



Corporate Plan 2020 to 2023

CRIMINAL CASES REVIEW COMMISSION

CORPORATE PLAN 2020 – 2023

OUR PURPOSE

- 1 We are a purpose led organisation passionate about our core function of investigating and identifying miscarriages of justice which in turn promotes public confidence in the criminal justice system. The Commission was created by the Criminal Appeal Act 1995 and from 31 March 1997 we assumed the responsibility for reviewing alleged and suspected miscarriages of criminal justice that was previously exercised by the Home Secretary and the Secretary of State for Northern Ireland. We have a number of functions set down for us in legislation:
 - To refer a conviction, verdict, finding or sentence where the Commission considers that there is a real possibility that the conviction, verdict, finding or sentence would not be upheld were the reference to be made;
 - to investigate and report to the Court of Appeal Criminal Division on any matter referred to the Commission by the Court; and
 - to consider and report to the Secretary of State on any matter referred to the Commission arising from consideration of whether or not to recommend the exercise of Her Majesty's prerogative of mercy in relation to a conviction.
- 2 Our powers and responsibilities relate to cases tried on indictment at the Crown Court in England & Wales and at the Crown Court in Northern Ireland, as well as cases dealt with summarily at magistrates' courts in England & Wales and at magistrates' courts in Northern Ireland. This power was extended in 2006 to the Court Martial and Service Civilian Court. To help us fulfil our statutory functions, we have powers to obtain and preserve documents and other materials held by public and private bodies. We can also require the appointment of an Investigating Officer by another public body (usually a police force) to carry out enquiries or take any other steps that the Commission considers appropriate to assist us in the exercise of our responsibilities.

CONTEXT TO THE NEW CORPORATE PLAN

- 3 This plan was written as part of a collaborative process which has included talking to and listening to our staff and Commissioners. We have also taken on board feedback from our stakeholders particularly through the Commission's stakeholder forum. We have taken the opportunity in writing this new corporate plan to reflect and build on that feedback.
- 4 Our business is reviewing and investigating cases. Since 1997 to 31 March 2020, we have referred 692 cases; and in the 12 months leading up to 31 March 2020 we received 1,334 applications, closed 1,453 cases, and referred 29 cases.
- 5 During the last two years in particular we have built on our successful elimination of queues; queues which had developed following a sustained increase in applications of 50%. This was achieved through the hard work and commitment of staff and Commissioners combined with the introduction of improved ways of working.
- 6 Eliminating queues is good news for applicants. As well as reduced waiting times for applicants it also means that we can find referrals more quickly as we can focus on casework rather than focus on managing queues.
- 7 As well as building on that performance, we want to challenge ourselves further and enhance how we work to the benefit of all of our applicants as well as making the Commission an even better place to work. We recognise that there will be more digitalisation of the criminal justice system and we are proactively working to digitalise as much as possible. This has been supported by the Ministry of Justice which has agreed to provide us with additional funding to support our digital transformation programme.
- 8 In addition to sustained improvements in casework, we have welcomed other changes. In October 2018, our new Chairman, Helen Pitcher OBE, arrived. We have also seen a complete refresh of Commissioners. This means that the longest serving Commissioners started with us in 2017. Furthermore we have made changes to our board with a new, smaller board operating as of May 2019.
- 9 The Commission has also become more proactive in respect of stakeholder engagement. We are increasingly getting our voice heard across media generally, and social media in particular. We continue our outreach work with prisons and other vulnerable groups. However, we want to do much more. This will include the Commission taking a bolder, more proactive approach and, whilst adequate funding is an issue for us, it is important that we continue to raise our profile so that those who may need our services can apply to us.
- 10 At the heart of all that we do is the applicant and that includes those applicants for whom we cannot find grounds on which to refer their case. We know that in the majority of cases the applicant will receive a disappointing answer from us. We are acutely aware that each applicant that comes to us is

a victim of a potential miscarriage of justice; and we don't know which those might be until we open the file and start reading and investigating the case. We are also conscious that our work impacts on the lives of victims of crime; we take our duty to victims of crime very seriously and work closely with the Victims' Commissioner.

