



CCRC

Criminal Cases Review Commission

Annual Report and Accounts

2015/2016

Criminal Cases Review Commission Annual Report and Accounts 2015/16

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Our vision and purpose:

- to bring justice to the wrongly convicted by referring cases to the appellate courts
- to identify, investigate and correct miscarriages of justice in a timely manner
- to act independently in the interests of justice and to use our unique knowledge and experience to improve the criminal justice system and inspire confidence in the integrity of the criminal justice process

Our overall aims:

- 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
- timeliness

Contents

Section One:	Performance Report	7
- Overview		7
- Chair's Foreword		7
- Introduction from the Chief Executive		9
- The Commission generally in 2015/16		11
- Analysis of Performance		17
- Casework		17
- Resources		33
- Corporate		34
Section Two:	Accountability Report	42
- Corporate Governance Report		42
- The Directors' Report		42
- Statement of Accounting Officer's Responsibilities		44
- Governance Statement		45
- Remuneration and Staff Report		51
- Parliamentary Accountability and Audit Report		58
- Certificate and Report of the Comptroller and Auditor General		59
Section Three:	Financial Statements	61
- Statement of Comprehensive Net Expenditure		61
- Statement of Financial Position		62
- Statement of Cash Flows		63
- Statement of Changes in Taxpayers' Equity		64
- Notes to the accounts		65
Section Four:	Tables & Appendices	80
- Table 1: Commission referrals to the appeal courts		80
- Table 2: Commission referrals heard by the appeal courts		81
- Appendix 1: Key Performance Indicators and results		84

Section One

Performance Report

This section is in two parts. The first is the overview section which contains a foreword from our Chair and an introduction to the report from our Chief Executive. It also provides a summary of the Commission's purpose, its powers and performance as well as an outline of the key risks to its performance and the achievement of its aims. This overview is designed so that readers will gain a reasonable understanding of the Commission and its current position without the need to look further into this report unless they want to find further or specific details.

The second part provides more detailed analysis of how the Commission has performed in the last year in specific areas such as the main casework function of the Commission as well as how it has performed financially and in other areas of its work.

Overview

Chair's Foreword

Never again. That's what we always say. Never again after the Guildford Four and Birmingham Six. But only recently we have had Rotherham and Rochdale. We have had undercover policing malpractice in The Metropolitan Police. We have just had Hillsborough. Although different in many ways, what these all had in common is that they represented major injustices – failures to protect the innocent or properly bring to justice the guilty – brought about by systematic failures in the investigation and prosecution of crime. So not, "Never again" but "Time after Time".

There have been improvements in our justice system and – to quote the familiar phrase – lessons have been learned. But failures, miscarriages and cover-ups will always be with us because the ingredients which give rise to them are ever present. Pressure to get results, institutional complacency, the temptation to cover up rather than come clean, professional shortcomings, moral weakness, fear of failure and fear of exposure. The mistakes and cover-ups may not in the future take the same form as in the past. But they will still occur. The safeguard is not, or not just, to expect organisations and individuals to have high standards and police themselves. It is also to have powerful, independent regulators with appropriate powers and adequate funding to scrutinise, investigate and hold publically to account.

In the past twelve months this Commission has continued to see a steady stream of miscarriages. The single most frequent cause continues to be failure to disclose to the defence information which could have assisted the accused. Sometimes the prosecution team were unaware that they possessed the material or misunderstood its significance. On other occasions it was deliberately suppressed. But whatever the reason, the effect on the accused is the same. An individual who perhaps should never have been prosecuted or whose conviction was unsafe suffers unnecessarily because the State did not do a proper job. Not on the shocking scale of a Hillsborough or a Rotherham. But potentially just as devastating to individuals. And just as insidious is the damage which such failures

do to the integrity of, and confidence in, the criminal justice system. Given our concern about disclosure failures in particular, I have recently written to the Law Officers, the Director of Public Prosecutions and the National Police Chief's Council drawing attention to this problem and its costs.

I am pleased to report that notwithstanding the financial pressures it faces, the Ministry of Justice has continued to maintain current levels of funding for the Commission. This represents a vote of confidence in this Commission and in the importance of our work. I am also pleased to report that, with all-party support, a Private Member's Bill to strengthen our investigative powers, brought forward by William Wragg MP, has now become law. This legislation will rectify a longstanding anomaly and bring our powers to obtain information from private bodies in line with our powers to obtain information from public bodies. This will greatly assist us in fulfilling our proactive role of helping to right individual wrongs and helping to protect the system as a whole.

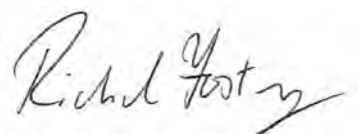
The work of the Commission attracts its own critics and like any organisation we can make mistakes. However, with regard to Asylum and Immigration cases some national press comment was so misleading that we had to take the unusual step of placing an article on our website in rebuttal. Suffice to say here that as a Commission we do not think it appropriate to distinguish between miscarriages of justice affecting different groups of people. British justice is and must always remain, justice for all, with all entitled to equal treatment.

In March the Supreme Court decided in the well-reported case of *Jogee* that the law had taken a "wrong turn" some thirty years ago when determining the mental element which the law requires to be proved when a defendant is accused of being a secondary party to a crime. The test had been whether the secondary party foresaw the possibility of the principal party committing the crime. What *Jogee* says is that the correct test for the mental element of secondary liability is intention to assist or encourage the crime. Foresight may be evidence (perhaps strong evidence) of intent to assist or encourage. But it is a question for the jury in every case whether the intention to assist or encourage is actually shown.

This decision has already had a considerable impact on our work. We have to date received twenty-seven fresh applications in relation to these "joint enterprise" types of conviction. We are also looking at twenty of our previously closed cases as well as some 70 cases which were already under review. As ever with convictions, cases are fact specific and the number of these cases that will end up with the Court of Appeal, whether directly or by way of a Commission referral, will depend on how their individual circumstances relate to the law as now set out in *Jogee*. But there can be no doubt that the amount of additional work for the Commission will be substantial.

There is a further point. This Commission can only look at cases which it receives; as can the Courts. This "wrong turn" is a "wrong turn" by the State. In 2005, the then Attorney General, Lord Goldsmith, commissioned a review of shaken baby syndrome. The Law Officers and the Director of Public Prosecutions may wish to consider whether a similar approach is required here. Given the publicity surrounding the *Jogee* judgment, it might be thought unlikely that any potential miscarriages will be overlooked. But it would be as well to be sure.

Finally, a word of thanks to staff and Commissioners here who have managed to reduce queues and waiting times for applicants to us, while maintaining the thoroughness and quality of our reviews, by dint of hard work and improved ways of working. Our aim is to eliminate queues entirely over the next two years and we are currently on course to achieve that goal.



Richard Foster CBE Chair

Introduction from the Chief Executive

Over the last three years we have adapted to cope with an increase of around 50% in the number of applications we receive. It seems clear that, certainly for the time-being, receiving around 1,500 applications a year is the “new normal” for us.

The increase has undoubtedly placed enormous pressure on us as an organisation which is committed to conducting high quality investigations into potential miscarriages of justice. The pressure we feel may not be comparable with that felt by applicants who have to wait much longer than they should for us to review their cases, but it is real nonetheless. We have asked a great deal of our staff as we have fought to maintain standards and increase productivity; they have responded brilliantly and I am most grateful for that.

In my introduction to last year’s report I explained that we were making some changes to how we work in order to address the increased workload and I said that we were starting to see results.

Those changes were partly borne of necessity – like everyone else, we are being asked to do more work with less money – but they were also borne out of a recognition that when it comes to case reviews, timeliness is an essential part of quality. With this in mind, and building on the changes made in 2014/15, we have over the last 12 months or so carried out a “whole system review” of how we work. This was a comprehensive exercise involving people throughout the organisation. The introduction of the many changes that we devised together, and the hard work and commitment of everyone at the Commission, have allowed us to make really significant improvements in the timeliness while maintaining the quality of our work. As a result, we are on track to achieve our corporate goal of being able to allocate cases as we receive them, allowing for a three-month period in which we will obtain the material needed to start our review. We intend to be at this steady state by March 2018. In the meantime, as discussed in detail elsewhere in this report, we continue to see real reductions in queues and waiting times (see pages 19 to 20).

