongly convicted, to enhance confidence in the criminal justice system and use our experience to help reform and improve the law.

# Our purpose:

is to review possible miscarriages of justice in the criminal courts of England, Wales and Northern Ireland and refer appropriate cases to the appeal courts.

# Our overall aims:

- are to investigate cases as efficiently and effectively as possible with thoroughness and care
- to work constructively with our stakeholders and to the highest standards of quality
- to treat applicants, and anyone affected by our work, with courtesy, respect and consideration
- to promote public understanding of the Commission's role

# Our values:

- independence
- integrity
- impartiality
- professionalism
- accountability
- transparency



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## Chair's Foreword

Until recently this Commission expected to receive around nine hundred applications a year. In 2012, in line with our commitment to improve access to justice, we reviewed our application procedure and introduced "Easy Read" – a simplified application process. Since then we have seen an explosion in the number of applications to us. At first we thought this might be a blip. But two years on, with applications still running at 50% higher than previously, it is clear that this represents a permanent upward shift in casework volumes.

Police misconduct continues to feature as a major factor in our work. The case of Alan Charlton – recently referred – centres on concerns about the investigation conducted in the early 1990s by a number of officers of South Wales police; officers who were involved in two notorious miscarriages of justice homicides where convictions have been quashed (the Lynette White murder and the Cardiff newsagent three). Our investigation identified a number of similarities in the ways in which the three investigations were conducted. The case of Martin Foran, which involved officers of the now discredited and disbanded West Midlands Serious Crime Squad, and also recently referred by the Commission following criticism by the Court of Appeal of the officers concerned in other cases and disciplinary findings against one, raises similar issues about the behaviour of police officers. These cases concern police conduct from some years ago and some might wish to see them as merely historic. However, the lessons they provide are relevant to the criminal justice system today and will remain so in the future. And, while we always hope that lessons have been learned and systems improved, experience tells us that patterns repeat. We need to remain vigilant and on our guard as the pressures to "get results" never go away.

This Commission is currently liaising with Mark Ellison QC who has been looking into

the actions of the Metropolitan Police Special Demonstrations Squad and the possibility that these may have caused miscarriages of justice. One issue is the extent to which these cases are individual and historic or how far they may point to more widespread problems.

We continue to see a number of cases involving the non-disclosure of significant information, often relating to the credibility of complainants and key witnesses, or referred on the basis of new forensic evidence or a fresh interpretation of forensic evidence from trial or appeal.

A worrying trend of recent years involves cases where refugees or asylum seekers have been prosecuted for "offences" relating to their entry to the UK. Where they can be shown to be fleeing persecution, UK law provides defences designed precisely to protect them. What continues to worry the Commission about such cases has been the failing of all those involved, the police, the UK Border Agency (UKBA), prosecutors, defence lawyers, and the courts, to identify that statutory defences might have been available. This is not what one would expect from a "Gold Standard" justice system. We have worked not only to refer a considerable number of these cases for appeal, but also to draw wider attention to the issues involved. We hope that this work will help stop further cases of this kind from arising.

We may be starting to see a similar story with regard to victims of human trafficking. The Commission has recently dealt with a number of unsafe convictions where trafficked victims have been convicted in circumstances where, in our view, a prosecution should not even have been brought. The law is clear that victims of human trafficking ought not to be prosecuted for offences committed solely because the individuals have been compelled to do so by virtue of being trafficked. Again, in the Commission's view, this represents a failure by all of those involved, police, UKBA, prosecutors, defence lawyers, and the courts,

to understand and apply the criminal law correctly.

The two key challenges facing the Commission at present are funding and its Section 17 powers. We welcome the modest increase in funding that was given to the Commission last year, and continued in 2014/15; the first such increases we have had for the best part of the decade. But the blunt fact is that with applications to the Commission running at 50% higher than a decade ago, a much more significant increase is needed if we are not to face lengthening queues, unsatisfied applicants and miscarriages of justice left unaddressed.

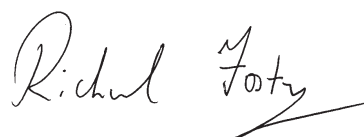
The Commission has pointed out over a number of years, and to successive administrations, that its Section 17 powers to obtain public documents do not extend to private documents to the great detriment of our work. A large number of organisations which were in the public sector when we were set up are now in the private sector, including former local authority care homes and forensic science services. Successive governments have promised to extend our Section 17 powers to cover the private sector “when a suitable legislative vehicle is available” and successive governments have failed to deliver on this promise. When we appeared before the Justice Select Committee last January, its members were very strongly supportive of a change in the law. Thanks to the work of our sponsoring unit, it appears there may now be room for some cautious optimism that the issue will be resolved in the coming months; we sincerely hope that is the case.

Looking to the future, one of the things that we will be watching closely in the coming years is the extent to which the recent and controversial changes to the criminal legal aid regime will impact on the work of this Commission. We made our views on the issue known in the consultation exercise on the subject in Summer 2013. We pointed

out then that fair access to high-quality legal representation is an essential feature of the criminal justice system and a crucial safeguard against wrongful or unsafe convictions. We drew particular attention to the fact that, in order to reduce the risk of miscarriages of justice occurring, defendants need legal representatives who are not only capable of providing them with independent advice as to their rights and the prospects for their case, but who also have the time to properly examine the prosecution case, and to investigate the issues relevant to the defence case. This includes activities such as the examination of unused material, which can be crucial to the defence but which are time consuming and therefore vulnerable to any squeeze on resources. We also pointed out that the cost of rectifying miscarriages of justice, whether in financial terms, or to those personally involved, can be greater by an order of magnitude than the cost of running the original trial process; this needs to be born in mind in any assessment of the true costs and benefits of any changes.

We will be keeping a weather eye on the applications we receive in the next few years to see whether cuts to criminal legal aid have a discernible impact on the number or type of cases that we refer for appeal.

Finally, we were sorry to have to say goodbye this year to Commissioners Alastair Macgregor QC, Ian Nichol and Paul Mageean. I reserve a special thank you and tribute for Alastair Macgregor, Deputy Chair of the Commission, who stood down to become the first Biometrics Commissioner. Alastair was a tower of strength at the Commission for almost a decade and his wisdom and experience were of particular help to me on my appointment as Chair of the Commission.



**Richard Foster CBE** Chair

## Chief Executive's Introduction

Last year I reported that the biggest challenge facing the Commission was managing the substantial increase in the number of applicants coming to us whilst at the same time maintaining the excellent quality of our casework. The high level of case intake continued into 2013/14 with 1,470 applications in the year – up by almost half on the figure in 2011/12.

This sustained increase has meant that the number of people waiting to have their cases reviewed is greater than we would like; we continue to work hard to address that. We have, throughout the year, found new ways of working to ensure that we squeeze every last penny out of our budget settlement and ensure that our casework continues to be of the highest quality. This has included finding ways of freeing-up valuable Commissioner time for matters that only they can deal with such as making the fundamental decisions in applicants' cases. We are also putting particular effort into proactively identifying those cases where it makes sense to see applicants at a very early stage to help the review process.

During the year we introduced a system by which we can refer cases in digital format to the Court of Appeal and hope to be able to extend that initiative to the Crown Court in due course. We have also worked hard to find and configure a new electronic case management solution to replace our current system which is approaching the end of its useful life. This project is near completion and will mean that in the coming year we will introduce an improved casework management system. All of these initiatives support our core aim of conducting effective, high quality case reviews.

Tempting though it may be to measure the Commission's success and value solely through the number of cases we refer to the appeal courts, it is a temptation that ought to be resisted. Success in our work is also about those cases that we do not refer. Our thorough and professional case reviews not only identify cases that ought to be considered again by

the appeal courts, they also provide a valuable quality assurance check on how things are working in the broader criminal justice system and, by so doing, serve to promote public confidence in that justice system.

During the year we referred 31 cases back to the appellate courts. This is ten more than last year. It is always difficult to draw conclusions from fluctuations in the number of referrals as we are talking about small numbers in absolute terms. If nothing else, the relatively high number of cases referred is an indication that 2013/14 has been a very busy year for us.

We continue to be recognised for our work in ensuring we are accessible to all those who need us. This includes the continued success of our Easy Read application form and associated documents, noted with approval at our appearance before the Justice Select Committee in January 2014.

Sadly we said goodbye to three Commissioners during the year and with them lost a great deal of wisdom and know-how. Fortunately we have been joined by five new Commissioners who each bring their own skills and experience to the organisation. We were also pleased to have been able to appoint additional front-line caseworking staff including several fixed-term staff to ensure that we retain some workforce flexibility in the continued uncertain financial climate.

Rising to the various challenges we have faced during the year would simply not have been possible without the professionalism, determination and sheer hard work of all those who work here. I rely enormously on their support and their overwhelming sense of commitment to the organisation and to the work we do and I look forward to working with them in the year ahead.



**Karen Kneller** Chief Executive

**Section One**

# Directors' Report

## The Commission

The Criminal Cases Review Commission is the public body with statutory responsibility for investigating alleged miscarriages of justice in England, Wales and Northern Ireland. It was established by Section 8 of the Criminal Appeal Act 1995 and began work on 31 March 1997. The Commission has the power to refer appropriate cases back to the appeal courts.

The Commission may review convictions and sentences in cases dealt with on indictment (in the Crown Court) and summarily (in magistrates' courts), as well as those heard in the Court Martial and Service Civilian Court. The Commission is an independent Non-departmental Public Body. It is based in Birmingham.

## The Board

The Commission's Board is made up of the Commissioners, the Senior Management Team and the Non-executive Directors.

**Commissioners**

Commissioners are appointed by the Queen on the recommendation of the Prime Minister. Each Commissioner is appointed for a period of up to five years and can, if re-appointed, serve for a maximum of ten years.

At the end of March 2014 there were 12 Commissioners including the Chair, Mr Richard Foster CBE.

During 2013/14 Mr Richard Foster, who joined the Commission as Chair in November 2008, was reappointed to serve for a further

five years. The reporting period also saw three serving Commissioners depart and five new Commissioners arrive.

Mr Alastair MacGregor QC, the Deputy Chairman, left the Commission seven months before completing the maximum ten years of service in order to focus on his appointment by the Home Office as the first Commissioner for the Retention and Use of Biometric Material. Mr Ian Nichol left the Commission after the full ten years of service in October 2013 and Mr Paul Mageean, whose appointment as the Commissioner with particular knowledge of Northern Ireland was announced to Parliament in December 2012, left the Commission in August 2013. The process of recruiting another Northern Ireland Commissioner began soon after Mr Mageean left and as a result Mr Stephen Leach was appointed in April 2014.

During 2013/14 the Commission welcomed as newly appointed Commissioners Mrs Liz Calderbank, Mr David James Smith, Ms Alexandra Marks, Dr Sharon Persaud and Mr Andrew Rennison.

Therefore, during 2013/14, the Commissioners were:

Mr Richard Foster CBE (Chair)  
 Mr Alastair MacGregor QC (Deputy Chair) (until 29th November 2013)  
 Ms Penelope Barrett  
 Mrs Liz Calderbank (started 2nd January 2014)  
 Mr James England  
 Miss Julie Goulding  
 Ms Celia Hughes  
 Mr Paul Mageean (until 30th August 2013)  
 Ms Alexandra Marks (started 28th October 2013)  
 Mr Ian Nichol (until 31st October 2013)  
 Dr Sharon Persaud (started 28th October 2013)  
 Mr Andrew Rennison (started 3rd March 2014)

Mr David James Smith (started 28th October 2013)

Mr Ewen Smith

Mr Ranjit Sondhi CBE

### **Senior Management Team**

During 2013/14, the Senior Management Team responsible for the day-to-day running of the Commission consisted of Miss Karen Kneller, Chief Executive and Accounting Officer; Mr Colin Albert, Director of Finance & IT; and Mrs Sally Berlin, Director of Casework Operations.

### **Non-executive Directors**

The Commission had two non-executive directors (NEDs) during 2013/14. They were Dame Anne Owers DBE and Dr Maggie Semple OBE, FCGI. Anne Owers stepped down as a NED on 31st March 2014; the Commission started the process of recruiting a new NED in April 2014.

## Code of Best Practice

The Commission adopted a Code of Best Practice for Commissioners at its first meeting in January 1997. This code was revised in 2012 in light of the Cabinet Office Code of Conduct for Board Members of Public Bodies and it was decided to merge the Staff Code of Conduct with the Commissioner Code of Conduct. The resulting Code of Conduct for Commission Board Members and Employees sets out the standards of personal and professional behaviour and propriety expected of all Board members and members of staff. The key principles on which the code is based are the Seven Principles of Public Life also known as the Nolan principles. The Code of Conduct for Commission Board Members and Employees includes a commitment to maintain a register of Commissioners' interests and to make that register available, by appointment, for inspection at the Commission.

## Risks and uncertainties

The Commission's systems of internal control have been designed to manage the risks faced by the Commission in order to safeguard its assets against unauthorised use or disposition, to maintain proper accounting records and to communicate reliable information for internal use or publication.

## Audit and Risk Committee

This Committee ensures high standards of financial reporting and proper systems of internal control and reporting procedures. It reviews internal and external audit reports on behalf of the Commission. The committee is chaired by Commission non-executive director Dr Maggie Semple.

## Auditor

Arrangements for external audit are provided for under paragraph 9 of Schedule 1 to the Criminal Appeal Act 1995, which requires that the Comptroller and Auditor General examine, certify and report on the statement of accounts. The report, together with the accounts, is laid before each House of Parliament.

No remuneration was paid to the auditor for non-audit work during the year. The members of the Board have taken all the steps which they ought to have taken to make themselves aware of any relevant audit information and to establish that the Commission's auditor is aware of that information. As far as the members of the Board are aware, there is no relevant audit information of which the Commission's auditor is unaware.

## Personal data related incidents

The Commission takes very seriously its responsibilities to protect personal data relating to applicants, witnesses, victims and others. Section 23 of the Criminal Appeal Act 1995 makes it an offence to disclose any information obtained by the Commission in the exercise of its functions except in very specific circumstances. There were no personal data related incidents in 2013/14, or in any previous year, which had to be reported to the Information Commissioner or were otherwise recorded as being of significance.

## Expenses of Commission Chair and Chief Executive

The total expenses claimed in 2013/14 by the Chair was £834.65. The total claimed by the Chief Executive was £220.61.



**Karen Kneller**  
Chief Executive  
26/6/2014



## Section Two

# Strategic Report

## Casework

The success of the Easy Read application form and the work that we have done in drawing attention to convictions affected by the Refugee Convention, the Immigration and Asylum Act 1999 and/or the Asylum & Immigration (Treatment of Claimants) Act 2004, has had a significant impact on the number of applications we have received in the last two years. In 2013/14 the case intake was 1,470 and in 2012/13 it was 1,625. In earlier years the Commission typically received fewer than 1,000 applications.

### Screening

Until June 2013, all applications in eligible cases were initially assessed, or screened, by a Commissioner. In April 2013, the Commission decided that it would be more efficient for Group Leaders to screen all first time applications where there has been a prior appeal.

Although Commissioners remain responsible for screening "No Appeal" cases and reapplications, the change in screening has meant that Commissioners now have more time for matters that are reserved to them, most especially making the critical decisions in the casework process. It has also enabled us to simplify several of our casework processes to eliminate duplication of tasks and reduce administrative work. These new arrangements are working well.

### Casework resources

We were pleased to report last year that the Commission had received additional funding following our submission to the Ministry of Justice of a business case in light of the considerable increase in applications. We said then that we would be recruiting

additional frontline staff and in 2013/14 we appointed, or extended fixed-term contracts for, 14 Case Review Managers (CRMs) and several additional casework administration staff (see page 26 for a detailed breakdown of casework staffing levels during the year).

Our experienced Investigations Adviser retired in the summer of 2013. We recruited two new advisers to replace him and also to provide additional support, not least in light of the increase in the number of CRMs. We also recruited an Investigator to provide additional resource in this area.

We have sought to keep the workforce balanced and flexible by filling some posts on a permanent basis and others with staff on fixed-term contracts. We moved as quickly as we could through the recruitment processes, but pre-employment checks (including obtaining the necessary security clearance) and notice periods meant that the majority of the new staff were in post for only half of the year. We recycled the consequent salary savings to employ some CRMs on very short-term contracts. Two of the CRMs, for example, came to us on secondment and returned to their employer at the end of 2013/14.

Commissioners are the decision makers in our casework process and the level of Commissioner resource is fundamental to our ability to complete cases. During 2013/14 we saw three Commissioners, two of them highly experienced, leave the organisation and five new Commissioners arrive. While we had only ten Commissioners for most of the year, by the end of 2013/14 there were 12 Commissioners in post. The majority of current Commissioners are part time with some working at the Commission for only two days a week. At the end of the year, the 12 Commissioners together represented an FTE of 8.8 compared to 2012/13 when we had ten Commissioners in post amounting to an FTE of 7.7.

**No appeal cases**

Applications to the Commission should not be seen, or used, as a mechanism by which applicants can by-pass conventional appeal processes.

In 2013/14, however, 48% of all new applications received by the Commission were “No Appeal” cases; these are applications where there has been no previous appeal and no previous application for leave to appeal. In No Appeal cases, the Commission can only refer the case for appeal if, in addition to the test that applies to every case, we find that there are exceptional circumstances for doing so. Where no exceptional circumstances are suggested by the applicant, and where none are apparent to the Commission, the applicant is advised to seek an appeal in the conventional way.

In 2012/13, around half of applicants in No Appeal cases made no attempt at all to address the question of exceptional circumstances in their applications. However, the Commission has had considerable success with its recent efforts to help applicants better understand the appeal process, and in particular the issues that need to be addressed in No Appeal applications to us. As a result, in 2013/14 three quarters of No Appeal applicants suggested exceptional circumstances that may apply in their cases.

There is a sense in which the Commission has been the victim of its own success in this area. Where exceptional circumstances are suggested by applicants, or where the Commission believes it may need to explore exceptional circumstances not raised by the applicant, the cases are considered in detail by Commissioners and necessarily take longer to deal with than other No Appeal applications. The significant increase in the proportion of No Appeal applicants suggesting exceptional circumstances has

created more work and has therefore had an impact on case closure times for 2013/14.