- 11 We investigate and identify potential miscarriages of justice and, in doing so, promote public confidence in the justice system. We carry out our purpose vigorously, impartially and objectively to the very best of our ability by:
 - Investigating cases effectively and efficiently.
 - Working constructively with our stakeholders.
 - Treating applicants, and anyone affected by our work, with courtesy, respect and consideration.
 - Promoting public understanding of our role and of our independence.
 - Making our free service accessible to all who might need us.
- 12 Over the last year we have heard from stakeholders that it is not clear that our service is free and so applicants may be reluctant to apply to us. We are now addressing that in our outreach initiatives and publications.
- 13 It may be that in our determination to make clear that we are independent of government there has been shyness on our part to make clear that we are funded by the government. It is also important to make clear that as an independent body constitutionally and operationally independent of government that the Ministry of Justice has no involvement in how we investigate or take decisions in our casework.
- 14 Finally when considering the context to this new corporate plan it would be wrong not to reflect on the current coronavirus pandemic. The Commission has a mature approach to risk and through the Audit & Risk Assurance Committee the Board receives assurance about mitigations in place to address risks. The coronavirus pandemic reminds us that it not possible to provide assurance against all risks or to be able to forecast all risks whilst at the same time, it has providing us with opportunities to test the Commission's resilience. The Commission is clear that we will monitor and act upon any changes within the criminal justice system which may arise from Covid-19 and which may have an impact on miscarriages of justice.

OUR PEOPLE

- 15 During the coronavirus pandemic, as many have done across the country, our people have responded magnificently, doing their very best to keep casework, our core function and purpose, moving forward. Whilst we have a major digital transformation programme underway, the Covid-19 crisis led to an immediate and large-scale mobilisation of staff from office based to remote, more agile ways of working including the overnight adoption of new technology and digital ways of communicating enabling us to continue to work as close to business as normal as we can. We will build on that in the coming months
- 16 We cannot carry out our role properly without the right people in place. We have an excellent workforce comprising staff and Commissioners. We have nine Commissioners who carry out casework and in addition, Helen Pitcher OBE, our Chairman, who is also a Commissioner. Executive management is entrusted to the Chief Executive and two Directors. We have 95 members of staff, the majority of whom undertake casework.
- 17 Roles within casework are analytical, investigative, legal and administrative with case review managers being at the heart of each case review supported by specialist roles enabling the most appropriate advice and assistance for each individual case review. It is those highly dedicated and skilled people who ensure we progress casework and find and refer miscarriages of justice.
- 18 However, increasingly funding is becoming a significant and worrying issue for us. In the last business year we received a grant-in-aid budget of £6.258 million in addition to ring-fenced funding for our digital transformation programme. Our challenge is that the economic climate and jobs market has changed significantly; we struggle to match the packages which our competitors, such as large regulators, can offer. This means we have experienced over the last couple of years very real issues in staff retention.
- 19 Furthermore, whilst we welcomed the government's tailored review which was supportive of us and our direction of travel, we have been open about the need for more money to provide the enhanced service we want to provide alongside attracting and retaining high quality staff.

VALUES AND BEHAVIOURS

- 20 We achieve our purpose through our people. We have reviewed our values and consider that the following values and behaviours will help us achieve our strategic goals:

Independent: we carry out independent casework reviews and take independent decisions in those reviews. In doing so we work with integrity, being objective and impartial in the full knowledge that our

work and miscarriages of justice impact on people's lives, both in respect of applicants and victims of crime.

Accountable: we take responsibility for our decisions and listen to feedback from applicants and other stakeholders to help us improve. As part of our accountability, we are committed to be transparent, and being as open as our legislation allows us to be about the decisions we make.

Proactive: we look and plan ahead acting with vigour and pace ensuring high quality casework. We look for new ways of working and are keen to learn how to do things better.

Respectful: staff and Commissioners work together as a team in a respectful and collegiate manner both supporting and challenging each other. Equally we endeavour to treat those affected by our work with respect and dignity in what we know are often stressful circumstances. This includes in particular applicants, their families, and their representatives as well as victims of crime.

STRATEGIC AIMS 2020 – 2023

- 21 The Commission's purpose is to investigate and identify potential miscarriages of justice and, in doing so, promote public confidence in the justice system. This is core to what we do. With that in mind, we have agreed four strategic goals for the next three years to ensure that we consolidate our performance and build on that success by enhancing how we work to the benefit of our applicants and the wider criminal justice system. The details underpinning each strategic aim will be set out in the annual business plan and reported on in our Annual Report & Accounts each year.