As with the rest of the public sector, funding remains very challenging. In recognition of the continued high level of applications to us, and the new ways of working we have adopted, we received a funding settlement which is effectively a standstill budget. We were unable to progress work on introducing a new case management system and other IT projects that were designed to find further performance gains. I am relieved that, going into 2016/17, we have received capital funding that will allow us to press ahead with those IT projects which will further support improved performance.

We have reported in previous years, and at a variety of forums, including most recently at the Justice Select Committee, our need to be able to access material held by private sector organisations and private individuals. Hitherto we have only had statutory access material in the public sector. And while we often do obtain private sector material through negotiation, this can be a protracted business which comes with that the additional problems of extra delay and cost. I am very pleased to report that the CCRC Information Act received Royal Assent on 12th May 2016.

This means that we will in the year ahead be able to access private sector material, under judicial oversight, in the same way as our colleagues in the Scottish Criminal Cases Review Commission.

We have had a relatively stable year in respect of staff and Commissioners. During the year Ian Brooks, Director of Finance and Corporate Services joined us. He is already making a discernible difference and along with Sally Berlin, Director of Casework Operations, I have in place an extremely able senior management team leading a body of skilled and committed staff. We will undoubtedly face a number of challenges during the coming year, not least the retirement of our three most experienced Commissioners. However, as an organisation, we have worked hard to get ourselves in a very strong position operationally. This means that we are well placed to continue to work towards achieving our corporate goals and doing what we were set up to do, investigate and review miscarriages of justice.

A handwritten signature in black ink, reading 'Karen Kneller', with a stylized flourish at the end.

Karen Kneller Chief Executive

The Criminal Cases Review Commission generally in 2015/16

The Criminal Cases Review Commission (CCRC) is the public body created to investigate alleged miscarriages of justice in England, Wales and Northern Ireland¹ and to send appropriate cases back to the appeal courts.

It was established on the recommendation of the Royal Commission on Criminal Justice. The Royal Commission was set up following the emergence in the 1980s and 1990s of a series of shocking miscarriages of justice relating to high profile convictions such as the Guildford Four (1974); the Birmingham Six (1975) and the Maguire Seven (1976). These cases featured a mixture of false confessions, police misconduct, non-disclosure and issues about the reliability of expert forensic testimony.

The Royal Commission's 1994 report recommended the creation of a publicly-funded independent body to investigate alleged miscarriages of justice when all avenues of appeal had failed, and to send cases back for a further appeal where necessary. As a result, the Criminal Cases Review Commission was established by the Criminal Appeal Act 1995 and started work on 31st March 1997.

Our principal aims are to bring justice to the wrongly convicted by referring cases to the appeal courts, to identify, investigate and correct miscarriages of justice in a timely manner and to act independently in the interests of justice.

Up to the end of March 2016 we had sent a total of 619 cases back to the appeal courts at an average rate of 33 cases a year. Indeed, the total number of referrals made by the Commission during 2015/16, the period of this annual report, was exactly 33; in the previous year it was 36.

Those referrals came from a total of 19,530 cases closed over the life of the Commission. This means that, at 31st March 2016, we had referred for appeal 3.43%, or one in every 32, of the cases we have completed.

The cases we deal with come generally from the most serious end of the criminal spectrum – around 22% of our referrals have been for homicide convictions, almost 18% have been for sexual offences including rape, and 9% have been for robberies. The rest relate to a mixture of other mostly serious and mostly indictable only offences including terrorist offences.

Cases usually come to the Commission by way of written applications from the people convicted of the offences in question, or from someone representing them. The vast majority of people use our application form which is specially designed to be easy to use (see link to form). During 2015/16 we received 1,480 applications. This is comparable with the number of applications we have received in each of the last three years.

The Commission considers applications in relation to convictions from the Crown Court and the magistrates' courts. Around 90% of all our applications and 95% of all our referrals, have related to Crown Court cases. We consider applications in relation to conviction and sentence and can refer either for appeal.

The Commission is essentially a post appeal organisation. We were created to review cases where a person convicted of an offence, who has exhausted

¹ Scotland has a separate legal system and therefore has a separate CCRC see: www.sccrc.org

their normal rights of appeal, maintains that they have been wrongly convicted or incorrectly sentenced. The Act that created the Commission stipulates that we cannot refer a case for appeal if the applicant has their normal appeal rights remaining, unless there are “exceptional circumstances” that mean we should do so.

How we work

In order to be able to refer a case to the appeal courts, the Commission generally needs to be able to point to some potentially important new evidence or new legal argument that makes the case look sufficiently different than it did at trial or on appeal. The evidence or argument usually needs to be new in the sense that it was not available at the time of the conviction or for the appeal. If the evidence in question was available but not used at the time of the trial or appeal, there will need to be good reasons why it should now be treated as new.

When we come to decide whether or not we can refer a case for appeal, we are obliged to apply a threshold test, known as the “real possibility test”. The test was set out by Parliament in section 13 of the Criminal Appeal Act 1995. Essentially it says that the Commission can only refer a case where it is satisfied there is a real possibility that the conviction would be quashed (or in the case of a sentence referral, that the sentence would be changed) if the referral was made.

Decisions about whether or not cases can be referred are always taken by one or more of our Commissioners. In 2015/16 there were 12 Commissioners, including the Chair of the Commission. Commissioners are chosen for their professional experience and ability to make important decisions in complicated matters. They are appointed by the Queen on the recommendation of the Prime Minister.

The Commission considers every application that arrives. What it does in each case depends on a number of things. If the application is from someone who has been convicted but still has the right to appeal in the normal way through the courts, we will usually advise them that the Commission is a post-appeal body and that they can and should try to appeal via the relevant court. Historically more than 40% of all our applications have related to such “no appeal” cases (see page 18). Some other applications each year are “ineligible” e.g. not within our jurisdiction and we cannot review those cases. In some other cases, applications arrive that simply do not present any issues that we can review or investigate. It is not unusual for applications to simply restate the points that have already been made, unsuccessfully, at trial and/or at appeal. In such cases, if we are unable to see in the case any new issues or potential new issues that we can realistically review or investigate, we will explain the position to the applicant.

Those cases that are eligible, where there has been a previous appeal, and where the application makes us think there are or maybe matters that need looking into, are allocated to one of our Case Review Managers so that a review can take place. Around half of all our applications each year fall into this review category.

The job of the Case Review Manager is to review the case and conduct whatever investigations may be necessary to decide whether or not we can refer that case for appeal. In doing so they can draw upon all of the Commission’s resources; they will obtain and consider whatever material thing we need, interview anyone we need to speak to and obtain independent expert evidence if necessary. In some complex or high profile cases a Commissioner will be assigned at an early stage of the review to oversee the inquiry and make investigative decisions. When, towards the end of the investigative stages, the time comes to decide whether there is any new evidence or argument that could mean there is a “real possibility”, the Case Review Manager may put the results of their review to a Committee of three Commissioners if it seems that a referral to the appeal courts is possible. If there is no prospect of the case being referred, the Case Review Manager may put it before a single Commissioner.

If the committee of three Commissioners decides that there is a real possibility the appeal court will quash the conviction (or in the case of a sentence referral, amend the sentence), the Committee will normally refer that case and an appeal must be heard at the appropriate appeal court. (Crown Court cases are appealed at the Court of Appeal whereas magistrates' court cases are appealed at the Crown Court).

If a committee, or a single Commissioner, decide that there is no prospect of a referral, a document explaining the position, and the reasons for it, will be sent to the applicant. Where necessary the applicants are invited to respond to that initial decision in order, essentially, to change the Commission's mind. The Commissioner or committee of Commissioners will consider any response before making a final decision in the case.

Our performance in 2015/16

We are fundamentally a caseworking organisation. The casework performance section of this annual report sets out in detail how the Commission has performed against its casework targets for things like how quickly we begin our case reviews and how long those reviews take and so on (see also pages 19 and 20).

That casework section details substantial improvement in a number of key areas compared to last year. Perhaps most important for us as an organisation and, we believe, for those people who apply to us, is the fact that we have significantly reduced the time it takes for us to begin a substantive review after an application has arrived.