**Overtime**

To help the Commission manage its caseload and make the best use of an in-year underspend, we introduced temporary arrangements for CRMs to work overtime. Almost all the overtime was spent preparing the simpler “type one” cases and we were able to close more cases of this kind during the year than we would otherwise have done. However, because the CRMs working overtime could only progress type one cases in periods of overtime, mostly at weekends, the work involved in completing each case was spread over a longer period. This has had the effect of increasing average case closure times during the year.

**Casework performance**

We said last year that even with the extra staff, we would have to work hard to avoid longer waiting times and longer reviews for our applicants. It has so proved.

In many respects, some delay is inevitable. In complex cases, the review process often takes many months of painstaking work such as interviewing applicants or witnesses, examining police and court files and re-testing forensic material. This work depends on the involvement of the various individuals and agencies that tend to be involved in complex criminal cases and as a result detailed case reviews can rarely be undertaken quickly.

In all of this, the quality of our work is key and we consider it appropriate to invest a significant amount of time resource in training and mentoring new recruits. Accordingly, this affects the time that experienced staff have to do their own core work. It takes some months before we start to see the full impact of new staff and longer still before their contribution outweighs the time invested in getting them up to speed. Our queue of cases has been



building up in the meantime, despite the hard work of all concerned.

The Commission's casework performance is monitored using a set of Key Performance Indicators, or KPIs. The KPIs are discussed below and are set out on pages 72 to 74 of this report.

### **Time from receipt to allocation**

We appreciate how important it is for applicants to know that we are addressing the issues in their case. KPI 1 monitors the average time taken for an application to be allocated to a CRM so that a case review can begin. We prioritise applications from people in custody over those from people who are at liberty; during 2013/14, 72.5% of applications were from people in custody and 27.5% from people at liberty.

Our target for KPI 1 is to allocate custody cases in an average of less than 26 weeks from receipt of application. Where the applicant is at liberty, we aim for an average of less than 52 weeks. In 2013/14, the actual average time was 35 weeks for custody cases and 45 weeks for liberty cases.

The Commission ordinarily prioritises the cases of applicants who are in custody over those of applicants who are at liberty. In order to reduce the waiting time for applicants in custody in 2013/14, we allocated a limited number of liberty cases during the year. Those liberty cases that have been allocated have mainly been those that were prioritised for case specific reasons. Their prioritisation and expedited allocation has reduced the average time to allocation for at liberty cases calculated by KPI 1 and expressed above as 45 weeks. However, that figure does not reflect the actual age of the at liberty cases that remained unallocated at the end of the year. The reality is that, at the end of 2013/14, we anticipated that at liberty applicants whose cases are not prioritised will wait around 120 weeks to allocation.

### **Time from allocation to provisional decision**

We aim to review cases with speed and thoroughness. KPI 2 monitors the average time taken for an application to be reviewed.

In 2013/2014, the time taken for review cases to reach the provisional decision stage was 37.8 weeks, against our KPI 2 target of 35 weeks of being allocated to a CRM. No Appeal cases took, on average, 18.8 weeks to reach a provisional decision against our target of 15 weeks.

### **Caseflow balance**

KPI 3 shows how the overall number of cases completed in a year compares with the number of applications received. If the number of cases received is greater than the number dealt with in a year, queues and waiting times may well increase; if the number is smaller they may well decrease. During 2013/14 we completed 339 fewer cases than we received. For comparison, in 2012/13 we completed 351 fewer than we received and in 2011/12 it was 162 fewer cases than we received.

The significant difference between the number of cases received and the number closed is accounted for by the surge in the number of applications received since the introduction of the Easy Read application form and the increase in applicants under the Immigration & Asylum Act 1999 and/or the Asylum & immigration (Treatment of Claimants) Act 2004 which has continued through 2012/13 and 2013/14.

### **Referrals**

In 2013/14 the Commission referred 31 cases to the appeal courts. This means that we referred 2.7% of the 1,131 cases concluded in the year. In the previous year the referral rate was 1.6%, and in 2011/12 it was 2.5%. In 2009/10 when we also referred 31 cases, the number represented a referral rate of 3.5%. The Commission's long-term referral rate stands at 3.42%.

Two main factors seem to have influenced the slight increase in absolute number of referrals this year. One of the referred cases was a “multi-handed” case, involving three applicants (co-defendants), referred on the same basis having had their cases reviewed together by the Commission. Six of the referrals involved convictions for offences relating to the applicants’ entry to the UK, such as having a false passport or no passport at all, where the applicant was a refugee (see below and pages 23 to 24).

The Commission has always reported its referral rate as a percentage of the total number of cases closed. However, it is perhaps worth providing here some information about what the calculation involves. The total number of cases closed includes every application received regardless of whether it comes under the statutory remit defined for the Commission by the Criminal Appeal Act 1995. This means that the total cases figure includes applications relating to civil matters or other proceedings outside of our jurisdiction, cases where applicants have appeals pending and No Appeal cases where there are no exceptional circumstances (discussed above) that the Commission could not refer in any event. If cases of this type were removed from the calculation, along with reapplications that raise no new grounds, the Commission’s long-term referral rate would stand at something close to 7.5%.

### **Prosecutions of refugees and asylum seekers**

In our last two Annual Reports, we spoke of our having identified a series of cases where refugees or asylum seekers have been prosecuted for offences relating to their entry to the UK, such as having a false passport or no passport at all. International law prohibits such prosecutions where people are fleeing persecution and UK law provides defences designed to protect people in this position.

We referred several of these types of cases in 2011/12, 2012/13 and again this year. We continue to deal with a substantial number of applications relating to convictions of this nature. This year, we have invested resources in liaising with relevant organisations in an attempt to prevent further unsafe convictions of that type from occurring in the future. That includes raising awareness of the issue across the criminal justice system, from the investigators (Police and Home Office), through to the Crown Prosecution Service, defence lawyers and the courts (both magistrates’ and Crown).

A significant issue in these cases is the quality of legal advice provided to those charged with these offences and we have raised that issue with bodies such as the Solicitors Regulation Authority, Chartered Institute of Legal Executives and Bar Standards Board. That work continues (see also page 34).

### **Victims of human trafficking**

The Commission has dealt with a number of unsafe convictions whereby victims of human trafficking have been convicted of offences committed through the person being compelled to do so as a manifestation of their trafficked situation. It is important to bear in mind that many of the people who find themselves in this type of situation are children or young people who have essentially been enslaved and forced to work in illegal activities such as prostitution and cannabis production. Protection is offered to victims of human trafficking by the Council of Europe Convention on Action against Trafficking in Human Beings. We are concerned that there may be many more unsafe convictions of this type and we are taking steps to understand what the barriers to resolution might be and to make ourselves available to potential applicants through, for example, voluntary organisations and by the translation of Commission leaflets and other material into relevant languages.

### **Special Demonstration Squad**

At the beginning of March 2014, the Home Secretary instructed Mark Ellison QC to carry out a review (following his report associated with the Stephen Lawrence case) into cases where the activity of the Metropolitan Police Special Demonstration Squad may have caused miscarriages of justice. The Commission is liaising with Mr Ellison in respect of this work, along with the Crown Prosecution Service and Attorney General's Office.

### **Section 15 investigations for the Court of Appeal**

Over the last few years the Commission has reported a year-on-year increase in the number of occasions when the Court of Appeal has chosen to direct the Commission 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. That trend did not continue in 2013/14 when the Commission received only two section 15 directions from the Court. That compares with nine in 2012/13 and eight in 2011/12.

Both of the 2013/14 cases required the Commission to investigate allegations of jury bias. Just under two thirds of the total of 69 section 15 investigations conducted by the Commission to date have involved issues of this kind and the frequency with which such issues have arisen has tended to increase over time.

In light of the Court's experience in this area the President of the Queen's Bench Division, the then Lord Justice Sir John Thomas (later to become Lord Chief Justice), issued in November 2012 a protocol on the handling of jury irregularities in the Crown Court. The protocol provides guidance on how suspected jury irregularities should be handled in the Crown Court when they arise either during the course of a trial or after

verdicts have been returned. It may be that the issuing of the protocol has contributed to the fall in 2013/14 in the number of occasions when the Court of Appeal felt the need to call for section 15 investigations by the Commission.

The Commission remains steadfastly independent of the Court of Appeal but enjoys a professional and constructive relationship with it. Master Egan QC, Registrar of Criminal Appeals, said the following in his overview of the year in the Court of Appeal Criminal Division's Review of the Year published in September 2013:

*"Our relationship with the Criminal Cases Review Commission (CCRC) is a strong one; it is important that it is maintained. We continue to be greatly assisted by the CCRC in the essential matter of directed investigations under section 23A Criminal Appeal Act 1968 into allegations of jury impropriety and the Court has never failed to be impressed by the thoroughness of their investigations. Where the Commission refers a case it should be emphasised that our Court does not always quash the matter referred. This is as it should be; were it to be otherwise, it would be an indication that the Commission was setting the bar too high. Voller [2013] EWCA Crim 159 is a good example of a case, properly referred, where the Court, having considered the Reference with care, upheld the convictions."*

## Analysis of referrals to the appeal courts in 2013/14

**(All Commission referrals made in 2013/14 are listed on page 69 to 70)**

The Commission referred 31 cases to appellate courts between 1st April 2013 and 31st March 2014.

*Alan Charlton*

Police misconduct featured again in this year's referrals. One such case was that of Alan Charlton whose conviction was referred in February 2014. Mr Charlton was convicted in 1991 of the 1981 murder of Karen Price in Cardiff. The police investigation that led to Mr Charlton's conviction involved a number of officers of South Wales Police who were involved in two notorious miscarriages of justice where convictions have already been quashed: Paris, Abdullahi & Miller (the Lynette White murder) and O'Brien, Hall & Sherwood (the Phillip Saunders, or Cardiff Newsagent Three murder) which was itself a Commission referral in 1999. The Commission's review of the Charlton case identified a number of similarities in the ways in which the officers conducted the three investigations that raised the prospect that evidence against Mr Charlton ought not be relied upon.

The Commission concluded that there was a real possibility that the Court of Appeal would quash Mr Charlton's conviction. The referral was made on the basis that his trial amounted to an abuse of process and that, given what is now known about the case, his defence would have been able to cross-examine witnesses more forcefully and put forward a defence of fabrication.

*Martin Foran*

The case of Martin Foran, referred in January 2014, provides another historic example of police malpractice. In 1977 and 1978, Mr Foran was questioned by officers of the now discredited West Midlands Police Serious Crime Squad over a number of robberies. Officers gave evidence that Mr Foran had made verbal admissions, something which he denied at trial.

Two of the interviewing officers, both members of the Serious Crime Squad, have been the subject of criticism by the Court of Appeal in other cases. One of the officers also had two disciplinary findings against him,

one of which was for falsehood. All of these matters were unavailable at the time of Mr Foran's trial and appeal.

The Commission referred Mr Foran's conviction to the Court of Appeal on the basis that information not previously considered in proceedings had come to light regarding the credibility of police officers involved in his case, and on the basis that developments in case law concerning the misconduct of police officers mean that, in order to uphold a conviction, it is no longer sufficient that the evidence of tainted officers is supported by officers to whom no criticism is attached.

Unusually, this is the second time that Mr Foran has had a conviction referred by the Commission. The 2012/13 Annual Report and Accounts records that the Commission referred, for similar reasons, Mr Foran's 1985 conviction for robbery and conspiracy to rob and that that conviction was quashed in April 2013.

*Dwayne George*

The significance of forensic evidence was considered in the case of Dwayne George. Mr George's murder conviction concerned the fatal shooting of one teenager and wounding of another in Manchester in 2001. Mr George was convicted largely on identification evidence supported by gunshot residue (GSR) evidence recovered from a coat found at his home 27 days after the shootings. The reporting and interpretation of a finding of GSR particles and the evidential weight that can be attached to the type and the number of particles present has undergone some revision since Mr George's trial. Expert evidence obtained by the Commission indicated that the evidence before the jury regarding the significance of the type and number of GSR particles present on the coat may have been misleading and ought not to have been used to support the identification evidence. The case was referred to the Court of Appeal

on the basis that, in the absence of the GSR evidence, the remaining case was insufficiently strong to maintain the safety of the conviction.

As in previous years, we referred a number of cases because of the identification of material which undermined the credibility or reliability of a complainant or an important witness. In some cases the material in question was available at the time of trial but was not disclosed to the defence.

#### *Benjamin O'Meally*

One such case was the rape conviction of Benjamin O'Meally. This case was referred on the basis that a real possibility the Court of Appeal would quash the conviction arose from significant non-disclosure of material relating to the credibility of the complainant. There was also new evidence to suggest that the police may have been in breach of the judge's order not to have contact with the complainant over an adjournment in proceedings. This evidence also indicated that the complainant lied on oath about her contact with officers in relation to the adjournment.

#### *Z*

Another such case was that of Z. He was convicted in 2006 and 2008 (some counts were retried in 2008) at the Inner London Crown Court of sexual assaults and rape. He was sentenced to eight years' imprisonment. This is the second time that the Commission has referred this case to the Court of Appeal. That in itself is an unusual step; to date, the only other case that the Commission has referred to the Court of Appeal twice was that of Anthony Stock (referred in 2003 and again in 2007). Z's case was referred on the basis that fresh evidence which affects the significance attributable to the medical evidence, and fresh evidence which may affect the credibility of the complainant's account, raises a real possibility that the Court will quash the conviction.

#### *Ilyas Hanif and Bakish Allah Khan*

Last year the Commission referred to the Court of Appeal the case of Ali Tahery. The case involved the Commission considering the weight to be attached to a judgment of the European Court of Human Rights (ECtHR). Similar considerations applied in the case of co-defendants Ilyas Hanif and Bakish Allah Khan. Messrs Hanif and Khan were convicted of conspiracy to supply heroin. During the trial, an issue arose as to the presence on the jury of serving police officer who knew a prosecution witness. The trial judge rejected submissions to discharge the jury and the Court of Appeal dismissed the subsequent appeal against conviction.

Messrs Hanif and Khan then applied to the ECtHR. The ECtHR considered the implications of the presence of a police officer on the jury, in circumstances where there was a significant challenge to the evidence to be given by police officers and where a juror knew one of the police officers giving evidence. It concluded that there was a violation of Article 6(1) of the European Convention on Human Rights (ECHR) in that Messrs Hanif and Khan were not tried by an impartial tribunal and accordingly did not receive a fair trial.

The Commission concluded that, in the specific circumstances of the case, there was a real possibility that the Court of Appeal would find their trial to have been unfair and consequently their convictions to be unsafe.

#### *M*

As mentioned earlier, the Commission continues to receive and review cases involving victims of human trafficking. One such case referred in 2013/14 was that of 'M'.

M was arrested at a property where more than 300 cannabis plants were being grown using a sophisticated hydroponics system. She denied involvement in or knowledge of the plants and claimed that she had been living and working at the house dealing with



cooking and cleaning. She admitted that she had entered the UK illegally from Vietnam four years earlier. She also indicated to the police that she had to repay money to the person who helped her to get into the UK. M was charged with being concerned in the cultivation of cannabis. She had legal representation at trial and was advised to plead guilty.

The Commission decided that there is new evidence available to show that M was a credible victim of human trafficking and was compelled to commit a criminal offence as a direct consequence of her trafficked situation. It also decided that there was credible evidence to that effect available at the time that she was arrested, prosecuted and advised to plead guilty. That evidence should have prompted further investigation.

In those circumstances, the Commission concluded that there was a real possibility that the Crown Court would vacate M's guilty plea and find that it was an abuse of process to prosecute her without due regard to the UK's obligations under Article 26 of the Trafficking Convention.

#### *Gillian Clemo*

The Commission is seldom called upon to deal with matters relating to forged wills. However Gillian Clemo applied to us after being convicted of using a false instrument with intent after the jury decided that she had forged her deceased partner's signature on a Will in order to gain control of his substantial estate. During the trial, widely differing opinions were heard from two handwriting experts as to the validity of the signature on the Will.

Some time after the trial, another identical copy of the Will was discovered, containing what at least one expert asserted was the genuine signature of the deceased. All copies of the Will then featured in a civil dispute between Mrs Clemo and the

deceased's estranged wife and it was initially submitted to the Commission that the probate court's final decision to act upon the contents of the Will amounted to a legal acceptance that the Will was valid. Investigations by the Commission, however, established that this was not the case and a decision was made to refer the case to the Court of Appeal on the basis that the discovery of a new copy of the Will, bearing what at least one expert said was a genuine signature, raised a real possibility that the Court would quash Mrs Clemo's conviction.

#### **Northern Ireland cases**

In recent years the Commission has typically made several referrals to the Court of Appeal in Northern Ireland. However in 2013/14 there has been only one such referral; this was the case of K whose conviction for robbery was referred on the basis that material that was not disclosed to the defence gave rise to a real possibility that the Court would quash the conviction.

## Analysis of appeal court decisions in 2013/14

**(All appeal court decisions in 2013/14 in Commission cases are listed on page 70 to 71)**

A total of 31 Commission referrals were listed to be heard in the appeal courts during 2013/14. Twenty-four were heard in Court of Appeal Criminal Division and six were heard in the Crown Court because the convictions to which they related arose in a magistrates court. In one case listed to be heard in the Court of Appeal in July 2013, the appellant withdrew his appeal.

Of the 30 cases that proceeded to appeal, 22 appeals were allowed and eight were dismissed. This means that appeals were allowed in 73.4% of the referrals that resulted

in an appeal. In 2013/14, the figure was 69.2%; the long-term rate over the life of the Commission is now 70.4%.

Of the six cases involving magistrates court convictions, three related to people who had pleaded guilty to offences connected to their entry into the country as refugees or asylum seekers (see page 16 and 23) and two related to people who had pleaded guilty to offences connected to their status as victims of human trafficking (see page 16).