Strategic Aim 1 - Excellence in Case Review

- 22 We are dependent on having first class members of staff and Commissioners to deliver excellent casework. We are a learning organisation, always looking to improve and to make changes to how we work where it adds value. Quality is at the heart of what we do and we have had in place for many years robust quality assurance in our casework. To enhance this further, we have created a new role, a Head of Quality to further professionalise high quality standards across all of our casework. As part of that we will be implementing a new case management system to enable us to deliver an excellent service to all of our applicants.
- 23 A significant part of quality is of course timeliness; we will build on the progress we have made here and focus on our longer running cases to ensure we are progressing them effectively and efficiently. We will also

establish a secure website portal for those applicants who can access the internet (and for their representatives). Intrinsic to good quality casework will be better quality communication with applicants so that they are aware of the progress in their cases. We will have a programme of customer service and quality training for staff and Commissioners as well as reviewing our casework processes and policies taking on board internal and external feedback.

- 24 All of these initiatives feed into our core purpose of investigating miscarriages of justice and as a result of these initiatives, we will see timeliness and quality enhanced and a continued embedding of that enhancement across all of our casework, including our longer running cases. We will have better and more useful capture of casework data through the roll out of our digital transformation programme. Such data will be of value both to us in terms of forecasting the resources we need but also of value to the wider criminal justice system through, for example, research carried out by external academics.

Strategic Aim 2 - Enhanced Engagement with Stakeholders and Media

- 25 For us to achieve our core purpose of investigating miscarriages of justice, people need to know about the Commission in the first place so they will apply to us. The Commission has a good account to give; we are independent, fair, professional and provide our service free to all applicants but if we do not share the stories of how we work and the reasons behind our casework decisions, what we do is hidden from view.
- 26 Our founding legislation places some restrictions on what we can say about certain aspects of our casework. However, within that statutory framework we consider that we can talk about our casework more than we have in the past which in turn will help instil more confidence in us and in the wider criminal justice system.
- 27 In particular, we have always welcomed researchers to the Commission. Through the Commission's Research Committee, membership of which includes independent academics, we commission research into areas which would benefit both the Commission and the wider criminal justice system. We also feed back what we learn from our casework into the criminal justice system. We do this formally through responses to consultation exercises; appearances at select committees and parliamentary groups. But we also use other avenues to feed back including speaking at events, providing advice and guidance and running training in areas where we think there is a need to inform those in the criminal justice system about the risk of miscarriages of justice.
- 28 To enhance transparency we will be more open and proactive. This includes being much more active on social media and engaging with social media more than we have in the past; we are also keen to raise our profile more with

all types of press and media. Academia and legal journals are very important to us but we need to reach out to more mainstream media to ensure that those who might benefit from our services get to hear about us.

- 29 We will also build on our already successful outreach work and do much more of this, working to identify hard to reach groups and ensuring that we reach as many stakeholders as possible, adopting better technology and new ways of communicating with applicants, their families and supporters as well as their representatives. Most applicants are serving prisoners; with that in mind we want to increase our presence in prisons where the majority of our applications come from and increase the number of face to face meetings we have with applicants. This will be challenging because of Covid-19 and the related restrictions but it is an important element of this strategic aim.

Strategic Aim 3 - Be an Employer of Choice

- 30 The work we ask staff and Commissioners to do is often intellectually demanding; it can also be emotionally challenging given the nature of much of our casework and we carry out this work knowing that it has a very real impact on peoples' lives. It is vital that we recruit skilled and committed people into our staff and Commissioner roles to ensure we can excel at our core purpose of investigating miscarriages of justice.
- 31 Given the intrinsic value of our work, in the past we have tended to see a low turnover of staff. However, increasingly we are seeing staff attracted to new employers in the West Midlands who also offer rewarding and challenging work for experienced and highly skilled professionals. As part of preparing this corporate plan, we held staff focus groups. Some staff groups told us that they felt undervalued because their salaries have not kept up with packages offered by other potential employers. To address this, we want to work with the Ministry of Justice on an enhanced rewards and recognition package whilst recognising departmental budgetary pressures. But this will be an important element of attracting and retaining excellent staff.
- 32 We also want the Commission to gain recognition within the public sector as an employer of choice through delivery of an enhanced people strategy to help us attract, develop, motivate and retain our staff. This will include a clear employee strategy with individualised development pathways. Underlying this will be our commitment to diversity, culture and inclusion
- 33 The Commission is in the middle of a major transformation programme which will see the Commission moving to a much smaller office footprint. As part of that transformation, we had already started a programme of work enabling increased remote working. Working with the Ministry of Justice, we have offered current Commissioners the option to be based at home. Going forward, Commissioners will be able to live anywhere rather than to be within a reasonable commute of Birmingham.

- 34 Whilst we were already developing more agile ways of working, the coronavirus pandemic has helped us to embrace remote working as the new norm. We have long had staff who worked occasionally from home but overnight all staff started working remotely. As with Commissioners, we also see tremendous opportunities for many of our staff to work remotely expanding the pool of people to include those who do not live within a daily commute of Birmingham.