At the end of March 2016 the wait for a review to begin (we call it the time to allocation) was six months for applicants who were in prison for the offence concerned; one month better than it had been at the same point in the previous year.

We prioritise the cases of people who are in prison over those who are not. Consequently, for people applying to us when they are "at liberty" (either because they have been released, or were not jailed for the offence in question) the waiting time at the end of 2016 for their review to begin was 19 months compared to 26 months at the end of 2015. It is perhaps worth noting here that, typically, around 65-70% our applicants apply while in custody.

Another key statistic that tells us that the waiting times for applicants and the length of our queues are reducing is that we received 1,480 applications but completed 1,797 cases during 2015/16.

Further on in this report at pages 21 to 28 we discuss in detail some of the individual cases we have reviewed and referred during 2015/16 and some of the cases that have been decided by the appeal courts after we referred them.

The Commission does not set a target for how many referrals we think should succeed at appeal, but we do monitor and pay attention to what happens to the cases that we refer.

During 2015 /16 the appeal courts heard a total of 41 cases that reached them by way of a referral from the Commission. 22 cases (53.7%) were allowed, 18 (43.9%) were dismissed and one (2.4%) was abandoned before the appeal took place.

Our Investigations and Powers

The Commission is an independent investigative body which uses its combined skills, experience and statutory powers to investigate possible miscarriages of justice.

The Commission's casework staff are skilled investigators in their own right. They come from a wide range of professional backgrounds and include financial investigators, forensic scientists, former police officers, psychologists and many

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Where necessary, the Commission can also require a police force to carry out investigations on its behalf.

solicitors and barristers – in fact around half of our case review staff are legally qualified. All casework staff receive ongoing training at the Commission to keep their skills up to date and all can and do call upon the expertise of a legal adviser and a specialist investigations team. The investigations team comprises a former Detective Chief Superintendent, a former Detective Constable and an assistant investigator who are there to provide advice or to conduct interviews and specific investigations with or on behalf of Case Review Managers.

The Commission's principal statutory investigative power is provided by section 17 of the Criminal Appeal Act 1995. Section 17 allows the Commission to obtain any material it believes it might need for its work from any public body from MI5 to the NHS. It covers everything from the basic undisclosed case material in the hands of the police and the CPS, to social services records and the secret products of covert human intelligence sources. We usually exercise our section 17 powers several times in every case we review.

During 2015/16 we have watched the passage through Parliament of the CCRC Information Bill. It was a Private Members bill, sponsored by Mr William Wragg MP, which sought to extend the Commission's powers to obtain information to cover material in the hands of private bodies and individuals as long as a Crown Court judge could be persuaded that we needed the material in question in order to perform our statutory role. In May 2016 the Bill passed its final legislative hurdle in the House of Lords. At the time of writing this report it had not yet been enacted, but we were already drawing up plans to responsibly exercise this new power. This welcome change should help to ensure that we continue to be able to obtain the material that we need to conduct effective case reviews.

Where necessary, the Commission can also require a police force to carry out investigations on its behalf. This power comes from Section 19 of the Act. Section 19 means that where it considers it necessary to do so the Commission can require the Chief Officer of a police force to appoint an investigating officer to work with the Commission and carry out investigations under its instructions and guidance. This means that the investigations can be carried out with the use of police powers such as to conduct interviews under caution. The Commission usually, but not always, requires the appointment of a section 19 investigating officer from a force other than that involved in the case under investigation. We tend to use this power sparingly and usually only when we think there may be an advantage in using police powers (such as interviewing under caution) or where an investigation is simply too large for a body of our size.

Although the Commission's main function is to consider the cases of individuals who apply to us, we also have a lesser known but significant role investigating on behalf of the Court of Appeal Criminal Division when the court is considering a first appeal or an application for leave to appeal.

The Court of Appeal can direct the Commission to investigate and report on matters related to ongoing appeals under section 15 of the Criminal Appeal Act 1995 and section 23A of the Criminal Appeal Act 1968. During 2015/16 we conducted only two such investigations for the Court (see page 30). Such investigations have typically involved the Commission looking into allegations of irregularity or misconduct relating to jurors.

Our aims and the threats to them

The Commission sets itself a number of goals that it wants as an organisation to achieve. Those goals are set out in the Business Plans we publish each year in the publications section of our website at www.ccr.gov.uk. Broadly speaking, in our 2015/16 plan we said that we were aiming: to reduce waiting times further whilst maintaining the quality of our work, to encourage eligible well-prepared applications and discourage ineligible applications, to maintain the systems and staff we need to function effectively and to build and develop relationships with our stakeholders. Our performance against these aims has already been

The Commission is certainly not alone in the public sector in facing uncertainty around its long term funding.

mentioned in this overview and is discussed in some detail in subsequent sections of this report dealing with casework, corporate and financial performance.

We also face a range of risks that may threaten whether, or how well, we are able to achieve our goals. The principal risk we faced in 2015/16 was a potential loss of funding. This has been the key risk for some time and it is likely remain so for several years to come. Our ability to obtain sufficient resource and capital funding affects our ability to maintain our staffing levels and improve the IT environment that are crucial to the continued execution of our statutory function. Without enough money to maintain our workforce and the infrastructure on which it depends, we would inevitably face increases in the time it takes us to consider and allocate cases for review and also to review cases to a high standard and within a reasonable period of time.

We suffered a setback in August 2015 when it became clear that the capital funding for the year was being withdrawn. We were relying on this previously agreed funding to complete the replacement of our obsolete casework IT system and a number of associated IT projects. The loss was a significant setback, not only because our current system is no longer supported by the manufacturer, but also because the new system was expected to bring some real benefits to the Commission. Fortunately we have now received a capital budget for 2016/17 that will allow us to complete the replacement of the casework system and to progress a number of other important IT projects.

More generally as regards risk, the Commission take such matters very seriously and regularly reviews risk management through the Audit and Risk Committee which is chaired by one of our non-executive directors.

The Commission is certainly not alone in the public sector in facing uncertainty around its long term funding. We would very much welcome a mechanism that would provide a higher level of certainty, such as three-year indicative funding settlements, to help us to plan ahead more effectively. This is a point we have made recently to the Justice Select Committee.

The Commission as a going concern

The Commission is an independent NDPB (Non-Departmental Public Body). This means that we are publicly funded by way of a cash grant – a Grant in Aid – from the Ministry of Justice, but we remain independent of Government and all other parts of the criminal justice system including the courts, the police and the prosecution.

For the financial year 2015/16 the cash grant we received was £5.40 million – that is a little under five percent less than the year before when it was £5.67 million. In 2015/16 we spent our allocated grant to within one per cent of the total which we view as a good outcome demonstrating sound financial management.

The Statement of Financial Position at 31st March 2016 shows a negative total taxpayers' equity of £6.285 million. 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 2016/17, taking into account the amounts required to meet the Commission's liabilities falling due in that year, has already been included in the Ministry of Justice 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. During the last Triennial Review conducted by the Ministry of Justice in 2012/13 and, more recently the Justice Select Committee Twelfth Report in 2014/15 on the functions of the Commission, the continuation of the Commission in its current form has been

supported. It is considered appropriate to adopt a going concern basis for the preparation of these financial statements.

A handwritten signature in black ink, appearing to read 'Karen Kneller', is written over a light grey rectangular background.

Karen Kneller

Chief Executive and Accounting Officer
28th June 2016

Analysis of Performance

Casework

During 2015/16 we received 1,480 applications. This is reasonably consistent with the higher level of applications received over the last three years.

Our challenge

We have continued to challenge ourselves, especially our established ways of working and thinking. We have worked hard to reduce the time taken from application to allocation and to increase the efficiency and effectiveness of our review and decision making processes whilst maintaining the quality of our work. Building on the major changes made during 2014/15, at the start of 2015/16, we carried out a substantial review of our approach to casework. That led us to make some more fundamental changes to continue and further the necessary transformation to support the objectives in our Corporate Plan.

In April 2015, for example, we created a sub committee to bring additional oversight to cases that have been under review by the Commission for two years or more. The objective of the sub committee is to support the Board and the Chief Executive in their responsibilities for ensuring the timely management and conclusion of long running cases. It also looks to learn lessons from those longer case reviews to help us to improve more generally.