A number of the judgments from the cases decided during 2013/14 were not available when this report was prepared and therefore the Commission has not been able to provide any analysis of the Court's decisions in those cases.

### **Convictions**

#### *Victor Nealon*

The case which perhaps generated the most attention during the year was that of Victor Nealon. Mr Nealon was convicted of attempted rape. The victim had been attacked after leaving a nightclub by a man with a prominent lump on his forehead. The victim said the man had seized her, thrown her to the ground, put his hands inside her blouse, pulled at her underwear and exposed his penis.

Mr Nealon denied the offence and relied on an alibi. After his arrest, he had offered a DNA sample. He did not have a lump on his forehead at the time of the arrest. Three of the witnesses later picked Mr Nealon out of an identification parade, but two of them stated that they were unsure about their choice. Mr Nealon's earlier appeal against conviction was rejected. His legal team obtained DNA analysis of the clothing worn by the victim at the time of the attack showing the presence of male DNA from saliva on her blouse and bra. The DNA was not Mr Nealon's. The Commission also ascertained that it did it

not match the DNA of the victim's boyfriend, several witnesses, the police officers at the scene nor the scientists involved in the initial analysis. The Commission checked the profile of the unknown male against the National DNA Database (NDNAD) but there was no match. The profile is now retained on the NDNAD so that it can be checked against other DNA profiles in future.

Quashing the conviction, the Court said it was self-evident that the prosecution's case against Mr Nealon had not been overwhelming, and that there were credible arguments to be made on whether it was sufficient to satisfy the jury that he was guilty. Only one witness made an unequivocal identification of Mr Nealon during the identification parade, and there was an absence of evidence that Mr Nealon had a significant lump on his forehead. The real question was the impact of the fresh DNA evidence, which the court admitted. The evidence did not "demolish" the prosecution case, but its effect on the safety of Mr Nealon's conviction was substantial. If the jury had heard that in addition to the weaknesses in the identification evidence, there was a real possibility that DNA from a single unknown male had been found in key places where there had been contact between the victim and her attacker, it could have led to Mr Nealon's acquittal. The relevant items of clothing had been bought relatively recently, possibly from different shops, and they may have been carried in different bags. It followed that the jury might reasonably have concluded, based on the DNA evidence, that the unknown male, and not Mr Nealon, was the attacker. The effect of the material therefore called into question the safety of the conviction because it might reasonably have led the jury to reach a different verdict.

#### *Dean Williams*

In the case of Dean Williams, the Commission previously had decided not to

refer Mr Williams' conviction. Mr Williams' representatives however challenged that decision by way of judicial review proceedings. The Commission carried out further investigation, reconsidered the case, and decided to refer the conviction.

Mr Williams had been convicted in 2005 of the murder of his partner. Diminished responsibility was considered by Mr Williams' trial representatives because he was an alcoholic and complained of amnesia but the psychiatric report did not support it. His defence at trial was that someone else must have broken in and strangled the victim or, if he strangled her, he had been drinking and had no recollection or intention. Mr Williams appealed against his conviction but only in relation to bad character evidence admitted at trial. The Court of Appeal dismissed the appeal.

Mr Williams' submission to the Commission was that he suffered from Alcohol Dependency Syndrome which had resulted in brain damage. He said that his trial representatives failed to challenge the psychiatrist regarding her reliance on an out of date precedent and that consequently her report, and the prosecution's reliance upon it, was flawed. The Commission obtained a new psychiatric report, which confirmed a diagnosis of Alcohol Dependency Syndrome and that he was likely to have suffered consequent brain damage with cognitive impairment including memory blanks. The Commission traced CT (computerised tomography) scans of Mr Williams' head taken before the victim's death which showed clear atrophy of the brain consistent with alcohol-related brain damage.

The Court agreed that the fresh psychiatric evidence, which it admitted in evidence, supported a defence of diminished responsibility. The court quashed the conviction and ordered a retrial.

### *Errol Heibner*

One of the longest running of the Commission's investigations in recent years was in the case of Errol Heibner. The size and complexity of the case is perhaps reflected in the fact that the Commission referred the conviction in 2010, but the appeal proceedings did not conclude until 2014.

Mr Heibner was convicted in 1978 of a contract-type killing. He had confessed to police to being the look-out but denied being the killer. At the time of the murder he was on bail awaiting trial for robberies and was under police surveillance. The Commission referred the conviction on the basis that Mr Heibner's confession statement had been incorrectly admitted and that evidence of the bad character of police officers involved in the case, which emerged after the conviction, raised a real possibility that the Court of Appeal would quash the conviction.

The Court held that a confession which had been relied upon to secure a murder conviction 37 years earlier had been reliably obtained in accordance with police investigation procedures in force at the time. The fact that the police officers involved in the investigation had since acquired bad character did not affect the safety of the conviction either; it was not an invariable rule that evidence of misconduct post-trial in which the integrity of the officer was impugned inevitably led to a successful appeal.

Dismissing the appeal, the Court concluded:

*"Were the trial conducted now its shape and its founding procedures would be different. Statute and developed jurisprudence have had as their aim the fortification of the likelihood that the interests of justice are served. It is almost inevitable, 38 years on, that exhaustive examination, especially in skilled hands, will point up areas which*



*in hindsight would or should have been approached differently... One can find lots of holes but holes do not make a garment unwearable."*

*E*

The case of E related to historic sexual abuse offences that took place during the 1970s in children's homes run by a local authority. E was convicted in 2001 of various counts of indecent assault and attempted buggery. The Commission referred the case on the following bases: count one, non-disclosure; counts two and three, case law that it is not possible to prosecute for indecent assault when outside the time limit of 12 months for a count of unlawful sexual intercourse with a girl under 16; counts four and five, missing contemporaneous documents might have resolved the issue of whether or not the offence alleged could have taken place within the specific timeframe as stated by the complainant; this last point had a potential impact on several other counts on the indictment and for which E had been convicted. The case was heard at the Court of Appeal in March 2014. All counts were upheld except two and three. The Commission has, for the purposes of its record-keeping, counted E as appeal dismissed.

*Tomislav Stojanovic*

Tomislav Stojanovic was convicted of Common Assault at Sussex Central Magistrates in January 2008. He appealed to the Crown Court and the conviction was upheld in August 2008.

The circumstances of the offence were that an elderly man was assaulted during an altercation with three men. Mr Stojanovic admitted being one of the three men, but always denied the assault, saying that he had his two-year-old son with him at the time and was sitting in his van when the assault occurred. Mr Stojanovic was identified by the victim as his attacker following a video procedure. Other witnesses did provide

evidence that an assault had occurred but they did not identify Mr Stojanovic.

Mr Stojanovic applied to the Commission after two new witnesses came forward to say they had witnessed the assault and that Mr Stojanovic was not responsible. One of these witnesses, a social worker, said that she was specifically concerned about Mr Stojanovic's child so continued to watch events unfold as she wanted to ensure the child's safety. This was significant as no other witnesses either at magistrates or Crown Court saw the child and this was a factor that counted against Mr Stojanovic. Neither witness had been aware of the criminal proceedings at the time of the original investigation and had only learned that Mr Stojanovic was convicted after he moved back to the area after being away for three years.

The Commission referred the case back to the Crown Court on the basis that the new witness evidence casts significant doubt on the prosecution case that Mr Stojanovic was responsible for the assault. The Crown Prosecution Service did not contest the hearing and the Crown Court allowed the appeal.

### **Asylum & Immigration cases**

Over the last few years, the Commission has identified a series of cases where refugees or asylum seekers have been prosecuted for offences relating to their entry into the UK, such as having a false passport, having no passport, or attempting to obtain services by deception. The law in this country provides clear defences that are designed to protect people in this position and prevent their prosecution and conviction for offences of this kind. At the time that this report was written, the Commission had referred 21 such cases to the appeal courts on the basis of defences available under section 31 of the Immigration and Asylum Act 1999 and section 2 of the Asylum and Immigration (Treatment of Claimants etc) Act 2004.

Eight of these referrals reached the appeal courts in 2013/14. One appellant withdrew his appeal before the hearing, but in all other cases the appeals succeeded. This means that every appeal heard, in this year or in any other, in relation to Commission referrals of this kind has succeeded. The Commission has gone to some lengths to identify cases of this kind and address the issues involved. Our efforts in this regard in 2013/14 are discussed on page 34.

Offences committed by victims of human trafficking as a result of their trafficked status constitute a relatively new category of case for the Commission. We have referred three cases of this kind in the last three years but believe there are likely to be many similar cases yet to be identified. The issue and the Commission's response are discussed on page 16.

Two such cases reached the appeal courts in 2013/14. These were two unlinked cases both involving Vietnamese nationals who were arrested at properties which had been adapted for the purpose of growing cannabis plants (one was the case of M discussed on page 19). Both individuals pleaded guilty to being concerned in producing a Class B controlled drug. Both were credible victims of human trafficking who had been compelled to commit the criminal offences of which they were convicted as a direct consequence of their trafficked situation. The Commission referred their cases on the basis that in those circumstances, there was a real possibility that the Crown Court would vacate their guilty pleas and find that it was an abuse of process to prosecute them without due regard to the UK's obligations under Article 26 of Council of Europe Convention on Action against Trafficking in Human Beings. In both cases the Crown Prosecution Service chose not to oppose and the appeal succeeded.

### **Sentence cases**

The Commission referred four sentence cases during 2013/14. One of these was the case of "F". F had pleaded guilty in 2006 to wounding with intent to cause grievous bodily harm and was subsequently sentenced to an indeterminate term of imprisonment for public protection (an 'IPP').

The Court quashed the IPP sentence and imposed instead a 'hospital order' (with restriction) pursuant to the Mental Health Act 1983. The court held that there was clear evidence before it (in the form of oral evidence from psychiatrists) that F was suffering from his current mental disorder at the time of the offence and that he met the criteria for the imposition of a hospital order. In passing judgment, the court said: *"We are grateful to the CCRC for their extremely helpful and comprehensive referral. It has been of considerable assistance to us in reaching our decision and we consider it to be a commendable piece of work."*

### **Judicial Reviews**

Applications for judicial review are handled by the Administrative Court at the Royal Courts of Justice in London and, more recently, in a few regional court centres. Following a successful judicial review of a decision taken by the Commission, the Administrative Court can require us to revisit the decision in question.

During 2013/14 Commission decisions have been subject to a total of 30 challenges by way of judicial review; there were 34 such challenges in 2012/13. In 2013/14, as in previous years, the majority of these challenges have related to our decision not to refer convictions to the appeal courts.

The Commission conceded two cases prior to proceedings being issued. These were the cases of Traversari and Khan.

Each was a re-application which had been rejected as raising no new argument. It was identified subsequent to challenge that there was in fact new argument. Accordingly, the Commission agreed to accept the re-application in each case and is now considering the merits of each.

The remainder of challenges concluded with permission to judicially review a Commission decision being refused by Administrative Court or with the applicant choosing not to issue proceedings following the pre-action correspondence with the Commission.

For the second year in succession there have been no Commission cases in which permission for a judicial review to proceed has been granted by the Administrative Court.

The Commission has recently adopted new procedures for dealing with Judicial Review challenges that reach the Administrative Court and now sends appropriately skilled and qualified members of staff to represent the Commission at hearings. This change has saved a significant amount of money that would otherwise have been spent on instructing counsel. The Commission understands from extra-judicial comment that the Court has found this to be a helpful development, particularly given the increase in number of litigants-in-person.

### **Complaints**

The Commission received 55 complaints during 2013/14. This is an increase of 25% on the previous year when there were 44 complaints. There is no clear cause for the increase, but it is likely to be linked to the high number of applications received and cases closed during the year.

The Commission takes all the complaints it receives seriously and considers them fairly and transparently. We aim to deal with them thoroughly and within a reasonable

amount of time. We set ourselves the target of acknowledging every complaint within ten days and we aim to provide a substantive response within 20 days.

During 2013/14, it took us on average five days to acknowledge receipt of a complaint and 38 days to provide a substantive response compared to 2012/13 when it took on average six days to acknowledge receipt of complaints and 19 days to provide a substantive response. The increase in the time taken to provide a substantive response arose from an increase in the number and complexity of the complaints received.

The Commission operates a two-stage complaints process. Most complaints can be dealt with at stage one of the process, but the second stage allows those who are dissatisfied with our response to have the handling of their complaint reviewed by the Chief Executive or by a non-executive director. In 2013/14, five complaints (nine per cent of the total), were dealt with at stage two of the process. Last year 16% of complaints moved to stage two.

The Commission counts a complaint as upheld if any aspect of our conduct of a case is found to have been deficient regardless of whether or not that deficiency affected the outcome of the case. In 2013/14 the Customer Service Manager upheld seven (13%) of all the complaints received. In 2012/13 four complaints (nine per cent of the total) were upheld.

In 2013/14, three cases were reopened as a result of complaints being upheld. One of those cases was closed without a referral being made and the other two were being considered as this annual report was being prepared. Last year there were no cases reopened as a result of complaints being upheld.

The majority of complaints to the Commission are made by applicants about

their own cases. The most common cause for complaint is a disagreement with the Commission's decision not to refer a case for appeal. In 2013/14, complaints of this kind accounted for 63% of the total as compared with 65% in 2012/13. Almost all other complaints raise issues relating to delay, communication or discrimination.

The Commission pays particular attention to, and records separately, any complaints that relate to allegations of unfair discrimination by the Commission. In 2013/14, five complaints were based on allegations of this kind (compared to three in the previous year) but none were upheld.

In 2013/14 the Commission introduced an Easy Read complaints form. Easy Read is an established way of using simple words and pictures to aid understanding of forms and other documents for people with comprehension or literacy difficulties. We started providing Easy Read complaints forms to people who specifically requested them in July 2013. Complaints made using the Easy Read form accounted for eight (14%) of all complaints received in 2013/14.

### **Military cases**

The Armed Forces Act 2006 amended the Criminal Appeal Act 1995 and the Court Martial Appeals Act 1986 to give the Commission jurisdiction over convictions and/or sentences arising from the Court Martial or Service Civilian Court after 31 October 2009. The Commission has so far received three applications relating to cases of a military origin. One was a summary case in which we had no jurisdiction, another was a no appeal case where there were no exceptional circumstances so no review was possible; the third application, received during 2013/14, was still under review as this report was prepared. Commission staff are due to make an awareness-raising visit to a military prison in June 2014.

### **Royal Prerogative of Mercy**

Section 16 of the Criminal Appeal Act 1995 gives the Commission two areas of responsibility relating to the Royal Prerogative of Mercy. One is to recommend the use of the Royal Prerogative where the Commission sees fit. The other is to respond to requests from the Secretary of State in relation to the use of the Royal Prerogative. The Commission has had no cause to do either in 2013/14.

## **Resources**

### **Human Resources**

This year has seen a great deal of recruitment activity for both fixed-term and permanent posts thanks to the increase in funding provided to the Commission at the end of 2012/13.

During the year we appointed ten Case Review Managers (CRMs) along with one Group Leader, eight Administrators, two Investigations Advisers and one Investigator. The Commission also had two fixed-term secondees from the Legal Ombudsman in the role of CRM.

At the 31st March 2014 there were 36 permanent CRMs at the Commission making up a full-time equivalent (FTE) of 34.18. At the turn of the year we also employed eight CRMs (FTE 7.61) on fixed-term or temporary contracts or as secondees. Altogether there were 44 CRMs amounting to an FTE of 41.79. For comparison, at the end of 2012/13 we had 31 permanent CRMs (FTE 28.46) and seven CRMs on fixed-term or temporary contracts (FTE 6.02).

Three Commissioners left and five new Commissioners arrived in 2013/14. The Commission Chair, Richard Foster, came to the end of his five-year appointment period in November 2013. He was successful in his application for re-appointment and his

term of office was extended for a further five years.

The Commission continued with the successful internship programme run in conjunction with the The Kalisher Scholarship Trust and appointed one intern for a six month period in 2013/14. The Commission's apprenticeship scheme is also flourishing with two apprentices appointed during the year. One of those apprentices has since left the Commission having secured a permanent role within another public body.

In the Summer of 2013, on the strength of the results of our 2012 staff survey, the Commission finished runner-up in the ORC International Awards for Employee Engagement which involved many organisations from the public and private sectors. The Commission's next staff survey will take place in June 2014.

Sickness absence has been higher than we would have liked during 2013/14. Our Key Performance Indicator target is for sickness absence to be on average less than 7.5 days per person per year. In 2013/14, the actual annual average sickness absence was 13.3 days; in 2012/13 it was seven days.

The main cause of the increase in 2013/14 was the long-term absence of a small number of staff. Managers have been in regular contact with all those on long-term absences and arrangements are in place to help people to return to work as early as is possible. Managers also carry out regular one-to-one and return-to-work meetings with staff where sickness absence is above average.

We have a supportive management structure as well as good policies and practices in place to deal with sickness absence. However, as a relatively small organisation, the long-term absence of a handful of people can have a

disproportionately large effect on the overall picture.

At the 31st March 2014 there were ten female and seven male board members. There were 58 female and 33 male staff.

### **IT Resources**

A key objective of the Commission is the continuing provision of a secure and stable IT environment that meets our business needs at reasonable cost. This is achieved through a small in-house IT team, which has continued to provide near-100% system availability throughout the year despite staffing issues which have often left the team operating with greatly reduced resource. The main work during the year comprised maintenance and update activities. These included upgrading our server operating systems, implementing a revised connectivity solution for accessing the Police National Computer, a major upgrade to our electronic document management system and preparations for migrating away from Microsoft desktop products no longer supported. Changes were also made to support the implementation of the new Government Security Classification. During the year we completed the product search and selection stages of a project to replace our current casework management software which is no longer supported. Most of the procurement activities were also completed. Although the project is now running behind schedule, it is expected that implementation will be completed towards the end of summer 2014.

