



Criminal Cases Review Commission

CASEWORK POLICY

Policy Title: **The CCRC**
Reference: **CW-POL-01**

Version: **1.0**

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The CCRC’s Quality Statement

The CCRC is committed to achieving high-quality case reviews as quickly as possible. In order to achieve this, we operate under a Quality Management System; please see ‘Q-POL-01 CCRC Quality Policy’ for further information. Our policy documents are available on our website: www.ccrcc.gov.uk.

If you or someone you represent has difficulty accessing the internet then please contact us via 0300 456 2669 (calls charged at local rate) and we will send a hardcopy of the relevant policy free of charge.

This is a quality-controlled document. Significant changes from the last issue are in grey highlight: like this. Significant deletions are shown as: [text deleted].

Introduction

This policy explains what the CCRC is, how it works, its structure, and provides a short history of the events leading to the CCRC’s creation.

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Key Points

- 1) The CCRC is a public body. We are responsible for investigating alleged miscarriages of criminal justice.
- 2) The CCRC is independent. We are funded with taxpayers' money. This means we are independent of the police, the courts, the government, and everyone else, including applicants.
- 3) The CCRC has special legal powers. We can look into any criminal cases from England, Wales, Northern Ireland and the Court Martial and Service Civilian Court.
- 4) Only the CCRC has the power to refer a case back to the appeal courts for a fresh appeal.
- 5) The CCRC mostly looks at cases where someone has already tried to appeal through the courts.
- 6) We look for new information that makes a case look really different now. We can send the case for a fresh appeal.
- 7) It does not cost anything to apply to the CCRC and you do not have to be legally represented.
- 8) We cannot change a conviction or sentence, but we can send a case for another appeal if there is something new and important.

Definitions

Key Word	Meaning
CAT	Casework Administration Team
CEO	Chief Executive Officer
CRM	Case Review Manager
DCO	Director of Casework Operations
DFCS	Director of Finance and Corporate Services
GL	Group Leader
SMT	Senior Management Team (the CEO, DCO and DFCS)

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1 What is the CCRC?

- 1.1 The Criminal Cases Review Commission is usually called the CCRC. We are based in Birmingham and were set up to look at criminal cases.¹ We are a public body and have a statutory (legal) responsibility to look at cases where people believe they have been wrongly convicted of a crime or have been wrongly sentenced. We look at cases where people have already lost their appeal. We only work in England, Wales, and Northern Ireland.
- 1.2 If we find something wrong with a conviction or a sentence, we have the power to send (refer) the case back to an appeal court. For us to be able to send a case for a fresh appeal, we need:
- a) Something new and important like some strong new evidence or argument that makes the case look different now, and
 - b) There must be a 'real possibility' the court will quash the conviction or reduce the sentence in that case.
- (see [Section 4](#) below). This can be very hard to find and many cases cannot be referred for appeal.
- 1.3 The CCRC is completely independent. We do not work for the courts, police, or the prosecution. We do not work for the people who apply for a review of their cases. We stay independent of all sides so that we can investigate alleged miscarriages of justice impartially. We can refer a case back to the appeal court if there is some significant new evidence or other significant new issue that might affect the safety of the conviction or sentence.
- 1.4 The CCRC builds equality into its core objectives. We make every effort to remove discrimination from our service. We are committed to creating an inclusive culture. We provide ongoing training to our staff on equality issues.

¹ We were created by Section 8 of the Criminal Appeal Act 1995 and started work on 31 March 1997.

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2 What Does the CCRC Do?

- 2.1 We can investigate a criminal conviction or sentence from certain courts. These courts are a Magistrates' Court, the Crown Court, a Youth Court, the Court Martial or the Service Civilian Court.
- 2.2 Only the appeal courts can overturn a conviction or reduce a sentence. The CCRC's job is to look at cases and send them back to the appeal courts. We do this if we think there is a real possibility the appeal will succeed. If we send a case for appeal, the court must hear the appeal. When we send a case for appeal, the court cannot add to the sentence even if they turn down the appeal.
- 2.3 We have special legal powers to help us investigate cases (see [Section 3](#) below). We can analyse evidence and consider new case law.²
- 2.4 We are independent. The CCRC decides what documents should be obtained and what investigations to conduct.
- 2.5 We can look at old cases. There is no time limit on an application to the CCRC. For very old cases it can be more difficult as papers and evidence may have been destroyed.
- 2.6 We can look at your case if you are not legally represented. You do not have to have a lawyer to apply to us, but a solicitor might be able to help you.
- 2.7 We **cannot** look at prevention orders. We can only look at the conviction or sentence that it may have arisen from.
- 2.8 We **cannot** look into civil matters or matters relating to immigration.