In June 2015, we moved the initial consideration of reapplication cases from Commissioners to Case Review Managers to help us make better use of our precious Commissioner resource. We also further refined the arrangements, introduced in 2014, for dealing with No Appeal cases to enable the question of exceptional circumstances that might justify our involvement in the case to be determined more effectively. Through the changes in how we deal with these cases, we have managed to reduce the time it takes to make a decision on potential exceptional circumstances by half, enabling applicants who need to first approach the appeal court to do so more quickly and therefore more effectively and freeing up more of our time to address cases that do need our input.

In July 2015, we launched new guidance for legal representatives with a view to helping them to help us to provide a more effective service to our applicants.

In August 2015, we started to take a more succinct approach towards our decision documents with the aim of making them, in most cases, shorter and more focussed so that they are clearer to applicants.

In October 2015, we put more emphasis on case review advice being provided by our very able Group Leaders, preserving our Commissioner resource for advice in the most challenging cases and for decision-making.

In December 2015, we issued our new policy and internal guidance on reviews that require consideration of witness credibility checks, with a view to improving the consistency of our decisions as to when such checks are necessary and reasonable.

In February 2016, we provided everyone who works directly on cases with training, through discussion groups, to introduce and support our new guidance on case planning and case management techniques. The guidance itself amounts to a compilation of the best and most effective internal practices in this respect.

In March 2016, we improved the clarity and consistency of our communications with applicants to help them ensure that we have a thorough understanding of the key issues in the case from the start. We also commenced new arrangements for updating applicants during the course of our reviews, to help us to communicate better with applicants and to be more consistent in this respect. In addition, we refined our case committee process with a view to making that more focussed and reducing some of the administrative delays.

We have continued to challenge ourselves, especially our established ways of working and thinking.

We have reduced the number of cases awaiting allocation from 593 at the end of March 2015 to 397 at the end of March 2016.

Throughout, we have been continuing to look for opportunities to make more effective use of technology, where appropriate, to help us to work more flexibly and efficiently.

Over the course of the year, we have reduced maximum waiting times for allocation of custody cases from 16 months (although the majority were waiting eight months) to six months; and of liberty cases from 26 months to 19 months. We have increased case closures by 10% (compared with last year), whilst continuing to find and make referrals to the appeal courts.

With a slight reduction to human resource levels in casework, we have managed to complete 1,797 case reviews. This compares with 1,632 cases closed in 2014/15 and 1,131 cases closed in 2013/14.

We have reduced the number of cases awaiting allocation from 593 at the end of March 2015 to 397 at the end of March 2016. We have had another extremely productive year, but we remain committed to reducing the time that applicants spend waiting for us to begin our review of their case and for us then to make a decision at the end of our review.

Casework resources

We are again relieved to have received what is virtually a 'stand still' budget for 2015/16 and 2016/17, following our submissions to the Ministry of Justice of a business case in light of the established high level of applications and the continuing process changes that we have been making to help us to work more efficiently. Over the course of 2015/16, our Case Review Manager resource has decreased slightly and we have increased our Casework Administrator resource a little. Commissioner and specialist support resource has remained almost constant.

We were fortunate to have been able during 2015/16 to draw upon the considerable expertise of a number of staff from the Public Defenders Service (PDS). We reached an agreement with the PDS whereby we were able not only to second two experienced barristers to work for a period on site at the Commission advising on and assisting with casework, but also to call upon and instruct PDS staff in relation to some specific pieces of work. We mention it here to record our gratitude and for the significant contribution it made to our casework output during the year.

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.

For the last three years, over 40% 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.

We have made further adjustments to the major change that we introduced in October 2014 to how we process and consider No Appeal cases to enable us to deal with the vast majority of these cases where there are no potential exceptional circumstances as efficiently as possible. That means that we inform No Appeal applicants more quickly of their most appropriate route to appeal and can focus more of our resources on cases where the applicant has no alternative avenue.

The continued high proportion of No Appeal cases continues to concern us, as it detracts from our ability to deal more quickly with those who no longer have a right of appeal.

Casework

Not only has everyone worked extremely hard this year, but, as discussed above, we have also made many changes to how we do things, all with a view to achieving an appropriate balance to make sure our case reviews are as detailed and thorough as they need to be and that they do not take any longer than is necessary.

As a result, from March 2015 to March 2016 we have managed to reduce maximum waiting times to allocation:

- From seven months to six months for custody cases.
- From 26 months to 19 months for liberty cases.

We have met the interim milestones that we set for ourselves for the reduction of maximum waiting times and we remain on track to achieve our Corporate Plan objective to have done away altogether with the waiting times for both custody and liberty cases by the end of March 2018.

A proportion of our reviews involve complex cases and those cannot properly be undertaken quickly. Many months of painstaking work can be involved, including examining relevant files, instructing experts, interviewing applicants or witnesses and forensic testing. We are often heavily reliant on being supplied with the necessary information by organisations and individuals. Many of them, especially the public bodies such as the police, courts and CPS, continue to be under substantial resource pressure themselves. Even the largest and most complex cases ultimately need to be concluded and so we introduced the Long Running Cases sub committee, which is bringing additional scrutiny to timeliness in cases that take us more than 2 years at review stage.

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 84 to 87 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 2015/16, 67% of applications which merited a review were from people in custody and 33% from people at liberty.

Our interim target for KPI 1 in 2015/16 was 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 78 weeks. In 2015/16, the actual average time was 19 weeks for custody cases and 55 weeks for liberty cases.

Duration of review

We aim to review cases with both speed and thoroughness. KPI 2A monitors the average time taken for an application to be reviewed. In 2015/2016, the time taken for review cases to reach the point where an initial decision is issued was 27.14 weeks, against our KPI 2 target of 28 weeks of being allocated to a CRM.

Time to decision from application

We recognise that the time taken at the various 'stages' of our processes perhaps matter less than the overall time from application to final decision, so we introduced KPI 2B to measure the average, for No Appeal, Custody and Liberty cases.

For No Appeal cases, our KPI target is 15 weeks. In 2015/16, the time taken was 8.32 weeks. For Custody cases, the target is 56 weeks. In 2015/16, the time taken was 55.69 weeks. For Liberty cases, the target 88 weeks. In 2015/16, the time taken was 84.87 weeks.

We aim to review cases with both speed and thoroughness.

In 2015/16 the Commission referred 33 cases to the appeal courts.

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 2015/16 we completed 317 more cases than we received. For comparison, in 2014/15 we completed 33 more cases than we received, in 2013/14 we completed 339 fewer cases than we received and in 2012/13 we completed 351 fewer than we received. As at 31st March 2016, we were working on 1,150 cases.

Referrals

In 2015/16 the Commission referred 33 cases to the appeal courts. This means that we referred 1.8% of the 1,797 cases concluded this year. In the previous year the referral rate 2.2%, in 2013/14 2.7%, in 2012/13 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 3.43%.

One of the referred matters was "multi-handed", involving three applicants (co-defendants), referred on the same basis having had their cases reviewed together by the Commission. Nine 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.

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 seven per cent.

Prosecutions of refugees and asylum seekers

In our last four 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 have referred 36 of these types of cases since 2011. We invested resources in liaising with relevant organisations in an attempt to prevent further unsafe convictions of that type from occurring in the future. Excepting a very few of our cases which are for very recent convictions our impression is that the tide may have begun to turn. See also page 27.

Special Demonstration Squad

In 2014/15 we reported that we had been involved in Mark Ellison QC's review, for the Home Secretary, into cases where the activity of the Metropolitan Police Special Demonstration Squad may have caused miscarriages of justice. The Inquiry into Undercover Policing, led by Lord Justice Pitchford opened in July 2015. We watch with interest and anticipation.

Post Office 'Horizon Computer' cases

Last year, we reported that in March 2015 we received 15 applications from former Postmasters/mistresses convicted of offences such as theft and false accounting having been prosecuted by the Post Office. The theme relevant to

During the year, the Commission referred 33 cases to the appeal courts.

those applications is a suggestion that difficulties with the 'Horizon' computer system and/or with the training and support provided in using the system were the cause of the facts that led to the convictions. To date, we have received a total of 23 applications of this type and we are taking a co-ordinated approach to those reviews.