### **Financial Resources**

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

	2009/10	2010/11	2011/12	2012/13	<b>2013/14</b>	2014/15
	£000	£000	£000	£000	<b>£000</b>	£000
Fiscal RDEL	5,806	5,465	5,113	5,107	<b>5,178</b>	5,178
Non-cash RDEL	327	297	229	240	<b>241</b>	(55)
RDEL total	6,133	5,762	5,342	5,347	<b>5,419</b>	5,123
RAME	394	413	413	411	<b>403</b>	509
CDEL	348	205	100	43	<b>235</b>	132
TOTAL	6,875	6,380	5,855	5,801	<b>6,057</b>	5,764

expenditure, but also includes depreciation; Resource Annually Managed Expenditure (RAME) covers movements in provisions; and Capital DEL (CDEL) is for expenditure on non-current assets which are capitalised. At the time of writing the Commission has received a firm indicative budget for 2014/15. The table above shows a comparison of budget figures for the current year, the previous four years and the following year.

The main source of risk and uncertainty faced by the Commission in planning and managing its financial resources relates to the level of funding it receives from its sponsor department. The continuing need for budgetary savings to be made across government introduces budgetary pressures at a time when the Commission has seen a significant growth in the number of new applications received. It is particularly difficult for the Commission to respond to budgetary pressures as the majority of its expenditure is on staff costs. This makes it difficult to plan ahead with any confidence. Another significant risk relates to the possibility of poor casework decisions being taken because of the recent influx of new staff and Commissioners. However, this risk has been well mitigated by a programme of induction, training and mentoring. In addition, a project to replace the Commission's

case management software is currently in progress. This project is mission critical, and consequently the risks of the project failing are considered material for the organisation as a whole. The Governance Statement on pages 44 to 49 describes how the Commission manages these risks and uncertainties.

The cash Grant in Aid received from the Ministry of Justice in the year was £5.47m (2012/13 £5.23m). In accordance with government accounting rules which require Grant in Aid only to be drawn when needed, the Commission forecasts its cash requirement on a monthly basis. By only drawing down the amount of Grant in Aid needed in the month, the Commission aims to keep its monthly end of period cash balances as low as possible, and sets its own internal target at £200k. The balance at the end of the year was £4,000 (2012/13 £42,000). The Commission has almost completed the migration of its banking arrangements from a commercial provider to the Government Banking System. At the end of the year balances held with the Government Banking System were nil (2012/13 - £4,000), and there was a balance of £4,000 with a commercial provider (2012/13 - £38,000).



**Financial performance**

The primary indicator of financial performance is expenditure measured against the respective elements of the delegated budget. The Commission's actual expenditure compared with budget was as follows:

	2013/14			2012/13		
	Actual £k	Budget £k	Variance £k	Actual £k	Budget £k	Variance £k
<b>Fiscal DEL</b>	<b>5,158</b>	<b>5,178</b>	<b>(20)</b>	4,931	5,107	(176)
<b>Non-cash</b>	<b>15</b>	<b>241</b>	<b>(226)</b>	(52)	240	(292)
<b>RDEL</b>	<b>5,173</b>	<b>5,419</b>	<b>(246)</b>	4,879	5,347	(468)
<b>RAME</b>	<b>438</b>	<b>403</b>	<b>35</b>	565	411	154
<b>CDEL</b>	<b>181</b>	<b>235</b>	<b>(54)</b>	42	43	(1)
<b>Total</b>	<b>5,792</b>	<b>6,057</b>	<b>(265)</b>	5,486	5,801	(315)

Expenditure against the budget heads shown above reconciles to net expenditure after interest as shown in the statement of comprehensive net expenditure on page 52 as follows:

	2013/14 £000	2012/13 £000
<b>Resource DEL</b>	<b>5,173</b>	4,879
<b>Resource AME</b>	<b>438</b>	565
<b>Total resource expenditure</b>	<b>5,611</b>	5,444
<b>Notional expenditure</b>	<b>Note 18</b>	621
<b>Net expenditure after interest</b>	<b>6,232</b>	6,065

Notional expenditure is a presentational item included to ensure that the financial statements show the true cost of the Commission's operations. It is not scored against the Commission's budgets as it is not actually incurred by the Commission. Notional costs relate to the cost of office accommodation, which is borne by the sponsor department on behalf of the Commission. The costs are included in the Statement of Comprehensive Net Expenditure as a notional cost in accordance with the FReM. 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.

Financial performance as measured by expenditure against budget is one of our Key Performance Indicators (KPIs). The targets for KPI 8 are that for each of RDEL and CDEL expenditure should not exceed

budget, nor fall below budget more than a percentage target of the budget. Actual RDEL expenditure in 2013/14 was 4.54% below budget compared with the target of 2.5%. However, a significant proportion of this related to non-cash costs. Depreciation was reduced compared with budget as a result in the change to estimated useful lives of certain assets last year and delays in projects which reduced capital spend. The departure of Commissioners has had a double effect, with the current service cost of pensions reduced and the release of provisions relating to pensions paid increased. The favourable variance on Fiscal DEL, which represents that part of the budget which is cash-based and therefore susceptible to in-year control, was about 0.4% of budget, comfortably within the KPI target. This small overall favourable variance on Fiscal DEL is the net effect of some overspends and savings in other areas.

Expenditure was higher than budgeted in several areas related to increased activity arising from the continuing high number of new applications – mainly postage, storage costs and transcripts and translations. Savings have emerged on staff costs and in other ancillary areas where spend has been cut back. Actual CDEL (capital) expenditure was significantly below budget. This was a result of delays in the project to replace our case management software, so that some of the implementation costs have now been deferred into the next business year. See page 74 for results of KPI 8.

### **Financial statements**

The accounts for the year ended 31 March 2014 are set out on pages 52 to 68.

The Statement of Comprehensive Net Expenditure on page 52 shows total expenditure for the year of £6.01m (2012/13 - £5.83m). Staff costs have increased by £142,000 compared with the previous year. The recruitment of additional caseworking staff during the year to cope with the increased number of new applications being received accounts for an increase of £184,000. This is partially offset by a reduction in the current service cost of Commissioner pensions of £42,000 following the retirement in the year of a number of Commissioners entitled to pensions.

Other expenditure has increased from £1.38m in 2012/13 to £1.42m in the current year. Most of this increase relates to expenditure directly connected to the increase in casework activity. This expenditure includes forensic and expert reports, transcripts and translations, as well as postage and costs of storing case material.

The main investment in non-current assets during the year was in respect of licences for a replacement case management software solution. These have been classified as assets under development as the software is not yet in use. Deployment and configuration work will take place in the following business year. Cash balances were minimal at the year-end. This reflects the continuous focus on good cash management so that Grant in Aid is only drawn down as needed. A residual balance remains with commercial bankers, but this will be eliminated in the new business year as the transfer of our entire banking requirements to the Government Banking System is now complete. Pension liabilities continue to grow and represent by far the largest item on the Statement of Financial Position. Commissioners are now appointed without pensions, which means that the current service cost has declined markedly. However, the unwinding of the discount and actuarial losses has contributed to an increase in the liability of £567,000 in the current year. The Statement of Financial Position on page 53 now shows overall net liabilities of £5.68m (2012/13 £5.12m). The net liabilities largely fall due in future years, and will be funded as necessary from future Grant in Aid provided by the Ministry of Justice. As a result, it has been considered appropriate to continue to adopt the going concern basis for the preparation of the accounts. This is discussed further in the Accounting Policies note on pages 56 and 57.



**Compliance with public sector payment policy**

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

Performance has exceeded our 95% target both in terms of value and number of invoices.

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

The average credit period taken for trade purchases is calculated by expressing trade and capital payables as a proportion of the total value of supplier invoices in the year, multiplied by the number of days in the financial year. This period is 17.5 days for the current year (2012/13 12.2 days).

	2013/14		2012/13	
	£000	Number	£000	Number
<b>Total invoices paid in year</b>	<b>1,332</b>	<b>1,726</b>	1,288	1,684
<b>Total invoices paid within target</b>	<b>1,292</b>	<b>1,670</b>	1,226	1,590
<b>Percentage of invoices paid within target</b>	<b>97.0%</b>	<b>96.8%</b>	95.2%	94.4%

**Applicants advice line**

The Commission operates an advice call rota whereby applicants, potential applicants, their lawyers or supporters, can call the Commission and speak to one of our Case Review Managers about matters relating to a current or potential application. During 2013/14 the staff on the rota dealt with around 650 calls seeking advice of this kind. While the advice rota represents a significant investment of casework resources, we view it as a valuable service which, among other things, helps potential applicants make the important and sometimes complicated decision about whether or not they should apply to the Commission.

Records Acts of 1958 and 1967, the Data Protection Act 1998 and the Freedom of Information Act 2000. We act in accordance with the requirements of those acts, and in consultation with the National Archives, in the way we create, manage and preserve or destroy records. We operate a retention and disposal schedule which sets out how we will manage all paper and electronic records in our possession; we keep paper casework records for three months after case closure and keep our own electronic casework records for a minimum of ten years.

During the year the Board approved a strategy to address a number of records management issues, some of them long-term. The most important of these is the preparation needed for our first transfer of material to the National Archives under the new 20-year rule. Future business plans will be aligned with the records management strategy to ensure that the issues identified are addressed within an appropriate timeframe.

**Records Management**

Our ability to obtain material and manage the flow of documents and information at the Commission is of fundamental importance to our operation as a caseworking organisation. Our handling of such material is subject to legislation including the Public

## Corporate

### The Triennial Review

The Government's Triennial Review of the Criminal Cases Review Commission reported in June 2013 and provided resounding support for the Commission and its work.

The Triennial Review process was established by the Cabinet Office to provide robust challenge to Non-Departmental Public Bodies (NDPBs) such as the Commission in regard to their functions and their form. The Triennial Review was the most in-depth and robust external review the Commission has so far faced. The review took more than six months to complete and involved a public consultation to which 65 responses were received from a range of sources including academics and campaigners, senior members of the judiciary, members of the legal profession and other senior figures within the criminal justice system.

The review took a two-stage approach. Stage one asked whether the function performed by the Commission is a necessary one. On the basis that the answer to that question was "yes", stage two proceeded to ask whether the Commission is the right body to continue performing that function.

The conclusions of the review are expressed in a 48-page report which is overwhelmingly positive about the Commission and represents a significant vote of confidence in the organisation and its work.

With regards to stage one, the report says: "The vast majority (83%) of respondents directly answered the question of whether the role of the CCRC in reviewing cases for possible miscarriages of justice continued to be necessary. Of these, the overwhelming response (98%) was an emphatic 'yes'". For

instance, in its response to the consultation the Law Society said it was: "firmly of the view that the functions of the CCRC are still very much required."

On the subject of the Commission's functions, The Law Commission told the review: *"The functions [of the Commission] all appear to be essential functions for any effective criminal justice system. A functioning and developed criminal justice system needs an effective mechanism for the identification and review of potential errors. That mechanism is best performed by a body that is independent of the judicial and executive arms of government and is perceived to be independent."*

On the issue of the Commission's independence, the Ministry of Justice's report said: *"The very strong message in the call for evidence was that the organisation reviewing cases for possible miscarriages of justice must be, and be perceived to be, impartial and independent of both the executive and the judiciary for it to gain the confidence of those persons for whom it was established."*

All those consultees who expressed an opinion on the issue agreed that the Commission's section 17 powers should be extended to cover organisations in the private sector and the Ministry of Justice said it would "look at legislative options for extending the CCRC's powers."

The Triennial Review report concludes that the Commission: "appears as a well structured organisation with strong governance in all the key areas". The report also contained some recommendations regarding changes to the Commission's governance structures. The issue was resolved in early 2014/15 as reflected in the Governance Statement on pages 44 to 49. The full Triennial Review report can be found

at the foot of the web page at this address: <https://consult.justice.gov.uk/digital-communications/ccrc-triennial-review>.

### **The Justice Select Committee**

The Commission appeared before the Justice Select Committee at the Houses of Parliament on 14th January 2014. Our last appearance before the Committee had been in March 2009. The Chair, Mr Richard Foster, and the Chief Executive and Accounting Officer, Miss Karen der, answered the Committee's questions on a variety of topics including the adequacy of the Commission's funding, casework performance and its role within the criminal justice system.

The Commission was grateful to the Select Committee for its support for an amendment to section 17 of the Criminal Appeal Act 1995. Section 17 currently gives the Commission power to obtain material for case reviews from any public body. The Committee agreed that those powers should be extended to also give the Commission, subject to judicial oversight, the power to access material held by private bodies. Committee Chairman Sir Alan Beith MP said: "It is an issue that we will pursue with Ministers".

The transcript of the oral evidence and the memorandum submitted by the Commission to the Justice Select Committee can be seen on the Committee's web pages at: <http://www.parliament.uk/business/committees/committees-a-z/commons-select/justice-committee/inquiries/parliament-2010/the-work-of-the-criminal-cases-review-commission/> Footage of the session can be seen on the Parliament TV web pages.

### **Our wider contribution**

The Commission is fundamentally a caseworking organisation focussed on reviewing alleged wrongful convictions. It is

also part of the Commission's role to feed its knowledge and experience back into the criminal justice system in order to improve that system. We do this in a variety of ways.

In 2013/14, the Commission submitted formal responses to the Government's Transforming Legal Aid consultation paper and to the Crown Prosecution Service's consultation on prosecuting sexual offences against children. We also took part in private consultations on the Attorney General's guidelines on disclosure for investigators, prosecutors and defence practitioners and the Judicial Protocol on the Disclosure of Unused Material in Criminal Cases.

The Commission is always mindful of the fact that the cases with which it deals almost inevitably involve the victims of offences, and that where a miscarriage of justice has occurred, there will also be the victim of the miscarriage. During 2013/14, the Commission played a role in the revisions to the Code of Practice for Victims. The code outlines the services provided in England and Wales by criminal justice system organisations to the victims of criminal conduct and sets out the Commission's responsibilities where there are identifiable victims involved in the cases we review.

During the reporting year the Chief Executive attended meetings of the Criminal Justice Council and the Court of Appeal Criminal Division User Group. This year the Commission also hosted in Birmingham a "share and learn" event with senior staff from the Victim and Criminal Proceedings Policy section of the Ministry of Justice's Justice Reform Directorate, the Ministry of Justice's Justice Policy Group and the Criminal Procedure Rule Committee.

Commissioners and senior staff were also involved in meetings with the Director of Public Prosecutions on various topics

including undercover policing practices and the ongoing issue of the wrongful conviction of asylum seekers and refugees.

Indeed, the Commission has paid particular attention again this year to identifying asylum seeker/refugee type cases and human trafficking cases discussed on pages 16 and 23 to 24. Our aim here has been not only to find individual cases where the Commission may have a direct role to play, but also to try to increase awareness of the issues in order to help prevent further cases of this kind from arising.

Our activity in this area during 2013/14 has included liaising with the Solicitors Regulation Authority, the Chartered Institute of Legal Executives and the Justices' Clerks Society, as well as the Home Office, the Equality & Human Rights Commission and the Anti-trafficking Monitoring Group.

A member of Commission staff with specialist knowledge in this area wrote an article, published in the Law Society Gazette in September 2013, discussing the issues after the Court of Appeal quashed the convictions of three Commission applicants in the case of *R v Mateta and others* [2013] EWCA Crim 1372. That article is available at [www.lawgazette.co.uk/law/in-defence-of-refugees/5037642.article](http://www.lawgazette.co.uk/law/in-defence-of-refugees/5037642.article).

During 2013/14 Commissioner Julie Goulding was a member of the Forensic Science Advisory Council. Commissioner Andrew Rennison, who was the Forensic Science Regulator (FSR) throughout 2013/14, was Chairman of FSR's Quality Standards Specialist Group and Commissioner Ewen Smith was during the year appointed Deputy Chairman of that Group.

### **Stakeholder Activity**

The Commission considers a wide range of individuals and organisations to be

significant stakeholders. We have in the last five years substantially increased our stakeholder engagement activity in spite of radically reduced spending in this area. Our aim in this has been to promote public understanding of our role and to raise informed awareness about the Commission with specific stakeholders groups among which we number applicants, potential applicants and their representatives, campaigners, members of the judiciary and of the legal profession as well as legal academics and students.

In April 2013 Commissioner Penelope Barrett addressed the Criminal Bar Association's Spring Conference on Recent Developments in Criminal Law.

In June 2013 the Commission worked with Warwick University to provide some specific training to more than 30 solicitors and barristers who are, or who plan to be, involved in applications to the Commission. The day long event, hosted and funded by Warwick University, consisted of a practical casework session presented by Commissioners and Commission staff, and a session on the theory and practice of representing applicants presented by Professor Jacqueline Hodgson and Juliet Horne, University of Warwick School of Law.

The feedback from the event was very positive and included the following comments from delegates: "challenged my existing knowledge of the investigative powers of the CCRC", "[it will] improve my practice; hopefully able to achieve better results for my clients" and "I expect to be more useful now to my clients".

During the year the Commission has made some specific efforts to engage with students and lecturers involved in innocence projects and other university-based pro bono projects interested in miscarriages of justice

and ultimately in making applications to the Commission.

Commissioner Ranjit Sondhi and Legal Adviser David Robinson spoke at the Innocence Network UK (INUK) training conference in November 2013 at Sheffield University. In March 2014 Commissioner David James Smith and Case Review Manager (CRM) Emma Fenn spoke at INUK's annual Spring Conference in London where they presented a casework study designed to assist members of innocence projects in their understanding of the Commission, its powers and ways of working.

The principal aim of our engagement with pro bono units of this kind is to encourage them, where appropriate, to make good quality applications to us in relation to the cases they are working on. To this end, in 2013/14, we also devised, piloted and launched an advice line for members of innocence projects and other pro bono groups. Several experienced CRMs volunteered to operate the advice line, under an agreed protocol, and provide innocence project and others with advice on cases they are considering. The phone line itself launched at the end of 2013/14 and it is therefore too early to evaluate its performance. However, feedback about the line in principal has been positive and the pilot exercise, conducted with the University of East Anglia Innocence Project, did result in two applications being submitted to the Commission.