² See 'CW-POL-15 Development of Law as a Ground for Referral'

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3 The CCRC's Investigatory Powers and Practices

- 3.1 To help us identify new evidence or legal argument we can use our special legal powers under section 17 of the Criminal Appeal Act 1995 to obtain information from public bodies such as the police, the Crown Prosecution Service, the courts, social services, local councils and so on.³ Under section 18A of the same Act, we can seek a Crown Court order to obtain material from a private individual or organisation.⁴ Our legal powers mean that we can often identify important evidence that would be impossible for others to find.
- 3.2 We can also interview new witnesses and re-interview the original ones.⁵ If necessary, we can arrange for new expert evidence such as psychological reports and DNA testing.⁶
- 3.3 We look into all cases thoroughly, independently, and objectively but the legal rules that govern the work of the CCRC means that we can only refer a case if we find that there is a 'real possibility' that an appeal court would quash the conviction or, in the case of an appeal against sentence, change the sentence in question (see [Section 4](#) below).

4 New Information and 'Real Possibility'

- 4.1 For the CCRC to be able to refer a case back to the appeal court, we will almost always need to identify **some new evidence or new argument** that might give reasons for a fresh appeal.
- 4.2 We must be able to show the appeal court something **new**, that was **not** used at the time of the conviction, or first appeal, and that might have changed the outcome of the case if the jury had known about it. It is no use applying to the CCRC and saying the jury were wrong to believe the prosecution case instead of the defence, unless there is convincing new information to support that idea.
- 4.3 To refer a case for appeal, we must think the new information is convincing enough that it raises a 'real possibility' that the appeal court will overturn the conviction. If we refer a sentence for appeal, there must be a 'real possibility' that the court will reduce the sentence.

³ See 'CW-POL-27 Power to Obtain Material from Public Bodies (s.17)'

⁴ See 'CW-POL-28 Power to Obtain Material from Private Bodies and Individuals (s.18A)'

⁵ See 'CW-POL-21 Interviewing' and 'CW-POL-23 Witness Credibility Checks'

⁶ See 'CW-POL-20 Selection and Instruction of Experts'

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5 Where Are Appeals Heard?

5.1 Where an appeal is heard depends on the original court:

Convictions and sentences from:	Appealed in the:
Magistrates' Court	Crown Court
Crown Court	Court of Appeal
Service Civilian Court	Court Martial
Court Martial	Court Martial Appeal Court

5.2 Most people apply to the CCRC because of convictions or sentences they have received in a Crown Court. However, our procedures are the same whichever court gives the conviction or sentence.

6 The CCRC's Other Duties and Powers

6.1 Reviewing alleged miscarriages of justice is the CCRC's main job, but we have some other significant responsibilities. The CCRC can also:

- a) Be asked by the Court of Appeal to investigate and report on an issue in an ongoing appeal the Court is considering.⁷
- b) Be asked for advice by the Secretary of State for Justice when he or she is considering advising Her Majesty The Queen to issue a Royal Pardon.⁸
- c) Refer cases to the Secretary of State for Justice where we feel that a Royal Pardon should be considered.⁹

⁷ See 'CW-POL-25 Investigations for the Court of Appeal (s.15)'

⁸ See 'CW-POL-26 Assisting the Royal Prerogative of Mercy (s.16)'

⁹ As above.