Strategic Aim 4 – Smarter Agile Ways of Working

- 35 During the first part of the new corporate plan period we will be rolling out a major transformation programme of work in respect of our IT and office estate. This will enable us to use up-to-date technologies and smarter working practices to improve services, create a better working environment, and ensure we use our resources as effectively and efficiently as we can. Smarter, more agile ways of working will support the recruitment and retention of staff and Commissioners many of whom may now be based anywhere in the UK.
- 36 We will use the latest digital technology including a new enhanced case management system incorporating AI wherever beneficial. Improving our digital ways of working is crucial to ensure that we operate in the most effective ways possible to support our core purpose of investigating miscarriages of justice. Having in place a digital infrastructure helps enhance how we carry out casework to the benefit of applicants and their representatives who will have a better user experience.
- 37 Although we are a data-rich organisation, our current technology does not facilitate data mining; improved digital technologies will ensure that we are better placed to feed back our data and our learning to the benefit of the wider criminal justice system. It will also ensure that the Commission not only keeps pace with, but keeps ahead of the ongoing digitalisation changes happening within the criminal justice system.

BUSINESS RISKS

- 38 We have set out our ambitions for the next three years. There are always uncertainties and challenges during implementation, some of which can be planned for, some of which are so unexpected that they cannot be predicted such as the current Covid-19 emergency. We consider that there are five key risks to the successful implementation of our strategic aims.
- 39 The first is in respect of the recruitment and retention of staff. It is clear that we will not be able to continue to attract and keep the quality staff we need if we cannot find a way of enhancing our rewards package. Without the right people in the right posts, casework will suffer.

- 40 Second, and clearly linked to staffing, is funding. We risk having insufficient funds to attract and retain the staff we need. We also need additional funding to enhance our outreach and communications work if we are to ensure that those who may need our services know about us. If we do not get additional funding, we will have to move money from frontline casework which would mean cases taking longer to review and risk queues building up; clearly that would be unacceptable. In the alternative we could moderate our engagement and communications programme which would not be in the spirit of transparency or of ensuring we are accessible to all who may need us. We have a good relationship with the Ministry of Justice and anticipate that we will be able to reach an understanding around our funding need.
- 41 The third key risk is around our transformation programme. In respect of our office move, at the time of agreeing this corporate plan, we still do not know when the new office will be available to us. This uncertainty has a huge impact on our digital transformation programme and in particular around IT infrastructure. We will not waste resources building an IT infrastructure in our current office to then have to do it all again in a new office the following year. But this uncertainty creates an unnecessary risk which requires proactive management.
- 42 We consider the fourth key risk to be information security which includes cyber security. Given the nature of our work and the material we access, this is something we take extremely seriously. Increased remote working, and the global trend of digitalisation as well as well publicised increase in cyber attacks across the public and private sector, means that it is important that we continue to recognise and mitigate this risk.
- 43 Finally, the fifth risk is in respect of stakeholder confidence. Earlier in this corporate plan we discussed the need to raise our profile and to ensure people know about us and what we do. How we communicate with all of our stakeholders and how we work with them is an important part of their having confidence in the work we do. For the Commission we consider this to be in part about openness and transparency and about engaging with stakeholders to promote confidence.
- 44 The executive team keep under review strategic risks such as these and puts in place mitigations to address those risks. The Commission's Audit and Risk Assurance Committee (ARAC) monitors this and keeps it under review as well as providing support and challenge to the executives in their management of those risks.
- 45 Risk is owned by the Commission board. Whilst it is not possible ever to give complete assurance, ARAC reports regularly to the Commission board providing the board with assurance around the management of risk.

CONCLUSION

- 46 We introduced this new corporate plan by explaining how the Commission is a purpose led organisation investigating and identifying miscarriages of justice.
- 47 Staff and Commissioners are committed to that purpose; that is evident, and always commented on, by anyone who spends anytime with us. There is a palpable change in the atmosphere when a referral is found; similarly there is an evident sense of disappointment as cases are turned down.
- 48 Nobody comes to work at the Commission to **not** find referrals; searching for referrals is what we do. We believe that this new corporate strategy will help us carry out our purpose to even higher standards than currently as well as making the Commission a great place to work.
- 49 We look forward to the next three years and working with our colleagues and stakeholders, and particular our applicants, as we implement our corporate strategy.

FURTHER INFORMATION

- 50 Further information about the CCRC can be obtained from our website. We are happy to receive comments about this plan or any other aspect of our work.

Criminal Cases Review Commission

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