We were also very busy in 2013/14 with our programme of awareness raising visits to prisons and other institutions. These visits are generally designed to increase awareness among prisoners and prison staff of the Commission and the starting requirements for applications to us; the aim is to encourage appropriate applications and to discourage inappropriate ones. In 2013/14 Commission staff, led by the Customer Service Manager, gave

presentations at young offenders institutions at HMPs Feltham, Hollesley Bay and Swinfen Hall, as well as at HMPs Liverpool, Stafford, Oakwood, Dovegate, New Hall and Durham. We also attended seminars on women in prison, on older offenders and on gypsies and travellers and made presentations about aspects of the Commission's work to the Legal Ombudsman, and at the medium secure mental health unit at Raeside Clinic.

The Commission has been an early adopter of and advocate for the use of Easy Read material to make it easier for those with comprehension and literacy difficulties, and members of other vulnerable groups, to access and make sense of the Commission's processes. The Commission's work in this area was recognised when we were invited to speak at a House of Lords event to promote the use of Easy Read in the criminal justice system. Our Customer Service Manager spoke at the October event, organised by the charity KeyRing Living Support Networks, to explain how the Commission had embraced Easy Read and the impact that had had on the organisation.

The Commission has been grateful to KeyRing's Working for Justice group for its help in designing and testing our Easy Read material. We have in turn been pleased to assist the Working for Justice group during 2013/14 by hosting its meetings at our offices in Birmingham. The Commission also wrote in support of the nomination of the Working for Justice group for the Accessibility Award in the National Learning Disability Awards 2014. On 16th May 2014 the group won the award for its efforts, including its work with the Commission, in helping to improve access to justice for people with learning disabilities.

### **Visits and visitors**

We have been fortunate during the year to have hosted visits to the Commission by the

Lord Chief Justice, Sir John Thomas, and the Registrar of Criminal Appeals, Master Michael Egan QC, as well as from Andrew Little, a New Zealand Labour List MP and spokesman on justice for the New Zealand Labour Party, and by representatives of JENGBA, a group campaigning for a change in the law relating to joint enterprise.

The Commission considers it essential to its role that Commissioners and staff are kept up to date with developments in the law and with emerging thinking and practice in relevant disciplines. To achieve this, and in addition to the ongoing formal and informal training provided, the Commission runs a programme of occasional guest speakers. During 2013/14, these speakers included Professor David Ormerod of the Law Commission who spoke about the law in relation to joint enterprise; Professor Jon Gould, Director of the Washington Institute for Public Affairs Research and Chair of the Department of Justice, Law and Society at the American University, who presented the findings of his major US study on the causes of miscarriages of justice; Bill Davies QC, The Recorder of Birmingham, on life as a Crown Court Judge; and Professor Penny Darbyshire, author of *Sitting in Judgment*.

### **Website**

The Commission was extremely disappointed to have been required by the Government's 2010 website "rationalisation" programme to close its own dedicated website in favour of a number of pages on the [www.justice.gov.uk](http://www.justice.gov.uk) site. We had planned, designed and partially built a new Commission website but as a result of the rationalisation we were prevented from launching it. We pursued every available avenue to oppose the loss of our site principally on the basis that having our own site was an important demonstration of our independence from government. It was with great reluctance that we eventually switched

off our own website in 2011; since then we have relied, with mixed results, on the pages provided to us on [justice.gov](http://justice.gov) site.

The website rationalisation programme has continued and the Commission has been told that its pages on [justice.gov](http://justice.gov) will be replaced in 2014 with web content on the overarching government services website [www.gov.uk](http://www.gov.uk). It is with considerable trepidation that we face the prospect of moving onto the [gov.uk](http://gov.uk) site. We view the move as a further step along a road to which we were, for the reasons set out above, deeply opposed from the start and, at the time this annual report was being prepared, the Commission continues to argue the case for its own website.

### **Knowledge Management**

The Commission has continued to develop its knowledge management capabilities following the 2012 creation of a part-time knowledge manager post.

The role was created to help the Commission make the best possible use of the knowledge, experience and information at its disposal both in the skill and know-how of its staff and in the data held in IT and other systems. The creation of a Commission intranet has been one of the Knowledge Manager's key projects during the year. The intranet, designed principally to improve knowledge capture and management, was under construction at the close of 2013/14 and was expected to go into service in Spring/Summer 2014.

The Knowledge Manager has also instituted a programme of knowledge cafes at the Commission. These are informal learning sessions where members of staff present on and discuss various aspects of the Commission's work. There were a total of 22 knowledge cafes held in 2013/14 in addition to the Commission's formal training



sessions during the year. The knowledge cafes have been very well attended and very well received.

### **Academic Research**

The Commission has in recent years been keen to allow controlled access to its casework records to academics researching topics of practical use and interest. During 2013/14 we provided access for research being conducted by teams or individuals based at the University of Warwick, Queen Mary University of London, the University of Oxford and the University of Cambridge.

Access to our casework records has already resulted in the publication of several papers on aspects of the Commission's work and we expect to see two new papers published during 2014/15. One is an extensive PhD study exploring the basis of the Commission's decisions to refer conviction cases and the Court of Appeal's subsequent

appeal decisions. The other, also a PhD thesis, looks at what characteristics statistically distinguish cases that are referred by the Commission from those that are not and, secondly, at what statistically distinguishes those referred cases where the court allows the appeal from those where it does not.

Our aim is to provide access to these and other Commission-based research through our own internet pages when the current website issues are resolved.



**Karen Kneller**

Chief Executive and Accounting Officer  
26/6/2014

**Section Three**

# Remuneration Report

**Remuneration policy**

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

Although Commissioners are appointed with different weekly time commitments, all Commissioners, with the exception of the Chairman, are paid salaries at one of two full-time equivalent rates. The full-time rate for Commissioners appointed prior to 2012/13 is £88,836 per annum plus a contributory pension with benefits which are broadly-by-analogy to the Principal Civil Service Pension Scheme. The full-time rate for Commissioners appointed in 2012/13 and subsequent years is £93,796 per annum, with no entitlement to a pension. The full-time rate for the Chairman is £104,800 per annum (2012/13 - £172,753).

Non-executive directors are paid a daily fee which is reviewed annually in the light of increases in the Retail Price Index.

Salaries of senior management and advisors are set by the Remuneration

Committee. Membership of the Committee is co-terminous with that of the Finance & Executive Scrutiny Committee. The Committee takes into account Treasury pay growth limits, affordability, and performance in determining annual salary increases.

**Service contracts**

Commissioners are appointed by the Queen on the recommendation of the Prime Minister, one of whom is appointed by the Queen as Chairman. Appointments may be full-time or part-time, and are for a fixed period of not longer than five years. Retiring Commissioners are eligible for re-appointment, provided that no person may hold office for a continuous period which is longer than ten years.

Non-executive directors are office holders appointed for a fixed term of five years, which may be renewed. The posts are non-pensionable.

Senior management 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. 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 ie the Commissioners, non-executive directors and the senior management team. These details have been subject to audit.

	2013/14				2012/13			
	Salary £000	Benefits- in-kind (to nearest £100)	Pension benefits (to nearest £1000)	Total £000	Salary £000	Benefits- in-kind (to nearest £100)	Pension benefits (to nearest £1000)	Total £000
<b>Commissioners</b>								
Mr Richard Foster CBE	95-100	-	-	95-100	100-105	-	-	100-105
Mr Michael Allen [to 01.09.12]	-	-	-	-	35-40	-	7	40-45
Ms Penelope Barrett	85-90	-	24	105-110	85-90	-	22	110-115
Mrs Liz Calderbank [from 02.01.14]	5-10	-	-	5-10	-	-	-	-
Mr James England	85-90	-	27	115-120	85-90	-	23	110-115
Ms Angela Flower [from 12.11.12 to 28.02.13]	-	-	-	-	25-30	-	-	25-30
Miss Julie Goulding	70-75	-	19	90-95	75-80	-	34	110-115
Ms Celia Hughes [from 12.11.12]	55-60	-	-	55-60	20-25	-	-	20-25
Mr Alastair MacGregor QC [to 29.11.13]	20-25	-	6	25-30	85-90	-	19	105-110
Mr Paul Mageean [from 21.01.13 to 30.08.13]	15-20	4,600	-	20-25	10-15	4,300	-	10-15
Ms Alexandra Marks [from 28.10.13]	15-20	-	-	15-20	-	-	-	-
Mr Ian Nichol [to 31.10.13]	45-50	-	11	55-60	60-65	-	16	75-80
Dr Sharon Persaud [from 28.10.13]	30-35	-	-	30-35	-	-	-	-
Mr Andrew Rennison [from 03.03.14]	5-10	-	-	5-10	-	-	-	-
Mr David James Smith [from 28.10.13]	40-45	-	-	40-45	-	-	-	-
Mr Ewen Smith	70-75	-	20	90-95	75-80	-	(113)	(30)-(25)
Mr Ranjit Sondhi CBE [from 12.11.12]	55-60	-	-	55-60	20-25	-	-	20-25
Mr John Weeden [to 01.09.12]	-	-	-	-	30-35	-	(66)	(35)-(30)
<b>Non-executive directors</b>								
Dame Anne Owers	0-5	400	-	0-5	5-10	600	-	5-10
Ms Margaret Semple	5-10	400	-	5-10	0-5	500	-	0-5
<b>Senior management</b>								
Miss Karen Kneller	85-90	-	5	90-95	85-90	-	154	240-245
Mr Colin Albert	65-70	-	21	85-90	65-70	-	18	80-85
Mrs Sally Berlin [from 02.04.13]	55-60	-	74	130-135	-	-	-	-
Mr Matthew Humphrey	-	-	-	-	55-60	-	65	120-125

'Salary' includes gross salary or remuneration.

None of the Commissioners, non-executive directors or senior management was entitled to a bonus in the current or previous year, and there is no performance related component to salaries.

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

the Commissioner and the non-executive directors or reimbursed to them in the year was £2,800 (2012/13 - £2,876).

### **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.

	<b>2014/15</b>	2013/14
Band of highest paid Board member's total remuneration [£000]	<b>100-105</b>	170-175
Median total remuneration	<b>£35,913</b>	£38,029
Ratio	<b>2.9</b>	4.5

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

**Pension benefits**

These details have been subject to audit.

	Accrued pension at normal retirement age at 31/3/14 and related lump sum £000	Real increase/ (decrease) in pension and related lump sum at normal retirement age £000	CETV at 31/3/14 £000	CETV at 31/3/13 £000	Real increase/ (decrease) in CETV £000
Ms Penelope Barrett	15-20	0-2.5	275	235	19
Mr James England	10-15	0-2.5	220	181	21
Miss Julie Goulding	10-15	0-2.5	202	171	15
Mr Alastair MacGregor QC [to 30.11.13]	15-20	0-2.5	361	345	9
Mr I Nichol [to 31.10.13]	10-15	0-2.5	201	182	13
Mr Ewen Smith <sup>4</sup>	0-5	0-2.5	36	12	18
Miss Karen Kneller – Chief Executive	25-30 plus 85-90 lump sum	0-2.5 plus 0-2.5 lump sum	494	461	2
Mr Colin Albert - Director of Finance & IT	10-15	0-2.5	263	236	20
Mrs Sally Berlin – Director of Casework Operations	10-15	2.5-5	166	114	41

## Notes

- 1 Mr Richard Foster is entitled to a pension but has not opted-in.
- 2 Ms Margaret Semple and Dame Anne Owers, as non-executive directors, are not entitled to pension benefits.
- 3 Commissioners appointed after 2012/13 are not entitled to pension benefits.
- 4 Mr Ewen Smith took partial retirement last year, and the table above therefore shows a mix of active and pensioner benefits.
- 5 Total accrued pension may include benefits arising from transfers-in from other schemes, and may also be augmented by additional voluntary contributions paid by the individual.
- 6 CETVs are calculated using common market valuation factors for the start and end of the period, which may be different from the factors used in the previous year. Consequently, the CETV at 31/3/13 shown in the table above may differ from the CETV at 31/3/13 as disclosed in the 2012/13 remuneration report.

**Pension arrangements**

Commissioners appointed prior to 2012/13 are entitled to a pension and may choose pension arrangements broadly by analogy with the Principal Civil Service Pension Schemes. They are entitled to receive such benefits 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 8.25% of pensionable earnings.

Pension benefits for senior management are provided through the Principal Civil Service pension arrangements. Members of senior management paid contributions at the rate of 6.25% of pensionable salary to the Classic scheme and 7.46 % to 8.25% of pensionable salary to the Premium scheme.

**Cash equivalent transfer values**

A Cash Equivalent Transfer Value (CETV) is the actuarially assessed capitalised value of the pension scheme benefits accrued by a member at a particular point in time. The benefits valued are member's accrued benefits and any contingent spouse's pension payable from the scheme. A CETV is a payment made by a pension scheme or arrangement to secure pension benefits in another pension scheme or arrangement when the member leaves a scheme and chooses to transfer the benefits accrued in their former scheme. The pension figures shown relate to the benefits that the individual has accrued as a consequence of their total membership of the pension scheme, not just their service in a senior

capacity to which disclosure applies. CETVs are calculated in accordance with The Occupational Pension Schemes (Transfer Values) (Amendment) Regulations 2008 and do not take account of any actual or potential reduction to benefits resulting from Lifetime Allowance Tax which may be due when pension benefits are taken.

The figures include the value of any pension benefit in another scheme or arrangement which the member has transferred to the Civil Service pension arrangements. They also include any additional pension benefit accrued to the member as a result of their purchasing additional years of pension service in the scheme at their own cost.

**Real increase in CETV**

This is the element of the increase in accrued pension that is funded by the employer. It excludes increases due to inflation and contributions paid by the member (including the value of any benefits transferred from another pension scheme or arrangement). It is worked out using common market valuation factors for the start and end of the period.

**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.


**Karen Kneller**

Chief Executive and Accounting Officer  
26/6/2014

## Section Four Accounts

### Statement of the Commission's and Accounting Officer's responsibilities

Under the Criminal Appeal Act 1995, the Secretary of State (with the consent of HM Treasury) has directed the Criminal Cases Review Commission to prepare for each financial year a statement of accounts in the form and on the basis set out in the Accounts Direction. The accounts are prepared on an accruals basis and must give a true and fair view of the state of affairs of the Criminal Cases Review Commission and of its net expenditure, 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 in particular to:

- observe the Accounts Direction issued by the Secretary of State (with the consent of HM Treasury), including the relevant accounting and disclosure requirements, and apply suitable accounting policies on a consistent basis;
- make judgements and estimates on a reasonable basis;
- state whether applicable accounting standards as set out in the Government Financial Reporting Manual have been followed, and disclose and explain any material departures in the accounts; and
- prepare the accounts on a going concern basis.

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



**Karen Kneller**  
Chief Executive and Accounting Officer  
26/6/2014

# Governance Statement 2013/14

## **Governance framework**

The governance framework comprises the systems and processes, culture and values by which the Commission is directed and controlled and its activities through which it accounts to and engages with its sponsor department and other stakeholders. It enables the Commission to monitor the achievement of its strategic objectives and to consider whether those objectives have led to the proper discharge of its functions as defined in its founding legislation, the Criminal Appeal Act 1995, and have provided value for money.

The system of internal control is a significant part of that framework and is designed to manage risk to a reasonable level. It cannot eliminate all risk of failure to achieve policies, aims and objectives and can therefore only provide reasonable and not absolute assurance of effectiveness. The system of internal control is based on an ongoing process designed to identify and prioritise the risks to the achievement of the Commission's policies, aims and objectives, to evaluate the likelihood and potential impact of those risks being realised, and to manage them efficiently, effectively and economically. The Commission's internal control framework is based on the review of regular management information, administrative procedures including the segregation of duties, and a system of delegation and accountability. This is supported by regular meetings of the Board at which the Commission's strategic direction and plans are reviewed, and performance against goals is reported.

The governance framework has been in place at the Commission for the year ended 31 March 2014 and, as modified by the changes to the Board structure explained below, up to the date of approval of the annual report and accounts.

The Commission's founding legislation does not prescribe any particular governance structure. The structure employed by the Commission up until May 2014 was developed as part of a review of its governance arrangements which was completed in 2010. Changes to the structure of the Board were made in May 2014 on a trial basis in response to the recommendations of the Triennial Review.

Up until May 2014, the Board was made up of all the Commissioners, two non-executive directors and the three members of the senior management team. Details of these posts are given on page 10 and 11 of the annual report. The new Board composition following implementation of the recommendations of the Triennial Review is the Chair and six Commissioners, three non-executive directors and the three members of the senior management team.

Until May 2014 there were three Board sub-committees: the Finance & Executive Scrutiny Committee (FESC), the Policy & Casework Committee (PCC) and the Audit & Risk Committee (ARC). Under the revised arrangements, FESC and the PCC have been discontinued.

The work of these committees will now be conducted by the Board.

Membership of the committees and the attendance record of members is shown in the table:

	Board			FESC					PCC				ARC				
	23.04.13	23.07.13	28.01.14	21.05.13	24.09.13	26.11.13	17.12.13	25.02.14	25.03.14	21.05.13	24.09.13	17.12.13	25.03.14	23.04.13	25.06.13	22.10.13	28.01.14
<b>Commissioners</b>																	
Penelope Barrett	✓	✓	✓							X	✓	X	✓				
Elizabeth Calderbank			✓														
James England	✓	✓	X											✓	✓	X	X
Richard Foster	✓	✓	✓	✓	✓	✓	✓	✓	✓								
Julie Goulding	✓	✓	✓											X	✓	✓	✓
Celia Hughes	✓	✓	✓			✓	X	✓	X								
Paul Mageean	✓	X															
Alastair MacGregor	✓	✓		✓	✓	✓											
Alexandra Marks			✓						†			†					
Ian Nichol	✓	✓		✓	✓												
Sharen Persaud			✓				†										†
David Smith			✓				†	†				†	✓				
Ewen Smith	✓	✓	✓					X	✓	✓	✓	✓					
Ranjit Sondhi	✓	✓	✓														
<b>Non-executives</b>																	
Anne Owers	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓				
Maggie Semple	✓	✓	✓	✓	✓	X	✓	X	X					✓	X	✓	✓
<b>Senior management</b>																	
Colin Albert	✓	✓	✓	‡	‡	‡	‡	‡	‡					‡	‡	‡	‡
Sally Berlin	✓	✓	✓	‡	‡	‡	‡	‡	‡	✓	✓	✓	✓				
Karen Kneller	✓	✓	✓	✓	✓	✓	✓	✓	✓	‡	‡	‡	‡	‡	‡	‡	‡

† Attended as observer    ‡ In attendance

The Board meets quarterly and deals with strategic issues (including the annual business plan and the three-year strategic plan), reviews key management information including key performance indicators, deals with matters of casework policy and approves the annual report and accounts. The normal October meeting was cancelled and it did not prove feasible to re-schedule it for a later date. Consequently the Board only met three times in the year.