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7 The Structure of the CCRC

- 7.1 We have around 90 staff, including approximately 40 Case Review Managers (CRMs) who are responsible for reviewing cases.
- 7.2 Decisions whether to refer cases to an appeal court are made by Commissioners who are appointed by Her Majesty The Queen on the advice of the Prime Minister.¹⁰
- 7.3 The CCRC has a Board comprising the Senior Management Team (SMT), three Commissioners, three Non-Executive Directors, and our Chairman. The Board ensures the CCRC runs efficiently.
- 7.4 The Chairman and all the Commissioners comprise the Body Corporate as defined in the Criminal Appeal Act 1995.
- 7.5 The CCRC is structured into two Directorates:
- I. Casework (see [paragraph 7.6](#) below)
 - II. Finance and Corporate Services (which includes our Business Information, Information Technology and Finance Departments).
 - III. Other departments, such as Human Resources and External Affairs, report directly to the CEO.
- 7.6 Casework Directorate
- 7.6.1 This Directorate is split into 5 casework teams. Each team comprises:
- I. A Group Leader who oversees the team.
 - II. Around 7 Case Review Managers who lead the case reviews.
 - III. Casework Administrators who provide support to the group.
- 7.6.2 The Commissioners who make decisions on case referrals are each aligned to one of the five casework teams, although they take decisions on cases across the Commission.
- 7.6.3 In addition to the above, we also have:
- I. A Legal Team, including interns, to advise on the law, disclosure, and manage judicial review proceedings.

¹⁰ in accordance with the Office for the Commissioner for Public Appointments' Code of Practice.

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- II. An Investigations Team who conduct interviews with applicants, witnesses and jurors, make enquiries with police computer systems, and arrange victim notification.
- III. A Manager of Applicant Engagement who oversees the CCRC's complaints process and outreach activities.
- IV. A Head of Quality who oversees continuous improvement.

Appendices

1 [Events leading to the CCRC's creation](#)

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Relevant CCRC Documents

Q-MAN-01	CCRC Quality Manual
Q-POL-01	CCRC Quality Policy
CW-POL-15	Development of Law as a Ground for Referral
CW-POL-20	Selection and Instruction of Experts
CW-POL-21	Interviewing
CW-POL-23	Witness Credibility Checks
CW-POL-25	Investigations for the Court of Appeal (s.15)
CW-POL-26	Assisting the Royal Prerogative of Mercy (s.16)
CW-POL-27	Power to Obtain Material from Public Bodies (s.17)
CW-POL-28	Power to Obtain Material from Private Bodies and Individuals (s.18A)

Legal Documents (available for free from www.legislation.gov.uk)
Criminal Appeal Act 1995

Document Control

Document author: Head of Quality
Issue authorised by: Director of Casework Operations

Version History

Date Issued	Version	Brief Details of Change	DCR
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Appendix 1 - Events leading to the CCRC's creation

- A1.1 Before the creation of the CCRC, the only resort for a case which had already been to the Court of Appeal (or Northern Ireland Court of Appeal) was a direct appeal to the Home Secretary, or the Secretary of State for Northern Ireland. Only the Home Secretary/Secretary of State for Northern Ireland had the power to order the court to hear a case again. This power was limited to cases tried in the Crown Court. Only four to five cases were referred each year out of around 700 applications. The power was also reactive in that the Home Secretary/Northern Ireland Secretary only considered the issues raised by the applicant or his/her representatives and could not go out and investigate or seek new grounds for appeal. As well as controlling whether a conviction was going to be sent back to the Court of Appeal, the Home Secretary/ Northern Ireland Secretary also had responsibility for the police. This was frequently criticised as a conflict of interest.
- A1.2 In the 1970s there was a series of high-profile cases where the convictions were later recognised as miscarriages of justice: the Guildford Four (1974); the Birmingham Six (1975); the Maguire Seven (1976) and Judith Ward (1974). These cases featured a mixture of false confessions, police misconduct, non-disclosure, and issues about the reliability of expert forensic testimony. An additional factor, which doubtless impacted on the decision-making during both the investigation and prosecution of these cases, was their high public profile and the pressure to obtain convictions and restore public confidence.
- A1.3 The weaknesses in the criminal justice system exposed by these cases led to the establishment of a Royal Commission on Criminal Justice in 1991. Its remit included considering whether changes were needed in the arrangements for considering and investigating allegations of miscarriages of justice when appeal rights have been exhausted. Evidence was gathered over a two-year period. The Report of the Royal Commission was published in July 1993. The Royal Commission (adopting the view expressed by Sir John May in his Inquiry into the Guildford and Woolwich bombings) took the view that the arrangements for referral of cases back to the courts were incompatible with the constitutional separation of powers between the courts and the executive. The recommendations of the Royal Commission led to the Criminal Appeal Act of 1995 which established the CCRC.

*****END OF DOCUMENT*****

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