Cases referred for appeal during 2015/16

During the year, the Commission referred 33 cases to the appeal courts. This section provides analysis and comment on some of those cases.

Dorling

Mr Dorling, a former prison officer, was convicted in 2006 of the murder of C, a serving, but suspended, prison officer. It was the prosecution case that Mr Dorling had confessed to an associate and to his former girlfriend.

Since Mr Dorling's trial fresh evidence has emerged that goes to the credibility of significant prosecution witnesses. The evidence consists of material available at the time of trial but not disclosed to the defence as well as some other evidence which has emerged since the trial. The Commission's committee decided to refer the case on the basis that the credibility of one of the confession witnesses (and of the two corroborating witnesses) was irreparably damaged to the extent that the prosecution in separate but associated proceedings acknowledged that he could no longer be regarded as a credible witness.

Taking account of all of the remaining evidence against Mr Dorling, and the approach taken by the prosecution to the same key witnesses in those later proceedings, the committee decided there was a real possibility that the Court of Appeal would find the conviction unsafe.

Dunn

This was a case involving a joint enterprise murder. Our referral was again based on the non-disclosure of information that could be considered to undermine the credibility of important prosecution witnesses.

Evidence of Mr Dunn's participation in the murder had come from the witness MV. In later, connected proceedings that also featured MV, previously undisclosed material came to light that led the Court of Appeal to express serious doubts about MV's credibility and to strongly criticise prosecuting counsel in relation to what the Court described as a 'lamentable failure' in the prosecutor's duty regarding key disclosure decisions.

The Committee concluded that the evidence suggesting MV had lied in a criminal trial was of a different order to other material previously deployed to undermine MV's credibility, and therefore raised a real possibility that the Court would quash Mr Dunn's conviction.

Embleton

On 9th November 2000 at Teesside Crown Court, Mr Embleton, and two others, H and G, were all unanimously convicted of the joint enterprise murder of a Mr. Sharif.

The prosecution alleged that the defendants killed Mr. Sharif during the course of a burglary that went wrong. G offered a plea to manslaughter; H gave various accounts (including outright denial of presence) but consistently refuted any participation in the actual assault against Mr. Sharif; Mr. Embleton raised an alibi defence saying he had spent the night with his then girlfriend at her home.

Key evidence against Mr. Embleton amounted to: a) seven fibres found on items of his clothing which were determined to be a match for the deceased's jumper and said to provide 'moderate' support for the contention that there had been direct contact between them; b) evidence from a further witness that Mr. Embleton had visited her home with an injured hand on the day, and at the time, of the attack, and that he had said his injury was caused by hitting someone; and c) evidence

The investigation involved the surveillance of the alleged conspirators, evidence of meetings between them and their travels abroad, analysis of numerous telephone calls made between them, and drugs being seized on arrival in the UK.

from co-defendant H who placed Mr. Embleton at the scene, although he also exonerated him of taking part in the actual assault.

The Commission found, among the sensitive police material we had obtained for our review, information relevant to the Mr Embleton's defence that was not disclosed to his representatives, and which in our view gave rise to a real possibility that the Court of Appeal will consider the conviction unsafe.

Due to the nature of the material, it was supplied to the Court in a confidential annex which has not been supplied to Mr Embleton.

Jeanette Burke

In July 2006, at Liverpool Crown Court, Jeanette Burke was convicted of two counts of conspiracy to supply Class A drugs. Between 2004 and 2005, a lengthy investigation, called Operation Lima, was conducted by Her Majesty's Customs and Excise (HMCE) and Merseyside Police, into the activities of an organised group suspected of conspiring to supply cocaine and heroin imported into the UK. The investigation involved the surveillance of the alleged conspirators, evidence of meetings between them and their travels abroad, analysis of numerous telephone calls made between them, and drugs being seized on arrival in the UK.

Subsequently, several people were prosecuted for conspiracy to supply class A drugs. The prosecution said Ms Burke was, throughout the period of the investigation, heavily involved with other conspirators and in particular with KB and CB, who had both since admitted their involvement by pleading guilty.

The Commission referred the conviction because it considered that a failure to disclose to Ms Burke's defence the bases of plea entered by CB and KB, could arguably have undermined the safety of her conviction.

In reviewing this case the Commission noted that there does not appear to be much by way of direct guidance on the issue of disclosure of a basis of plea by one accused to any co-accused (save, perhaps, in fraud cases). We have written to the CPS raising this specific issue.

All four of these referrals turn on failures of the procedures meant to govern the disclosure of information that should have been revealed on the basis that it potentially undermined the prosecution's case or assisted the defence case. Failings in the disclosure process can take a number of forms such as the failure of the prosecution team (the police, the CPS and trial counsel together) to disclose to the defence all material it should and the failure of the police to disclose to the CPS relevant material in its possession so that the prosecuting lawyers can make the right decisions about what ought to be revealed (we have already seen an example of this in a referral made in early 2016/17 in the case of Wang Yam.) The origin of non-disclosure can be innocent, such as when the true significance of a trivial-seeming but potentially important point is simply missed, or it can be malign such as when a matter is deliberately suppressed precisely because its potential impact is recognised and understood.

Matters relating to disclosure have played a part in dozens of referrals over the life of the Commission and this year's casework reminds us that the issue is ever present. The Commission Chair has, in light of the matters discussed in this report, and of the ongoing issues regarding non-disclosure, written to the Director of Public Prosecutions and the relevant subject lead at the National Police Chiefs' Council to point out the issues raised by these cases and to make some point more generally in relation to disclosure.

Kerry Holden

Kerry Holden pleaded not guilty to murder when she stood trial for murder at Nottingham Crown Court.

The prosecution case was that Ms Holden had stabbed Luke Moran once in the chest following an argument in the early hours of Sunday 21st August 2011 after a party in the Clifton area of the city.

A total of 41 appeals were heard by the appeal courts following referral by the Commission in 2015/16.

There were no witnesses to the stabbing and there was no forensic evidence connecting Ms Holden to the attack. She was convicted of murder by a majority verdict on 8th March 2012 and sentenced to life imprisonment with a minimum term of 18 years.

When her appeal was dismissed in June 2013, she applied to the Commission for a review of her case. We decided to refer Ms Holden's murder conviction to the Court of Appeal because of new evidence relating to an alternative suspect, who came forward during the course of our review, and which raises a real possibility the Court will quash the conviction.

Cases decided by the Courts in 2015/16

A total of 41 appeals were heard by the appeal courts following referral by the Commission in 2015/16. Of those 21 (51.2 %) appeals were allowed, 19 (46.3%) were upheld and one (2.4%) was abandoned by the appellant before the case was heard.

Carl Butler

Carl Butler was convicted of rape on 21st May 1998 at Sheffield Crown Court. He was sentenced to life imprisonment with a minimum term of six years. A life sentence was passed because Mr Butler had previous convictions for rape and indecent assault.

Mr Butler's defence at trial was that sex had taken place but that it had been consensual. The Commission carried out background checks which uncovered material, belonging to South Yorkshire Police and Doncaster Social Services, which the Committee considered gave rise to the following concerns regarding the complainant's credibility:

We found that, prior to the trial in 1998, the complainant had made a substantial number of sexual allegations against different men. Some allegations were formally retracted and other allegations were believed to be untrue, or were viewed as unsubstantiated.

Prior to trial in 1998, there were also a number of findings by Police and Social Services that the complainant had difficulty distinguishing between fact and fantasy. It was clear from the relevant records that a number of sexual allegations were not believed by the professionals who dealt with the complainant. We did not find any evidence that these pre-1998 matters were disclosed at trial.

We also found that after Mr Butler's trial in 1998, the complainant has approached the police with further sexual allegations and that none of those allegations has been proceeded with, and at least some of the allegations were not believed by the police.

The Committee considered that this new information was capable of significantly undermining the credibility and reliability of the complainant and therefore gave rise to a real possibility that the Court of Appeal would overturn Mr Butler's conviction.

On the 20th May 2015, the Court upheld the conviction. Several important themes emerged from the judgment.