The Finance & Executive Scrutiny Committee

acts as the standing committee of the Board and usually meets each month when there is no Board meeting. However, the June meeting was cancelled as it was inquorate. The Committee has delegated powers to carry on the functions of the Board between Board meetings, and specifically deals with the approval of budgets and major expenditure as required by the Commission's procurement and payments procedures, scrutinises the IT strategy and associated spend, and agrees to major changes to HR policies and recruitment proposals.



The Policy & Casework Committee develops the Commission's strategic approach to casework and ensures the effectiveness of the Commission's policies and practices. In addition to the membership shown above, the Commission's Legal Advisor is also a member of the Committee. The Committee meets at least four times each year.

The Audit & Risk Committee supports the Board and the Accounting Officer in their responsibilities for issues of risk, control and governance. Specifically, it advises the Accounting Officer and the Board on the strategic processes for risk, control and governance; the accounting policies, the accounts, and the annual report; the planned activity and results of both internal and external audit and anti-fraud policies and whistle-blowing processes. The Committee meets quarterly, and regularly reviews the Commission's major risks and the plans for their mitigation.

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

### **Board performance**

The Board maintains a number of processes and systems to ensure that it can operate effectively. Recruitment by the sponsor department of new Commissioners and non-executive directors is conducted in accordance with the Office of the Commissioner for Public Appointments' code of practice. New members receive induction consistent with their experience and knowledge of the public sector and the criminal justice system. Board members are

subject to regular personal appraisal. Meeting agendas and papers are made available to members electronically and as paper copies one week before Board meetings. Papers provide sufficient information and evidence for sound decision-making. Agendas are planned to ensure all areas of the Board's responsibilities are examined during the year.

The Board carries out an annual self-evaluation of its performance, using a questionnaire published by the National Audit Office which compares how the Board operates with the recommendations in the Corporate Governance Code. Actions identified in the evaluation carried out in 2012/13 were only partially implemented, as some covered subject areas also referred to in the report of the Triennial Review. Whilst the Board was considering its response to the recommendations of the Triennial Review, no further self-evaluation of Board performance was carried out during the year.

### **Corporate governance**

The Commission aims to ensure that its governance arrangements follow best practice, and follow the Corporate Governance Code to the extent that it is relevant and meaningful. The Board has identified the following material departures from the provisions of the Code:

- The Board has no nominations and governance committee, as it is considered that the size of the organisation does not warrant it.
- The constitution of the Board did not reflect the optimal balance recommended by the Code, particularly in terms of the number of non-executive directors which is below the recommended minimum of four. The Commission's establishing legislation stipulates the minimum number of Commissioners (who are all Board members), and it has

been considered that increasing the number of non-executives would render the Board too big to allow effective discussion. However, as set out elsewhere in this Governance Statement, a recommendation to reduce the size of the Board to address this issue was made in the report of the Triennial Review, and steps have now been taken to implement this recommendation. This will result in a Board structure much closer to that envisaged by the Code. As there are only two non-executive directors, it is not considered necessary to designate one of them as the lead non-executive director. Only one of them is on the Audit & Risk Committee to ensure there is an appropriate segregation of duties.

- The majority of Board members are Commissioners. They are selected primarily for their ability to make casework decisions and for their experience of the criminal justice system. The ability of the Board to ensure that it has the necessary mix and balance of skills is therefore somewhat limited, but the opportunity is taken at each recruitment round to ensure that any gaps in the broader skills and experience of members are addressed.
- There is no formal evaluation of the effectiveness of the Finance and Executive Scrutiny Committee or the Policy and Casework Committee. As noted above, the Board normally carries out an annual self-evaluation of its performance.

### **Triennial review**

A triennial review of the Commission was undertaken in 2012/13 by the Ministry of Justice as part of the triennial review programme overseen by the Cabinet Office. A final report was approved by Ministers in June 2013. The report concluded that the functions of the Commission should be retained unchanged, and that the Commission should continue in its current

form. Two recommendations were made to strengthen the Commission's governance arrangements. The first recommendation was to develop a more defined leadership role for the Chair. This is being implemented by giving the Chair a casting vote on the Board, and formalising the appraisal system for Commissioners. The second recommendation proposed reducing the size of the Board and rebalancing its membership. The Board has considered how best to approach this within the context of its founding legislation, which established a body corporate comprising the Commissioners, but with no explicit provision as to how the body should be governed. At a meeting of the Board in May 2014 it was decided to alter the governance structure for a trial period of one year. The changes introduce a smaller Board comprising the Chair and six Commissioners, the senior management team and three Non-Executive Directors. The Board will meet monthly. The existing Finance and Executive Scrutiny Committee and the Policy & Casework Committee will be discontinued. The effectiveness of the new arrangements will be evaluated at the end of the trial period and a decision made as to whether to adopt them permanently or to reconsider the governance structures.

### **Risk assessment**

The Commission's risk management framework ensures that risks to the Commission achieving its business objectives are identified, managed and monitored. Risks are assessed in the light of their impact and likelihood using a scale which reflects the Commission's appetite for risk. Risk appetite is determined by reference to the Commission's objectives, the degree to which it is able to absorb financial shock and its need to maintain its reputation in order to continue to command respect and support amongst its stakeholders. The Board approved a

new risk appetite statement during the year, which is now used to inform the assessment of risks at each review.

Individual risks are assigned to named individuals, and risks are reviewed on a systematic and regular basis. Each review is endorsed by the Audit & Risk Committee and a report is made annually by the Audit & Risk Committee to the Board. A summary of significant risks and progress against mitigating actions is also included in the Board's management information pack for review at each of its meetings. In addition, the assessment and monitoring of risk is embedded in the Commission's project management processes.

Internal audit services are provided by Capita Business Solutions Ltd (previously Tribal Assurance) under a three-year contract, which ended on 31 March 2013. The contract was extended for one year whilst the option to use the internal audit shared service set up under the HM Treasury Internal Audit Transformation Programme is evaluated. Both internal and external audits assist the Commission with the continuous improvement of procedures and controls. Actions are agreed in response to recommendations, and these are followed up to ensure that they are implemented.

During the year, the Commission has continued to ensure that it is managing risks relating to information security appropriately. Information security and governance arrangements broadly comply with the ISO 27001 Information Security Management standard. An internal audit of the statement of compliance was completed during the year with no significant recommendations. Self-evaluation of the Commission's compliance with the mandatory requirements of the Security Policy Framework relating to information assurance was positive. All

staff received training in preparation for the introduction of the new Government Security Classification scheme from 2 April 2014. Preparations also involved the revision of information security policies and some IT changes. There were no data loss incidents during the year.

### **Major risks**

The major risks to which the Commission is exposed include risks over which the Commission has limited control. These are principally the level of case intake and provision of financial resource. The Commission uses its management information to plan for the uncertainties associated with these areas of risk. The Commission has experienced a marked increase in the number of new applications over the past year or so, but indicative budgets for 2014/15 include sufficient funding to allow the Commission to maintain its increased staffing level to help with the management of queues and work towards the reduction in waiting times. Nevertheless, because of the investment that must be made in recruiting and training staff, and the relatively long lead time from a decision to recruit to having effective staff in place, the medium to long term funding risk remains a major risk for the Commission. Another risk relates to the influx of new caseworking staff and Commissioners during the year. The risk is that poor case decisions could be made as a result of a lack of familiarity with the Commission's procedures and policies. This risk was well mitigated by means of a programme of induction, training and mentoring. A further set of risks is associated with the on-going project to replace our case management software, which is mission-critical for the Commission. Although this was initially planned to complete early in 2014/15, the project is over-running as a result of unexpected procurement issues arising.

This has had no operational impacts in the year, but there remains a risk relating to the availability of sufficient internal resource needed to complete the project. Also, the longer the project runs the greater the risk of failure of the current unsupported case management system. These risks are being monitored on a regular basis by the project board. A final set of risks deemed significant for the Commission are those concerning the retention and management of sufficiently skilled staff. A full staff development strategy, including succession planning, is being developed to mitigate this risk.

During the year, the Commission revised its business continuity plans using experience gained from the desktop exercise conducted in 2012/13. A further desktop exercise is planned for in the second quarter of 2014/15. A full IT disaster recovery test was conducted, to ensure that the Commission's entire virtual environment, including all operational applications and data, can be re-created from backup tapes in the event of a disaster. The test had to be abandoned before it completed for operational reasons, but the exercise identified a number of issues in the recovery process that have now been corrected. It is planned to re-commence the test early in 2014/15.

#### **Accounting Officer**

As Accounting Officer, I have responsibility for reviewing the effectiveness of the system of internal control, including the risk management framework. My review is informed by the work of the internal auditors and the executive managers within the Commission who have responsibility for the development and maintenance of the internal control framework, and comments made by the external auditors in their management letter and other reports. In their annual report, our internal auditors have given an overall assurance that the Commission has adequate and effective management

and governance processes. I have been advised on the implications of the result of my review by the Board and the Audit & Risk Committee. I am satisfied that a plan to address any 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. The indicative budget we have received for 2014/15 maintains our current level of funding in money terms, enabling us to continue with an increased staff complement. However, continued high levels of new applications mean that reducing our waiting times in the next business year will continue to be a challenge. We are responding to this challenge by streamlining and improving our casework processes where appropriate, but in the longer term the availability of sufficient funding remains a major concern.



**Karen Kneller**

Chief Executive and Accounting Officer  
26/6/2014

## The Certificate and Report of The Comptroller and Auditor General to The Houses Of Parliament

I certify that I have audited the financial statements of the Criminal Cases Review Commission for the year ended 31 March 2014 under the Criminal Appeals Act 1995. The financial statements comprise: the Statements of Comprehensive Net Expenditure, Financial Position, Cash Flows, Changes in Taxpayers' Equity; and the related notes. These financial statements have been prepared under the accounting policies set out within them. I have also audited the information in the Remuneration Report that is described in that report as having been audited.

### **Respective responsibilities of the Commission, Accounting Officer and auditor**

As explained more fully in the Statement of the Commission's and Accounting Officer's Responsibilities, the Commission and the Accounting Officer are responsible for the preparation of the financial statements and for being satisfied that they give a true and fair view. My responsibility is to audit, certify and report on the financial statements in accordance with the Criminal Appeals Act 1995. I conducted my audit in accordance with International Standards on Auditing (UK and Ireland). Those standards require me and my staff to comply with the Auditing Practices Board's Ethical Standards for Auditors.

### **Scope of the audit of the financial statements**

An audit involves obtaining evidence about the amounts and disclosures in the financial statements sufficient to give reasonable assurance that the financial statements are free from material misstatement, whether caused by fraud or error. This includes an assessment of: whether the accounting policies are appropriate to the Criminal Cases Review Commission's circumstances and have been consistently applied and adequately disclosed; the reasonableness of significant accounting estimates made by the Criminal Cases Review Commission; and the overall presentation of the financial statements. In addition I read all the financial and non-financial information in the annual report to identify material inconsistencies with the audited financial statements and to identify any information that is apparently materially incorrect based on, or materially inconsistent with, the knowledge acquired by me in the course of performing the audit. If I become aware of any apparent material misstatements or inconsistencies I consider the implications for my certificate.

I am required to obtain evidence sufficient to give reasonable assurance that the expenditure and income 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.

### **Opinion on regularity**

In my opinion, in all material respects the expenditure and income 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.

### **Opinion on financial statements**

In my opinion:

- the financial statements give a true and fair view of the state of the Criminal Cases Review Commission's affairs as at 31 March 2014 and of the net expenditure for the year then ended; and
- the financial statements have been properly prepared in accordance with the Criminal Appeals Act 1995 and Secretary of State directions issued thereunder.

### **Opinion on other matters**

In my opinion:

- the part of the Remuneration Report to be audited has been properly prepared in accordance with Secretary of State directions made under the Criminal Appeals Act 1995; and
- the information given in the Strategic Report and Directors' Report for the financial year for which the financial statements are prepared is consistent with the financial statements.

### **Matters on which I report by exception**

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

- adequate accounting records have not been kept; or
- the financial statements and the part of the Remuneration Report to be audited are not in agreement with the accounting records and returns; or
- I have not received all of the information and explanations I require for my audit; or
- the Governance Statement does not reflect compliance with HM Treasury's guidance.

### **Report**

I have no observations to make on these financial statements.

Sir Amyas C E Morse                      30 June 2014  
Comptroller and Auditor General

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

# Statement of Comprehensive Net Expenditure

for the year ended 31 March 2014

	Note	2013/14 £000	2012/13 £000
<b>Expenditure</b>			
Staff Costs	3	4,502	4,360
Depreciation & Amortisation	9,10	94	92
Other Expenditure	5	1,417	1,380
<b>Total Expenditure</b>		<b>6,013</b>	5,832
<b>Income</b>			
Income from Activities	7	(5)	(8)
<b>Net Expenditure</b>		<b>6,008</b>	5,824
Interest Payable	6	224	241
<b>Net Expenditure after Interest</b>		<b>6,232</b>	6,065
<b>Other Comprehensive Expenditure</b>			
Pensions: actuarial losses	4	422	383
<b>Total Comprehensive Expenditure</b>		<b>6,654</b>	6,448

The notes on pages 56 to 68 form part of these accounts.



# Statement of Financial Position

as at 31 March 2014

	Note	2014 £000	2013 £000
<b>Non-current assets</b>			
Property, plant & equipment	9	346	391
Intangible assets	10	306	173
Trade & other receivables	11	1	1
<b>Total non-current assets</b>		<b>653</b>	<b>565</b>
<b>Current assets</b>			
Trade & other receivables	11	138	136
Cash	12	4	42
<b>Total current assets</b>		<b>142</b>	<b>178</b>
<b>Total assets</b>		<b>795</b>	<b>743</b>
<b>Current liabilities</b>			
Trade payables & other current liabilities	13	362	314
<b>Non-current assets less net current liabilities</b>		<b>433</b>	<b>429</b>
<b>Non-current liabilities</b>			
Provisions	14	53	53
Pension liabilities	4	6,065	5,498
<b>Total non-current liabilities</b>		<b>6,118</b>	<b>5,551</b>
<b>Assets less total liabilities</b>		<b>(5,685)</b>	<b>(5,122)</b>
<b>Taxpayers' equity</b>			
General reserve		(5,685)	(5,122)
<b>Total taxpayers' equity</b>		<b>(5,685)</b>	<b>(5,122)</b>

The notes on pages 56 to 68 form part of these accounts.

The financial statements on pages 52 to 68 were approved by the Board on 24/06/14, and were signed on behalf of the Criminal Cases Review Commission by:



**Karen Kneller**

Chief Executive and Accounting Officer  
26/6/2014

# Statement of Cash Flows

for the year ended 31 March 2014

	Note	2013/14 £000	2012/13 £000
<b>Cash flows from operating activities</b>			
<b>Net cash outflow from operating activities</b>	15	<b>(5,325)</b>	(5,317)
<b>Cash flows from investing activities</b>			
Purchase of property, plant and equipment		<b>(18)</b>	(28)
Purchase of intangible assets		<b>(165)</b>	(19)
<b>Total cash outflow from investing activities</b>		<b>(183)</b>	(47)
<b>Cash flows from financing activities</b>			
Capital Grant in Aid	2	<b>183</b>	48
Revenue Grant in Aid	2	<b>5,287</b>	5,187
<b>Total financing</b>		<b>5,470</b>	5,235
<b>Net decrease in cash</b>	12	<b>(38)</b>	(129)

The notes on pages 56 to 68 form part of these accounts.

# Statement of Changes in Taxpayers' Equity

for the year ended 31 March 2014

	Note	General reserve £000
<b>Balance at 1 April 2012</b>		(4,530)
<b>Changes in taxpayers' equity for 2012/13</b>		
Total comprehensive expenditure for 2012/13		(6,448)
Grant from sponsor department	2	5,235
Reversal of notional transactions: notional expenditure	18	621
<b>Balance at 31 March 2013</b>		<b>(5,122)</b>
<b>Changes in taxpayers' equity for 2013-14</b>		
Total comprehensive expenditure for 2013-14		(6,654)
Grant from sponsor department	2	5,470
Reversal of notional transactions: notional expenditure	18	621
<b>Balance at 31 March 2014</b>		<b>(5,685)</b>

The notes on pages 56 to 68 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 2013/14 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 financial statements have been prepared under the historical cost convention.

### Going concern

The Statement of Financial Position at 31 March 2014 shows negative total taxpayers' equity of £5,685,000. This reflects the inclusion of liabilities falling due in future years which, to the extent that they are not to be met from the Commission's other sources of income, may only be met by future Grants-in-Aid from the Commission's sponsoring department, the Ministry of Justice. This is because, under the normal conventions applying to parliamentary control over income and expenditure, such grants may not be issued in advance of need.

Grant in Aid for 2014/15, 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 triennial review conducted by the Ministry of Justice during 2012/13 confirmed that the functions of the Commission should be retained unchanged, and that the Commission should continue in its current form. It is accordingly considered appropriate to adopt a going concern basis for the preparation of these financial statements.

### Grant in Aid

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

### Income

Income is recognised on an accruals basis.

### 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 heads, 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 fair value 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	eight years
Software systems and licences	eight years
Furniture and fittings	10 years
Office equipment	10 years
Refurbishment costs	over the remaining term of the lease
Dilapidations	over the remaining term of the lease
Assets under development	no depreciation as assets are not yet in use

### **Pensions**

#### **(i) Staff pensions**

Staff are members of the Principal Civil Service Pension Scheme (PCSPS). The PCSPS is an unfunded multi-employer defined benefit scheme, 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 November 2012 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 cost of benefits accruing during the year is charged against staff costs in the Statement of Comprehensive Net Expenditure. 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.

IAS 19 has been revised and is effective for periods beginning on or after 1 January 2013. Implementation of the revised standard has not changed the amounts recognised in the Commission's financial statements. The main effect of the revised standard is the requirement to undertake sensitivity analysis for significant actuarial assumptions. The additional disclosures are shown in note 4 to the accounts.

### **Operating leases**

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

### **Provisions**

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 inflation to the 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.

As the building alterations concerned give access to future economic benefits, 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 Statement of Comprehensive Net Expenditure. The interest cost arising from the unwinding of the discount is also charged each year as interest payable to the Statement of Comprehensive Net Expenditure.

### **Contingent liabilities**

Contingent liabilities are not recognised in the financial statements, but disclosure is made in the notes in accordance with IAS 37 unless the possibility of an outflow of funds is remote.

### **Taxation**

The Commission is not eligible to register 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 2014.

### **Standards in issue but not yet effective**

The Commission has reviewed the IFRSs in issue but not yet effective, to determine if it needs to make any disclosures in respect of those new IFRSs that are or will be applicable. References to 'new IFRSs' includes new interpretations and any new amendments to IFRSs and interpretations. It has been determined that there are no new IFRSs which are relevant to the Commission and which will have a significant impact on the Commission's financial statements.

**2 GRANT IN AID**

	<b>2013/14</b>	2012/13
	<b>£000</b>	£000
Received for revenue expenditure	<b>5,287</b>	5,187
Received for capital expenditure	<b>183</b>	48
<b>Total</b>	<b>5,470</b>	5,235

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**

	<b>2013/14</b>	2012/13
	<b>£000</b>	£000
<b>Commissioners</b>	<b>£000</b>	£000
Salaries and emoluments	<b>723</b>	745
Social security contributions	<b>82</b>	85
Pension costs	<b>104</b>	150
<b>Total Commissioners cost</b>	<b>909</b>	980
<b>Non-executive directors</b>		
Salaries and emoluments	<b>8</b>	12
Social security contributions	<b>1</b>	1
Pension costs	<b>-</b>	-
<b>Total Non-executive directors cost</b>	<b>9</b>	13
<b>Staff</b>		
Directly employed staff		
Salaries and emoluments	<b>2,745</b>	2,511
Social security contributions	<b>217</b>	196
Pension costs	<b>463</b>	427
Other staff (contract, agency/ temporary)		
Salaries and emoluments	<b>159</b>	233
Social security contributions	<b>-</b>	-
Pension costs	<b>-</b>	-
<b>Total Staff cost</b>	<b>3,584</b>	3,367
<b>Total</b>	<b>4,502</b>	4,360

At 31 March 2014, the Commission employed 92 staff (2013 81). The average number of employees, expressed as full time equivalents, during the period 1 April 2013 to 31 March 2014 was:

	<b>2013/14</b>	2012/13
		(restated)
Commissioners	<b>8</b>	8
Directly employed staff	<b>79</b>	70
Other staff (contract, agency/temporary)	<b>3</b>	6
<b>Total</b>	<b>90</b>	84

The average number of directly employed staff given in the 2012/13 published accounts was the average headcount, not the average full time equivalents. It has now been restated as full time equivalents.

Reporting of Civil Service & other compensation schemes – exit packages:

<b>Exit package cost band</b>	<b>No. of compulsory redundancies</b>	<b>No. of other departures agreed</b>	<b>Total</b>
< £10,000	0 (0)	0 (0)	<b>0 (0)</b>
£10,000 - £25,000	0 (0)	0 (0)	<b>0 (0)</b>
£25,000 - £50,000	0 (0)	0 (0)	<b>0 0)</b>
£50,000 - £100,000	0 (0)	0 (1)	<b>0 (1)</b>
<b>Total no. of exit packages</b>	<b>0 (0)</b>	<b>0 (1)</b>	<b>0 (1)</b>
<b>Total resource cost - £000</b>	<b>0 (0)</b>	<b>0 (56)</b>	<b>0 (56)</b>

2012/13 comparative figures are shown in brackets.

During the year, compensation payments totalling £nil (2012/13 £57,000) were payable to staff. Payments were in respect of entitlements under the Civil Service Compensation Scheme and other compensation schemes of £nil (2012/13 £56,000) and adjustments to exit costs committed in previous years of £nil (2012/13 £1,000).

Redundancy and other departure costs have been paid in accordance with the provisions of the Civil Service Compensation Scheme, a statutory scheme made up under the Superannuation Act 1972. Exit costs are accounted for in full at the point at which an irrevocable commitment to pay the exit cost is made. Where the department has agreed early retirements, the additional costs are met by the Commission and not by the Civil Service pension scheme.

#### **4 PENSIONS**

##### **(i) Staff**

The Principal Civil Service Pension Scheme (PCSPS) is 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 2007. A formal actuarial valuation was due to be carried out as at 31 March 2010. However, formal actuarial valuations for unfunded public service pension schemes were suspended by HM Treasury whilst reforms to public service provisions were discussed. HM Treasury have indicated that the next valuation of the scheme will have an effective date of 31 March 2012. Details can be found in the resource accounts of the Cabinet Office: Civil Superannuation ([www.civilservice.gov.uk/pensions](http://www.civilservice.gov.uk/pensions)).

The cost of the Commission's pension contributions to the Principal Civil Service Pension Schemes is included in employment costs. For 2013/14, employers' contributions of £429,000 (2012/13 £398,000) were payable to the PCSPS at one of four rates in the range 16.7% to 24.3% (2012/13 16.7% to 24.3%) 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 2013/14 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 £32,000 (2012/13 £27,000) were paid to one or more of the panel of three appointed stakeholder pension providers. Employer contributions are age-related and range from 3% to 12.5% of pensionable pay. Employers also match employee contributions up to 3% of pensionable pay. In addition, employer contributions of £2,000 (2012/13 £2,000), 0.8% of pensionable pay, were payable to the PCSPS to cover the cost of the future provision of lump sum benefits on death in service and ill health retirement of these employees.

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

##### **(ii) Commissioners**

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

Commissioners' pension arrangements are unfunded, and the Commission is responsible for paying retirement benefits as they fall due. Contributions are paid by Commissioners at the rate of 5.9% of pensionable earnings.



## Section Four Accounts

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

	2013/14	2012/13	2011/12	2010/11	2009/10
	£000	£000	£000	£000	£000
<b>Liability in respect of</b>					
Active members	959	1,241	2,030	1,965	2,297
Deferred pensioners	865	530	132	110	117
Current pensioners	4,241	3,727	2,858	2,723	3,070
<b>Total present value of scheme liabilities</b>	<b>6,065</b>	5,498	5,020	4,798	5,484

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

	2013/14	2012/13	2011/12	2010/11	2009/10
Discount rate	4.35%	4.10%	4.85%	5.60%	4.60%
Rate of increase in salaries	variable*	variable*	4.25%	4.90%	4.29%
Price inflation	2.50%	1.70%	2.00%	2.65%	2.75%
Rate of increase in pensions (deferred and in payment)	2.50%	1.70%	2.00%	2.65%	2.75%

\*The salaries of serving active members in the scheme are assumed to increase by 1% per annum during 2014/15, and by 4% per annum during 2015/16 and 2016/17. All of these members are expected to have retired before 2017.

The mortality assumptions use the CMI SAPS S1 tables, which give the following life expectancies at retirement:

	31 March 2014		31 March 2013	
	Men	Women	Men	Women
<b>Current pensioners</b>				
At age 60	29.0	31.2	28.6	30.7
At age 65	24.1	26.2	23.9	25.8
<b>Future pensioners</b>				
At age 60	31.3	33.5	31.1	33.0
At age 65	26.8	28.9	26.7	28.5

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 one year in the life expectancies would increase the present value of the scheme liability by approximately 3% or £182,000.

An increase of 0.5% in the rate of increase in salaries would increase the present value of the scheme liability by approximately 0.1% or £6,000.

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

	2013/14	2012-13
	£000	£000
Current service cost	135	183
Commissioners' contributions retained	(31)	(33)
<b>Total charge to Staff Costs</b>	<b>104</b>	150
Interest on pension scheme liabilities	224	239
<b>Total charge to Interest Payable</b>	<b>224</b>	239

The estimated current service cost for the next year is 40.3% of pensionable salary. Commissioners' contributions retained are expected to be £28,000 and the expected charge to Staff Costs is £102,000.

## Section Four Accounts

The movement in scheme liabilities is analysed as follows:

	2013/14	2012/13
	£000	£000
Present value of scheme liabilities at start of year	5,498	5,020
Current service cost	135	183
Past service cost	-	-
Interest cost	224	239
Actuarial losses	422	383
Benefits paid	(214)	(327)
Present value of scheme liabilities at end of year	6,065	5,498

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

	2013/14	2012/13
	£000	£000
Loss at start of year	1,384	1,001
Net actuarial losses recognised in the year	422	383
Loss at end of year	1,806	1,384

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:

		2013/14	2012/13	2011/12	2010/11	2009/10
Experience (gains)/losses on pension liabilities	£000	(4)	159	(67)	(92)	(186)
	%	-0.1%	2.9%	-1.3%	-1.9%	-3.4%
Changes in demographic and financial assumptions	£000	426	224	(43)	(326)	1,399
	%	7.0%	4.1%	-0.9%	-6.8%	25.5%
Net actuarial losses/ (gains)	£000	422	383	(110)	(418)	1,213

### 5 OTHER EXPENDITURE

	2013/14	2012/13
	£000	£000
Accommodation - operating lease	621	621
Travel, subsistence and external case-related costs	208	166
IT costs	168	163
Office supplies	100	91
Training and other HR	42	72
Library and reference materials	39	50
Legal and professional costs	37	43
Information and publications	36	39
Case storage	35	29
Audit fee - external	26	26
Office services	26	28
Recruitment	26	9
Telephones	24	19
Payroll and pension costs	14	10
Audit fee - internal	8	9
Equipment rental under operating lease	6	6
Loss on disposal of non-current assets	1	7
Accommodation costs - general	-	(8)
Total	1,417	1,380

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

**6 INTEREST PAYABLE**

	<b>2013/14</b>	2012/13
	<b>£000</b>	£000
Interest on Pension Scheme Liabilities	<b>224</b>	239
Interest on Dilapidations Provision	-	2
<b>Total</b>	<b>224</b>	241

**7 INCOME FROM ACTIVITIES**

	<b>2013/14</b>	2012/13
	<b>£000</b>	£000
Kalisher Trust internships	<b>5</b>	8
<b>Total</b>	<b>5</b>	8

During 2011/12, the Commission created two short-term internship posts, which were partially funded by the Kalisher Trust and ended in 2012. One new partially-funded internship began during 2013/14 and ended in March 2014.

**8 ANALYSIS OF NET EXPENDITURE BY PROGRAMME & ADMINISTRATION BUDGET**

<b>2013/2014</b>	<b>Programme</b>	<b>Administration</b>	<b>Total</b>
	<b>£000</b>	<b>£000</b>	<b>£000</b>
<b>Expenditure</b>			
Staff costs	3,720	782	<b>4,502</b>
Depreciation & amortisation	94	-	<b>94</b>
Accommodation - operating lease	621	-	<b>621</b>
Other expenditure	588	208	<b>796</b>
<b>Total Expenditure</b>	<b>5,023</b>	<b>990</b>	<b>6,013</b>
<b>Income</b>			
Income from activities	(5)	-	<b>(5)</b>
<b>Net Expenditure</b>	<b>5,018</b>	<b>990</b>	<b>6,008</b>
Interest Payable	224	-	<b>224</b>
<b>Net Expenditure after Interest</b>	<b>5,242</b>	<b>990</b>	<b>6,232</b>
<b>2012/2013</b>			
	<b>Programme</b>	<b>Administration</b>	<b>Total</b>
	<b>£000</b>	<b>£000</b>	<b>£000</b>
<b>Expenditure</b>			
Staff costs	3,513	847	4,360
Depreciation & amortisation	92	-	92
Accommodation - operating lease	621	-	621
Other expenditure	535	224	759
<b>Total Expenditure</b>	<b>4,761</b>	<b>1,071</b>	<b>5,832</b>
<b>Income</b>			
Income from activities	(8)	-	(8)
<b>Net Expenditure</b>	<b>4,753</b>	<b>1,071</b>	<b>5,824</b>
Interest Payable	241	-	241
<b>Net Expenditure after Interest</b>	<b>4,994</b>	<b>1,071</b>	<b>6,065</b>

**9 PROPERTY, PLANT & EQUIPMENT**

	Refurbishment Costs £000	Plant and Equipment £000	Furniture and Fittings £000	IT Hardware £000	Total £000
Cost/valuation at 1 April 2013	107	119	144	610	<b>980</b>
Additions	-	3	5	11	<b>19</b>
Disposals	-	(19)	-	(182)	<b>(201)</b>
Reclassification	-	-	-	9	<b>9</b>
<b>Cost/valuation at 31 March 2014</b>	<b>107</b>	<b>103</b>	<b>149</b>	<b>448</b>	<b>807</b>
Depreciation at 1 April 2013	21	87	55	426	<b>589</b>
Charged during the year	11	6	12	34	<b>63</b>
Depreciation on disposals	-	(19)	-	(181)	<b>(200)</b>
Reclassification	-	-	-	9	<b>9</b>
<b>Depreciation at 31 March 2014</b>	<b>32</b>	<b>74</b>	<b>67</b>	<b>288</b>	<b>461</b>
<b>Carrying amount at 31 March 2014</b>	<b>75</b>	<b>29</b>	<b>82</b>	<b>160</b>	<b>346</b>
Carrying amount at 31 March 2013	86	32	89	184	<b>391</b>
Cost/valuation at 1 April 2012	98	128	138	619	<b>983</b>
Additions	9	3	5	14	<b>31</b>
Disposals	-	(11)	-	(23)	<b>(34)</b>
Reclassification	-	(1)	1	-	<b>-</b>
Cost/valuation at 31 March 2013	107	119	144	610	<b>980</b>
Depreciation at 1 April 2012	9	85	41	417	<b>552</b>
Charged during the year	12	7	13	32	<b>64</b>
Depreciation on disposals	-	(4)	-	(23)	<b>(27)</b>
Reclassification	-	(1)	1	-	<b>-</b>
Depreciation at 31 March 2013	21	87	55	426	<b>589</b>
Carrying amount at 31 March 2013	86	32	89	184	<b>391</b>
Carrying amount at 31 March 2012	89	43	97	202	<b>431</b>

All assets are owned by the Commission.

**10 INTANGIBLE NON-CURRENT ASSETS**

	Assets Under Development £000	IT Development £000	Software Licences £000	Total £000
Cost/valuation at 1 April 2013	-	348	434	<b>782</b>
Additions	124	-	40	<b>164</b>
Disposals	-	(11)	(14)	<b>(25)</b>
Reclassification	-	(337)	328	<b>(9)</b>
<b>Cost/valuation at 31 March 2014</b>	<b>124</b>	<b>-</b>	<b>788</b>	<b>912</b>
Amortisation at 1 April 2013	-	320	289	<b>609</b>
Charged during the year	-	-	31	<b>31</b>
Amortisation on disposals	-	(11)	(14)	<b>(25)</b>
Reclassification	-	(309)	300	<b>(9)</b>
<b>Amortisation at 31 March 2014</b>	<b>-</b>	<b>-</b>	<b>606</b>	<b>606</b>
<b>Carrying amount at 31 March 2014</b>	<b>124</b>	<b>-</b>	<b>182</b>	<b>306</b>
Carrying amount at 31 March 2013	-	28	145	<b>173</b>
Cost/valuation at 1 April 2012	-	349	431	<b>780</b>
Additions	-	-	20	<b>20</b>
Disposals	-	(1)	(17)	<b>(18)</b>
Reclassification	-	-	-	<b>-</b>
Cost/valuation at 31 March 2013	-	348	434	<b>782</b>
Amortisation at 1 April 2012	-	316	283	<b>599</b>
Charged during the year	-	5	23	<b>28</b>
Amortisation on disposals	-	(1)	(17)	<b>(18)</b>
Reclassification	-	-	-	<b>-</b>
Amortisation at 31 March 2013	-	320	289	<b>609</b>
Carrying amount at 31 March 2013	-	28	145	<b>173</b>
Carrying amount at 31 March 2012	-	33	148	<b>181</b>

All assets are owned by the Commission.

During the year, assets in the IT Development category were reclassified to merge with the IT hardware and software assets to which they relate.

**11 TRADE & OTHER RECEIVABLES**

	31 March 2014 £000	31 March 2013 £000
<b>Amounts falling due within one year</b>		
Intra-government balances:		
Local authorities	-	3
Travel loans to staff	<b>21</b>	13
Prepayments	<b>117</b>	120
<b>Total</b>	<b>138</b>	136
<b>Amounts falling due after more than one year</b>		
Prepayments	<b>1</b>	1
<b>Total</b>	<b>1</b>	1

**12 CASH & CASH EQUIVALENTS**

	<b>31 March</b>	31 March
	<b>2014</b>	2013
	<b>£000</b>	£000
Balance at 1 April	42	171
Net change in cash balances	<b>(38)</b>	(129)
Balance at 31 March	<b>4</b>	42

The following balances at 31 March 2014 were held at:

Government Banking Service	-	4
Commercial banks and cash in hand	4	38
Balance at 31 March	<b>4</b>	42

No cash equivalents were held at any time.