The Court stressed that this kind of case requires "an appreciation of the way in which the authorities then (i.e. late 1980s and mid 1990s) approached allegations of sexual abuse". It is "also important to examine police and social services records from 25 years ago with an eye on the very different approach to victims of sexual abuse and the likely impact on their lives". The point essentially is that, back then, genuine complaints were often not believed.

The Court also expressed doubts the opinions expressed at that time by professionals (including police officers, social workers and doctors) that the complainant had problems distinguishing fact and fantasy: the opinion of one

The reliability and credibility of witnesses is fundamental to the fairness of the trial process and central to the safety of convictions.

doctor was referred to as “clearly unsupportable”. But the Court also said: “none of this matters, because the opinion of a social worker, of a police officer or of a doctor as to the truthfulness of a complainant is not admissible as a basis for challenging the veracity of this complainant...”, “...the views of the police at the time about the capacity of [the complainant] truthfully to report allegations of sexual abuse are irrelevant...”

There were a number of documented retractions from the victim in this case. The Court considered that, notwithstanding the contemporaneous professional opinions, the retractions may have been connected with her vulnerability/family pressures rather than to the truthfulness of the allegations.

The Court states: “the CCRC was absolutely right to investigate the history of [the complainant] and to analyse her background”. However, the Court appears to have its doubts about whether we should have referred the case on the basis of what we found.

In all of the circumstances it can be argued that the Commission was right, given the information uncovered during the course of the investigations, to refer the case to the Court of Appeal. Going forward, however, we can now be under no illusion about the Court’s approach to dealing with the credibility of the complainant. This judgment clearly represents a hardening of attitudes towards the criticism of victims and complainants.

A case must be reviewed in a wider context and the Commission must clearly have regard to the historical frame of reference to such matters as the observations of professionals involved in the case. The Court’s approach in *Butler* suggests that, before concluding there is real possibility that a conviction might be quashed, appropriate thought must be given to the prevailing attitudes at the time of the original offence, and to what progress has since been made in relevant areas. This certainly provides the Commission with food for thought.

The reliability and credibility of witnesses is fundamental to the fairness of the trial process and central to the safety of convictions. Since it was created, the Commission has referred a significant number of cases for appeal on the basis of new evidence relating to the reliability or credibility of witness evidence which in our view raised, or helped to raise, a real possibility that the appeal court would quash the conviction in that case. While many of those referrals have resulted in convictions being quashed, others have not.

We are well aware that the investigation of witness reliability and credibility is a sensitive matter – particularly when the witness concerned is also the victim of the offence in question and even more so when the offence is of a sexual nature. We are always mindful of the impact that such inquiries can have on the witnesses concerned and we are as careful as we can be to minimise that impact. Notwithstanding the sensitivities involved, it remains the case that such issues can clearly be highly relevant in our work investigating alleged wrongful convictions. It therefore remains likely that there will be occasions when, in our judgment, such issues mean that we must refer a case for appeal. As has always been the case, we will only ever do so after careful consideration of the facts specific to each individual case.

Chedwyn Evans

The Commission’s referral of the rape conviction of the footballer Chedwyn Evans has been the subject of significant media interest during 2015/16. Indeed, the case has arguably received more widespread media attention than any other case in the Commission’s history.

Having investigated the case in some detail, the Commission concluded that there was fresh evidence which raised a real possibility that the Court might quash Mr Evans’ conviction.

The Court heard the appeal between 22nd and 23rd March 2016. On 21st April, it handed down its judgment quashing the conviction and ordering a retrial. At the

The Attorney General's consent was obtained by the Crown on 17th March 2015, and both Hillman and Gowans were again convicted of murder in December 2015.

time of writing this report, the retrial is pending, reporting restrictions apply and it is therefore not appropriate for us to provide any commentary on the case in this Annual Report.

Hillman and Gowans

On 24th August 2001, Mr Gowans and Mr Hillman were convicted of the murder of Vytautas Jelinskas. These convictions followed from the earlier convictions of Messrs Hillman and Gowans for causing grievous bodily harm to Mr Jelinskas during a robbery in January 2000.

On 14th August 2000, both men had pleaded guilty to robbery but not guilty to causing grievous bodily harm to Mr Jelinskas during the course of the robbery. After a trial on 16th August 2000 they were convicted of causing grievous bodily harm.

On 19th August 2000, Mr Jelinskas died as result of septicaemia contracted whilst in hospital having treatment for his injuries. Messrs Hillman and Gowans were then charged with and convicted of Mr Jelinskas' murder.

The Commission referred the case after being alerted by the Attorney General to the fact that, contrary to the legal requirement governing procedure in such circumstances, the necessary consent to prosecute for murder had not been obtained from the Attorney General under the Law Reform (Year and a Day Rule) Act 1996.

Subsequently, the Court of Appeal quashed the convictions, and ordered a retrial. The Attorney General's consent was obtained by the Crown on 17th March 2015, and both Hillman and Gowans were again convicted of murder in December 2015.

We have not identified a previous murder case where the grounds of appeal were a failure to obtain the Attorney General's consent under the Law Reform (Year and a Day Rule) Act 1996.² We will keep a close eye on any future cases of this kind, and try ensure that, if necessary, any lessons are passed on to the relevant bodies to prevent such a situation from arising again.

Q

The Commission deals with a number of cases of a very sensitive nature where we can say very little about the circumstances. We do aim to be as transparent as is reasonably possible. However, given what we do, and given the nature of some of the information and material we handle, it is sometimes necessary to make referrals to the appeal courts while disclosing the most sensitive facts only to the appeal court itself.

One such case in 2015/16 was that of Q. The case concerned credit for assistance given to the authorities. The matter had already been raised at trial, through private correspondence to the judge known as a "text". However, the assistance continued after conviction but before sentence, and then also post sentence. The Commission referred Q's sentence to the Court of Appeal on the basis the substantial assistance provided and relying partly on the fifth principle in *R v A and B* [1991] 1 Cr.App.R (S) 52 which applies when the true benefit of the assistance being given is not appreciated at the time of sentence.

At the hearing the Court referred to the recent judgment of *R v ZTR* [2015] EWCA Crim 1427 which concerns the Court being unable to give credit for any assistance given post sentence and in which it is made clear that it is not the Court's function to act as a court of review and reward for defendants' good behaviour during sentence.

In Q's case, the Court appeared to reach something of a compromise, and dealt with the assistance given pre sentence alone and while Q's tariff was reduced, his substantive sentence remained in place.

² Convictions have been quashed in relation to other offences, (see the discussion around *R v Angel* [1968] 1 W.L.R 669 and *R v Pearce* (1981) 72 Cr. App. R 295 in last year's report).

The judgment in this case appears to us to narrow the circumstances in which the NICA will consider a youth confession case unsafe.

The Court did observe that it was open to Q to apply directly to the Secretary of State to consider the assistance made following sentence. It went on to say that “assuming such an invitation is made for further consideration by the Secretary of State, we encourage close consideration of the matter by the Secretary of State based on our assessment of the value of the material provided post sentence”.

This case illustrates some of the complex and sensitive issues which must be considered by the Commission during the course of this type of review. The door does not appear to have been completely closed on Q, and the Commission will certainly take note of the Court’s approach for future reviews. We await with interest any further developments in Q’s case.

Northern Ireland cases

O’Hagan

Myles O’Hagan was convicted by a trial Judge on 24th May 1974 at the Belfast City Commission of causing an explosion contrary to section 2 of the Explosive Substance Act 1883. He was sentenced to eight years’ imprisonment.

This case was one of the ‘youth confession’ cases dealt with by the Commission and discussed at some length in earlier reports. These cases are a subset of the Troubles-related cases from Northern Ireland, and involving young defendants; Mr O’Hagan was 15 at the time of conviction.

We referred the conviction in October 2015 and, in October 2015, the conviction was upheld by the Northern Ireland Court of Appeal (NICA). The judgment in this case appears to us to narrow the circumstances in which the NICA will consider a youth confession case unsafe.

The Court was not interested in the various matters because they were common place in 1973; firstly that the trial judge was unaware that although there was an appropriate adult present when the confession was signed, the interviewing officers actually obtained the confession at an interview without the presence of an appropriate adult. Secondly, that the two suspects were tried separately, even though this meant that the Court would have been unaware of discrepancies between the confessions and the cases.