**13 TRADE PAYABLES AND OTHER CURRENT LIABILITIES**

	<b>31 March</b>	31 March
	<b>2014</b>	2013
	<b>£000</b>	£000
<b>Amounts falling due within one year</b>		
Intra-government balances:		
UK taxation & social security	101	102
Total	<b>101</b>	102
Trade payables	64	42
Capital payables	-	1
Other payables	1	27
Capital accruals	1	-
Other accruals	195	142
Deferred income	-	-
Total	<b>362</b>	314

**14 PROVISIONS**

The movements in the provisions are analysed as follows:

	<b>2013/14</b>	<b>2013/14</b>	2012-13
	<b>Dilapidations</b>	<b>Total</b>	Total
	<b>£000</b>	<b>£000</b>	£000
Balance at 1 April	<b>53</b>	<b>53</b>	42
Provided in year	-	-	9
Unwinding of discount	-	-	2
Balance at 31 March	<b>53</b>	<b>53</b>	53

The expected timing of discounted cash flows is as follows:

	<b>31 March</b>	31 March
	<b>2014</b>	2013
	<b>£000</b>	£000
Dilapidations:		
Not later than one year	-	-
Later than one year and not later than five years	-	-
Later than five years	<b>53</b>	53
Balance at 31 March	<b>53</b>	53

**15 RECONCILIATION OF NET EXPENDITURE TO NET CASH OUTFLOW FROM OPERATING ACTIVITIES**

	Note	<b>2013/14</b>	2012/13
		<b>£000</b>	£000
Net expenditure after interest		<b>(6,232)</b>	(6,065)
Interest payable	6	<b>224</b>	241
Depreciation and amortisation	9,10	<b>94</b>	92
Loss on disposal of tangible non-current assets		<b>1</b>	7
Increase in receivables	11	<b>(2)</b>	(15)
Increase/(decrease) in payables	13	<b>48</b>	(54)
Pension provision:			
Current service cost	4	<b>135</b>	183
Benefits paid	4	<b>(214)</b>	(327)
Notional expenditure	18	<b>621</b>	621
Net cash outflow from operating activities		<b>(5,325)</b>	(5,317)

The increase/(decrease) in payables shown above excludes capital payables and accruals decrease of £nil (2013 £5,000).



**16 CAPITAL COMMITMENTS**

Capital commitments contracted for at 31 March 2014 were £nil (2013 £nil).

**17 COMMITMENTS UNDER OPERATING LEASES**

At 31 March 2014 the Commission had the following total future minimum lease payments under non-cancellable operating leases for each of the following periods:

	<b>31 March 2014 £000</b>	31 March 2013 £000
Buildings:		
Not later than one year	<b>621</b>	621
Later than one year and not later than five years	<b>2,482</b>	2,482
Later than five years	<b>1,086</b>	1,706
<b>Total buildings</b>	<b>4,189</b>	4,809
Equipment:		
Not later than one year	<b>1</b>	4
Later than one year and not later than five years	<b>-</b>	1
<b>Total equipment</b>	<b>1</b>	5
<b>Total commitments under operating leases</b>	<b>4,190</b>	4,814

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

**18 NOTIONAL EXPENDITURE**

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

	<b>2013/14</b>	2012/13
<b>Notional expenditure</b>	<b>£000</b>	£000
Other expenditure – incurred by MoJ:		
Accommodation costs – operating leases	<b>621</b>	621
<b>Total notional other expenditure</b>	<b>621</b>	621
<b>Total notional expenditure</b>	<b>621</b>	621

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

**19 CONTINGENT LIABILITIES DISCLOSED UNDER IAS 37**

There were no contingent liabilities at the Statement of Financial Position date. (2013 none.)

**20 RELATED PARTY TRANSACTIONS**

The Ministry of Justice is a related party to the Commission. During the period 1 April 2013 to 31 March 2014, 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 2013 to 31 March 2014, none of the Commissioners, key managerial staff or other related parties undertook any related party transactions.

**21 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), IAS 39 (Financial Instruments: Recognition and Measurement) 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.

**22 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.

**Section Five:****Tables and Appendices****Commission referrals to the appeal courts during 2013/2014**

<b>Name</b>	<b>Ref</b>	<b>Referral Date</b>	<b>Offences</b>	<b>Sentence only</b>
STOJANOVIC, Tomislav	180/11	03-Apr-13	Common Assault	
KRENZI, Majlinda	1280/12	12-Apr-13	Attempt to obtain services by deception; Possession of a false instrument with intent	
J	1032/12	17-Apr-13	Being concerned in producing a Class B controlled drug	
ANDUKWA, Simon	1260/12	17-Apr-13	Possession of another's identity document	
XIE, Jian	315/10	24-Apr-13	Rape	
MULUGETA, Eyasu	378/09	08-May-13	Seeking leave to remain in the United Kingdom as a refugee by deception.	
O'CONNELL, Terence	188/11	30-May-13	Doing an act tending and intended to prevent the course of public justice; Conspiracy to supply a Class B drug	
REYNOLDS, Thomas	187/11	30-May-13	Conspiracy to supply a Class B drug; Conspiracy to steal	
KINGSTON, Thomas	185/11	30-May-13	Conspiracy to supply a Class B drug; Conspiracy to steal; Theft & handling stolen goods	
AFSHAR, Saeideh	1541/12	12-Jun-13	Possess/control identity documents	
GHAVAMI, Amir	1543/12	12-Jun-13	Possess/control identity documents	
K	309/09	18-Jul-13	Armed robbery	
JORDAN, John	613/11	30-Jul-13	Possession of a police helmet; Assaulting a police officer	
KHAN, Bakish	717/12	02-Aug-13	Conspiracy to supply heroin	
HANIF, Ilyas	809/12	02-Aug-13	Conspiracy to supply heroin	
CLEMO, Gillian	1498/12	30-Aug-13	Using a false instrument with intent	
P	369/09	17-Jul-13	Indecent assault; Indecency with a child; Rape; Attempting to commit an act of gross indecency	
BUTLER, Carl	68/11	24-Sep-13	Rape	
ALI, Sajid	553/10	16-Sep-13	Rape	
Q	1193/12	29-Nov-13	Indecent assault on a female x1; Indecent exposure with intent to insult a female x2	
GEORGE, Dwaine	492/10	08-Nov-13	Murder; The attempted murder; Possession of a firearm with intent to endanger life	
O'MEALLY, Benjamin	712/10	12-Nov-13	Rape x9	
SEYMOUR, Roy	1344/12	07-Nov-13	Rape	
ZONDO, Busani	938/12	26-Nov-13	Possession of an improperly obtained identity document	
FORAN, Martin	11/13	09-Jan-14	Robbery x4	

<b>Name</b>	<b>Ref</b>	<b>Referral Date</b>	<b>Offences</b>	<b>Sentence only</b>
PINK, Dwayne	1365/13	24-Jan-14	Wounding with intent contrary to s.18 of the Offences Against the Person Act 1861; Kidnap contrary to common law	•
IRVING, David	785/11	28-Jan-14	Arson; Damaging property; Threat to kill	•
SHOYEJU, Samuel	685/13	22-Jan-14	Misconduct in a Judicial or Public Office	•
BINGHAM, Stephen	1383/12	13-Feb-14	Driving otherwise in accordance with a licence	
CHARLTON, Alan	664/09	26-Feb-14	Murder	
Z	1314/12	05-Mar-14	Rape; Sexual assault x3	

### Commission referrals decided by appeal courts during 2012/2013

<b>Name</b>	<b>Date of referral</b>	<b>Conviction</b>	<b>Sentence only</b>	<b>C of A decision</b>	<b>Decision date</b>
AFSHAR, Saeideh	12-Jun-13	Possess/control identity documents		Q	30-Jul-13
ALI, Sajid	16-Sep-13	Rape		Q	13-Mar-14
ANDUKWA, Simon	17-Apr-13	Possession of another's identity document		Q	30-Jul-13
BASHIR, Yasin	28-Mar-13	Possession of a false identity document		Q	30-Jul-13
BENGUIT, Omar	19-Dec-12	Murder		R	25-Mar-14
COATS, Goldie	21-Mar-12	Being knowingly concerned in the fraudulent evasion of the prohibition on the importation of goods contrary to section 170(2)(b) of the Customs and Excise Management Act 1979		U	24-Jul-13
COLE, Kevin	19-Apr-12	Murder; Wounding with intent to cause grievous bodily harm		U	05-Jul-13
E	21-May-12	Indecent assault on male x4; Attempted buggery x2; Indecent assault x5		U	31-Mar-14
ESTIFANOS, Nebiyat	28-Mar-13	Failure to produce a document contrary to section 2 Immigration and Asylum (Treatment of Claimants) Act 2004		Q	17-Jun-13
G	22-Nov-12	Indecent assault x11; Indecency with a child x3		Q	31-Jul-13
GHAFFARI, Mehdi	28-Mar-13	Using a false instrument with intent; Attempting to obtain services by deception		Q	17-Jun-13
GHAVAMI, Amir	12-Jun-13	Possess/control identity documents		Q	30-Jul-13
HACKETT, David	20-Nov-12	Being knowingly concerned in the fraudulent evasion of duty chargeable on goods x9; Breach of suspended sentence, Confiscation Order	•	Q	20-Jun-13

<b>Name</b>	<b>Date of referral</b>	<b>Conviction</b>	<b>Sentence only</b>	<b>C of A decision</b>	<b>Decision date</b>
HEIBNER, Errol	04-Mar-10	Murder		U	23-Jan-14
J	17-Apr-13	Being concerned in producing a Class B controlled drug		Q	24-Jul-13
KRENZI, Majlinda	12-Apr-13	Attempt to obtain services by deception; Possession of a false instrument with intent		Q	17-Jun-13
LIVINGSTONE, Patrick	04-Apr-12	Murder; Possession of firearm and ammunition with intent		Q	25-Jun-13
NEALON, Victor	16-Jul-12	Attempted rape		Q	13-Dec-13
PINK, Dwayne	24-Jan-14	Wounding with intent contrary to s.18 of the Offences Against the Person Act 1861; Kidnap contrary to common law	•	Q	05-Feb-14
RYAN, Veronica	23-Sep-11	False Imprisonment (x2)		R	18-Apr-13
SHOYEJU, Samuel	22-Jan-14	Misconduct in a Judicial or Public Office	•	U	04-Mar-14
STOJANOVIC, Tomislav	03-Apr-13	Common Assault		Q	23-May-13
TAHERY, Ali	20-Dec-12	Wounding with intent; Attempting to pervert the course of justice		Q	27-Jun-13
TCHIENGANG, Herve	28-Mar-13	Possession of a false identity document with intent, contrary to section 25 (1) of the Identity Cards Act 2006		A	30-Jul-13
TRAN, Hoa	22-Mar-13	Production of cannabis		Q	01-Aug-13
WILLIAMS, Dean	21-Sep-12	Murder		Q	13-Dec-13

## Key Performance Indicators

### KPI 1 Time from receipt to allocation

**Purpose:** This KPI records the average time taken for an application to be allocated to a CRM for review, and gives an indication of how long applicants wait before their case is started. **Definition:** The time from the date of receipt of the application to the date of allocation to a CRM for review, averaged for all applications in the reporting period for which a CRM allocation date has been recorded. Re-allocations are ignored. **Calculation:** Recorded for each month and the rolling 12 month period, calculated separately for at liberty and in custody cases. **Frequency:** Monthly. **Data source:** Case statistics compiled from the case management system.

**Plan: for the average time to allocation to be six months for custody cases and 121 months for at liberty cases.**

Actual average time for custody cases (months):

<b>Apr:</b>	<b>7.9</b>	<b>May:</b>	<b>5.7</b>	<b>Jun:</b>	<b>7.3</b>	<b>Jul:</b>	<b>9.6</b>	<b>Aug:</b>	<b>6.8</b>	<b>Sep:</b>	<b>5.9</b>
<b>Oct:</b>	<b>7.7</b>	<b>Nov:</b>	<b>7.7</b>	<b>Dec:</b>	<b>8.0</b>	<b>Jan:</b>	<b>8.8</b>	<b>Feb:</b>	<b>8.3</b>	<b>Mar:</b>	<b>9.7</b>

Rolling 12 months average time for custody cases: 7.95 months.

Actual average time for at liberty cases (months):

<b>Apr:</b>	<b>15.1</b>	<b>May:</b>	<b>7.1</b>	<b>Jun:</b>	<b>17.5</b>	<b>Jul:</b>	<b>13.2</b>	<b>Aug:</b>	<b>10.0</b>	<b>Sep:</b>	<b>10.6</b>
<b>Oct:</b>	<b>9.5</b>	<b>Nov:</b>	<b>8.6</b>	<b>Dec:</b>	<b>12.2</b>	<b>Jan:</b>	<b>8.25</b>	<b>Feb:</b>	<b>7.2</b>	<b>Mar:</b>	<b>8.2</b>

Rolling 12 months average time for at liberty cases: 10.4 months.

### KPI 2 Time from allocation to decision

**Purpose:** This KPI records the average time taken for an application to be reviewed. **Definition:** For review cases, the time from the date of allocation of the application to the issue of an initial decision, and for no appeal cases the time from receipt to initial decision, averaged for all applications in the reporting period for which an initial decision has been issued. **Calculation:** Recorded for each month and the rolling 12 month period, calculated separately for review cases and no appeal cases. **Monthly.** **Data Source:** Case statistics compiled from the case management system.

**Plan: For the average duration of review cases to be less than 35 weeks, and in no appeal to be less than 15 weeks<sup>1</sup>.**

Actual average time for review cases (weeks):

<b>Apr:</b>	<b>28.8</b>	<b>May:</b>	<b>30.4</b>	<b>Jun:</b>	<b>77.1</b>	<b>Jul:</b>	<b>69.5</b>	<b>Aug:</b>	<b>23.1</b>	<b>Sep:</b>	<b>38.3</b>
<b>Oct:</b>	<b>57.5</b>	<b>Nov:</b>	<b>30.7</b>	<b>Dec:</b>	<b>67.3</b>	<b>Jan:</b>	<b>28.8</b>	<b>Feb:</b>	<b>23.7</b>	<b>Mar:</b>	<b>32.1</b>

Rolling 12 months average time for custody cases: 37.8 weeks.

Actual average time for no appeal / fast track cases (weeks):

<b>Apr:</b>	<b>16.8</b>	<b>May:</b>	<b>19.0</b>	<b>Jun:</b>	<b>20.3</b>	<b>Jul:</b>	<b>18.6</b>	<b>Aug:</b>	<b>22.9</b>	<b>Sep:</b>	<b>18.1</b>
<b>Oct:</b>	<b>25.2</b>	<b>Nov:</b>	<b>12.9</b>	<b>Dec:</b>	<b>13.4</b>	<b>Jan:</b>	<b>18.8</b>	<b>Feb:</b>	<b>19.1</b>	<b>Mar:</b>	<b>18.7</b>

Rolling 12 months average time for no appeal / fast track cases: 18.78 weeks.

<sup>1</sup>In 2012/13 the at liberty target was 18 months

<sup>2</sup>This includes re-applications and ineligible cases

**KPI 3 Caseflow balance**

Purpose: A high-level measure to show the effect of the increase in applications on our queues. The greater the imbalance between intake and case closures the longer waiting times will become. We assume intake will remain high and aim to close as many cases this year as we did in 2012/13 despite decreasing resources. Definition: The total number of cases closed at all stages minus the number of applications received. Applications include s15 directions from the Court of Appeal. Calculation: Recorded for each month and the rolling 12 month period. Frequency: Monthly. Data source: Case statistics compiled from the case management system.

**Plan: Monthly: >0, full year: >0 Actual: We did not meet the target in any month of 2013/14. Over the whole year we closed 339 fewer cases than we received.**

**KPI 4 Complaints and judicial reviews**

Purpose: The number of complaints and judicial reviews serves as a measure of the quality of service provided. Definition: 1. The number of cases re-opened as a proportion of complaints and pre-action protocol letters resolved and judicial reviews heard. 2. The number of complaints otherwise upheld as a proportion of complaints resolved. Calculation: Recorded for the current period and for the last 12 months. Frequency: Quarterly. Data source: Records of official complaints maintained by the Customer Service Manager and of judicial reviews maintained by a Legal Advisor.

**Plan and performance:**

	Target	Actual	Target rate	Actual rate
Cases re-opened	<3	5	<4%	5.8%
Other	<7	7	<9.5%	13%

**KPI 5 Quality Assurance**

Purpose: A measure of the quality of review work as measured by the Commission's own quality assurance systems. Definition: The number of cases examined in the Quality Assurance (QA) sample for which additional work is undertaken, expressed as a percentage of all cases examined. Calculation: Quarterly and for the last 12 months. Frequency: Quarterly. Data Source: QA system records.

**Plan: That cases requiring further work should be less than 4% of the sampled cases. Actual: 1.6%.**

**KPI 6 Referral conclusions**

Purpose: The proportion of referrals which result in a conviction being quashed or a sentence varied is a measure of our interpretation of the 'real possibility' test. Definition: The number of referrals on which judgment has been given in the period which have resulted in a quashed conviction or varied sentence as a proportion of the total number of referrals heard in the period. Calculation: Recorded for the 12 months to date and cumulatively over the life of the Commission. Frequency: Quarterly. Data source: Judgments delivered by appeal courts.

**Plan: >60% and <80%. Actual: 73.4% for the 12 months with a cumulative figure of 70.4%.**

**KPI 7 Staff absence**

Purpose: The extent to which staff and Commissioners are absent affects the productivity of the Commission and its ability to meet its casework targets. Definition: The aggregate number of days of employee and Commissioner absence through sickness, divided by the full-time equivalent number of employees and Commissioners. Calculation: Recorded for the current period and for the year to date. Frequency: Monthly. Data source: Internally generated data based on personnel records.

**Plan: Sickness absence: <7.5 days per annum.  
Actual: Sickness absence: 13.3 days per annum.**

**KPI 8 Expenditure against budget**

Purpose: A key indicator of financial management is the extent to which expenditure in the period is aligned to the delegated budget, with neither overspends nor significant underspends. Definition: Total expenditure less delegated budget, measured separately for resource and capital, expressed as a % of budget. Calculation: Forecast for the year. Frequency: Monthly. Data source: Management accounts.

	Target		Actual
	Budget %		Budget %
	<	>	
Resource (RDEL)	0%	-2.5%	-4.5%
Capital (CDEL)	0%	-12.5%	-23.0%









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