The Court focused on the principles set out in the case of *R v Pollock* [2004] NICA 34:

1. The Court of Appeal should concentrate on the single and simple question ‘does it think that the verdict is unsafe’.
2. This exercise does not involve trying the case again. Rather it requires the court, where conviction has followed trial and no fresh evidence has been introduced on the appeal, to examine the evidence given at trial and to gauge the safety of the verdict against that background.
3. The court should eschew speculation as to what may have influenced the jury to its verdict.
4. The Court of Appeal must be persuaded that the verdict is unsafe but if, having considered the evidence, the court has a significant sense of unease about the correctness of the verdict based on a reasoned analysis of the evidence, it should allow the appeal.

Whilst the Court accepted the individual arguments presented by the Commission, it did not feel that either individually or cumulatively they created any sense of unease about the reliability of the admissions and the safety of the verdict.

Goodall

James Goodall was convicted following an explosion on 21st March 1977 at the Academy Shirt Factory, Belfast. The prosecution case was that he was one of three people involved and it was he who had carried the bomb into the factory.

He was taken to Castlereagh holding centre and there interviewed for seven hours and 55 minutes (in five interviews over three days). He admitted his involvement during the second of those interviews.

At his trial Mr Goodall questioned the veracity of the statement of admission to the police officers he had purportedly signed, and suggested the signatures were not his.

It is reported in a contemporary newspaper article that information was before the court that Mr Goodall who was aged 24 years at the time of his trial had a mental age of 11 years. However, MacDermott J found Mr Goodall “shrewd and cunning, guileful and quick witted”. The Commission unfortunately cannot ascertain whether, or in what guise, this information was before the court at trial.

Mr Goodall’s application for a review of his conviction was received at the CCRC on 9th September 2009.

It was submitted that firstly, the case of *R v Boyle* was relevant to the application in the context of the reliability of the written statement of admission. Mr Boyle’s conviction was referred by the Commission on the basis that ESDA testing had questioned the veracity of the written interviews by police officers.

Furthermore, in the light of the Court’s decision in *R v Brown* and others that any Court of Appeal sitting today would in all likelihood conclude that any alleged admissions would never be admitted as evidence at a *voir dire* hearing due to the oppressive conditions in which they were said to have been obtained. Reference was also made to Mr Goodall’s mental state and vulnerability at the time of his detention and all these circumstances indicate that the admissions had been obtained in circumstances which do not comply with contemporary standards of fairness.

The Commission has obtained the opinion of Professor John Taylor, a Consultant Clinical Psychologist and Psychological Services Lead at Northumberland, Tyne and Wear NHS Foundation Trust. Professor Taylor’s conclusions are that given Mr Goodall’s intellectual capacity his ability to have dealt with police interviews without the services of an appropriate adult to advise him would have been limited and that the resulting statement is possibly unreliable.

The Commission also submitted the original statement recorded from Mr Goodall for expert ESDA testing. The results suggested that the statements may not stand up to the scrutiny of the court.

A committee of three Commissioners considered Mr Goodall’s case and concluded that there is a real possibility in the light of the fresh evidence from both experts that the Court would no longer consider Mr Goodall’s conviction as safe.

Asylum and Immigration cases

In recent years, a significant proportion of the Commission’s referrals to the appellate courts have been ‘asylum and immigration cases’. Whilst the background can be found in previous annual reports, the recent judgement in the Commission referral of *R v YY and Nori* [2016] EWCA Crim18 represents something of a sea change.

YY (who was granted anonymity by the Court of Appeal) and Ayad Mohammed Nori are two of only three such Commission cases where the appeal has been dismissed. The Court’s judgment not only sets out the reasons why their convictions were not quashed, but it also makes clear that the issues raised by such cases are now properly understood and the method of identifying bona fide examples is properly appreciated. This is thanks largely to the Commission’s numerous referrals, and a number of similar cases reaching the courts directly through the work of a handful of solicitors’ firms.

As a result the Court's own Criminal Appeal Office can now deal with cases where the individuals concerned still have their appeal rights intact.

As a result the Court's own Criminal Appeal Office can now deal with cases where the individuals concerned still have their appeal rights intact. This then leaves the Commission free to focus on those cases where only it can help because conventional appeal rights have been exhausted; where appeal rights remain but where there are exceptional circumstances that mean the Commission should review the case anyway, or, in the case of convictions following an unequivocal guilty plea in the magistrates' court, where appeal rights do not exist at all.

The change is something that the Commission has anticipated for some time. It is to be welcomed as it shows that the understanding of the issues raised by these cases, and the status of those that succeed at appeal as concerning wrongful convictions, is now well established.

Jogee and joint enterprise

As noted elsewhere in this report, the judgement in *R v Jogee* [2016] UKSC 8 has attracted a significant amount of publicity, and not just within the legal press. It is worth noting that Ameen Jogee was an applicant to the Commission, but withdrew his application when his case was listed before the Supreme Court.

The ruling relates to an appeal by Ameen Hassan Jogee, who is serving a sentence of life imprisonment. Jogee was convicted of murder even though it was his friend, Mohammed Adnam Hirsi, who killed their victim, Paul Fyfe.

The legal issue concerned the mental element of intent which must be proved when a defendant is accused of being a secondary party to a crime. The question of law was whether the common law took a wrong turning in two cases, *Chan Wing-Siu v The Queen* [1985] 1 AC 168 and *R v Powell and English* [1999] 1 AC 1.

It is not proposed to analyse the various arguments and opinions within this report, but two Commissioners, Sharon Persaud and Celia Hughes have written an article, published in the Law Society Gazette, ([link](#)) outlining what the decision means in relation to applications to, and potential referrals by, the Commission.

There has been a significant amount of debate about the position following *Jogee* and the Commission has received a number of applications based on the decision. It must be emphasised that the *Jogee* decision does not mean that all joint enterprise convictions are unsafe, as some applicants argue. Shortly after the judgment was issued, the Commission met representatives of the organisation Jengba (Joint Enterprise Not Guilty By Association) to discuss the potential impact of the case.

The decision on whether or not to refer a particular case will depend on the facts of each individual case. The Commission will need to establish whether the clarification of the law in *Jogee* is engaged and if it impacts upon the safety of the conviction.

If there is an impact on the safety of the conviction, we will consider whether there has been a 'substantial injustice'.

The Commission employs a predictive test, and at the time of writing, the Court of Appeal has not considered any application to it based on *Jogee*. At present, the Commission is considering several cases with a view to referring those that meet the real possibility test on the basis of the *Jogee* judgement, having particular regard to paragraph 100. No doubt the position will become clearer over the course of the next 12 months and the Commission looks forward to being at the forefront of this development in the law.

The prioritisation of Commission reviews

During the last year, following prioritisation decision in two high profile cases – those of Chedwyn Evans and Alexander Blackman – there has been some public discussion regarding the Commission's system for the prioritisation of cases for review. Our policy on the prioritisation of cases can be found on the Commission's www.ccr.gov.uk and is referred to below.

The Commission cannot provide an efficient service to other applicants if its resources are diverted to applicants whose cases have been considered but turned down and who continue to make contact without raising plausible fresh grounds.

The Commission has devised a system for ordering cases and determining whether or not specific cases should be given priority. Priority may be automatic or discretionary. There are three levels of priority.

Level 1 priority will be allocated as soon as resources permit, having regard to the degree of urgency. The Commission aims to allocate all level 1 cases within a maximum of 3 months from the decision to prioritise.

Level 2 priority will be given when applicants are in custody. Prioritisation will be automatic on an applicant's first application, and discretionary for subsequent applications. Applicants at liberty may also be given level 2 priority if the conviction has an exceptionally adverse impact on the convicted person or other individuals (discretionary). An example may be the fact that an applicant is at liberty but subject to a life licence. Level 2 cases aim to be allocated for review within 8 months of receipt.

Level 3 priority will be given to all other cases.

When considering the merits of an application for priority, the Commission will have regard to a number of factors, including the preservation of evidence, operational effectiveness and the impact of the delay on the criminal justice system. The health of the applicant where there is a concern that the applicant may die before the case is dealt with is also a factor.

The public profile of an applicant, or the level of public support for an applicant, are not factors that the Commission will usually take into account when responding to a request for prioritisation.

Whilst most decisions on priority are made following specific representations on the matter from the applicant, the Commission will prioritise cases without representations from the applicant should it be appropriate. Equally, where an application for priority is rejected on the basis of the applicant's submissions, the Commission may still grant priority but for different reasons to those suggested by the applicant.

Persistent Applicants

As with all publicly funded bodies, the Commission has finite resources. Whilst the Commission gives careful consideration to every applicant that applies for a review, it is clear that time should not be taken up continuing in correspondence with applicants on the same subject with no new relevant points raised and when nothing that can usefully be said in reply. The Commission cannot provide an efficient service to other applicants if its resources are diverted to applicants whose cases have been considered but turned down and who continue to make contact without raising plausible fresh grounds.

If an applicant continues to submit re-applications and does not raise anything new that is relevant, the Director of Casework Operations will make a decision not to accept any further re-applications from that applicant or require that further applications are submitted through a legal representative who must identify compelling and substantial grounds to justify acceptance of the application.

This approach was met with approval in the case of *R(on the application of Steele) v CCRC* [2015] EWHC 3724 (Admin). Michael Steele had applied for a judicial review of the Commission's decision not to accept his case for a further review, and also our decision not to accept any further re-applications to review his case unless submitted through a legal representative.

In dismissing his application, Dove J commented that in his judgement there is nothing wrong in principle with the Commission concluding in a particular case, where there have been iterative applications on the same basis, that there should be no further applications unless a legal advisor makes clear that the application proceeds on the basis of new and compelling grounds of substance. The measure does not deprive the applicant of the opportunity to make further applications,

Applications for judicial review are handled by the Administrative Court sitting at the Royal Courts of Justice in London and in a few regional court centres.

and the Commission is entitled to reach such a decision in the light of the need for it to carefully husband its own resources.

Judicial Reviews

Applications for judicial review are handled by the Administrative Court sitting at the Royal Courts of Justice in London and 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 the year 2015/16 the Commission was the subject of 21 such challenges. In 19 cases, correspondence has been exchanged under the pre-action protocol for judicial review. In two cases the applicants chose not to follow the pre-action protocol and opted instead to issue claims directly.

Ten of the 19 cases that used the pre-action protocol procedure went on to issue a judicial review claim. The fact that nine chose not to do so shows the utility of the pre-action protocols as a method for dealing with disputes in a way that reduces the need to expensive legal proceedings and limits the burden on the Administrative Court.

One of the claims reaching the Court in 2015/16 was that of Benjamin Geen. As has been made public by Mr Geen himself, the Commission conceded the case because we recognised that there was merit in the remarks made by the single judge as he gave permission for the review to proceed. The case was quickly allocated to a Case Review Manager with no prior involvement and they will, along with a new Commissioner, look again at the issues with fresh eyes and with the points of the single judge in mind.

It is worth mentioning at this point that the Commission tries wherever possible to avoid the need for court action and where we consider that an approach seeking a judicial review raises a point with sufficient merit that it can only be addressed by revisiting the decision, we will simply concede at the earliest opportunity and take the appropriate action. This has happened on various occasions and several cases have been reopened and decisions retaken. Some cases have been referred as a result.

The Commission would rather spend its resources reviewing cases than contesting expensive litigation, but on the few occasions when it is necessary we will contest judicial reviews all the way through the Administrative Court process.

Of the remaining 11 cases where applicants chose to issue proceedings at the Administrative Court, all were refused permission to judicially review a Commission decision.

Complaints to the Commission

The Commission received 63 complaints during 2015/16 – a 16.5% increase on the 54 complaints received in the previous year. This year the complaints came from 60 individual complainants. Two of those complainants also submitted complaints during the previous financial year.

The majority of complaints are made by people whose cases have been reviewed; most relate to the decision not to refer a case for appeal. The number of complaints received in 2015/16 represents 3.5% of the 1,797 cases closed during the year.

We take all complaints seriously and deal with them fairly and transparently. Our policy is set out in the Complaints Procedure Formal Memorandum available on our website at www.ccr.gov.uk.

We aim to acknowledge complaints within ten days of receipt and to provide a substantive response within 20 days. The average time to acknowledgment was eight days in 2015/16 compared to nine days last year. The average time taken to issue a substantive response was 39 working days; an improvement last year's the figure of 43 days.

During 2015/16
four complainants
raised issues
concerning
equality and
discrimination;
two fewer than in
the previous year.

Clearly, the actual length of time taken to provide a substantive response to complainants in 2015/16, although shorter than last year, was both well above our target and unacceptably long.

Further analysis has shown that this can be attributed to an increase in both the number and complexity of the complaints received in 2015/2016.

Steps were taken during the year to address the issue. These steps, which included training an administrator to assist with complaints process, have already had an impact and the time taken to provide a substantive response dropped to 19 working days in the last in the last quarter of the year.

If a complainant remains dissatisfied after their complaint has been dealt with at the first stage of our complaints process, a second stage allows for the matter to be reviewed by the Chief Executive or by one of the Commission's non-executive directors.

Sixteen complaints (25%) moved on to stage two of the process in 2015/16. This is more than double the number moving to stage two last year and is the highest proportion in any year.

A complaint is considered to have been upheld if any aspect of our conduct of the case is found to have been deficient regardless of whether or not the deficiency affected the outcome. Seven complaints (11%) were upheld in 2015/2016. This is a slight increase in number, but the proportion of complaints upheld is the same as it was last year.

When a complaint is upheld, the Customer Service Manager can require a range of remedies from issuing an apology to re-opening a case.

In 2015/16 the upholding of complaints resulted in the reopening of two cases. Last year one case was re-opened after a complaint was upheld.

Most complaints to the Commission are made by applicants on their own behalf. In 2015/16 two complaints were made by applicants' legal representatives. Unusually, we also received one complaint from a family member of murder victim who believed that there may have been a miscarriage of justice in relation to the person convicted of that murder.

During 2015/16 four complainants raised issues concerning equality and discrimination; two fewer than in the previous year. The Commission takes such allegations very seriously and records them separately in the complaints register. However, none of the complaints raising discrimination as an issue were upheld this year.

As in previous years, the complaints received were from applicants convicted of a wide range of offences varying in seriousness. It is noteworthy that, as was the case last year, a large percentage of the complaints came from applicants convicted of relatively minor offences who did not receive a custodial sentence. Some 33% of complainants in 2015/16 fell into this category but only 11% of our application intake for the year related to convictions for summary offences.

Twenty (32%) of complaints in 2015/16 were from applicants who had a re-application refused. This compares with nine (17%) in 2015/16.

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 31st October 2009. During 2015/16 the Commission received five applications relating to cases of a military origin including the well publicised one in relation to the high profile murder conviction of Alexander Blackman, also known as "Marine A". These new applications bring to 11 the total number of applications received by the Commission in relation to military cases. At the time of writing this annual report, four cases remain under consideration at the Commission.

Royal Prerogative of Mercy

Section 16 of the Criminal Appeal Act 1995 gives the Commission two areas of responsibility in relation 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 2015/16.

Section 15 investigations

An area of the Commission's core work that receives relatively little public and media attention is the investigative work that we do in relation to cases where the Court of Appeal Criminal Division is considering a first appeal or an application for leave to appeal.

In such cases the Court of Appeal can direct the Commission to investigate and report to it pursuant to section 15 of the Criminal Appeal Act 1995 and 23A of the Criminal Appeal Act 1968.

We have observed in recent years that the number of section 15 investigations has been falling from a high point of nine cases in 2012/13 to four in 2014/15. In 2015/16 there were only two such investigations. This appears to support the assumption that both the Commission and the Court have made that a new Jury Protocol issued in 2012 by the President of the Queen's Bench Division has been largely responsible for the drop in the number of occasions where the Court considers such investigations necessary.

The first section 15 investigation of 2015/16 involved a case at the application for leave stage. The Commission investigated, interviewed a juror and reported to the Court on the circumstances under which a defendant, after conviction but before sentencing, was contacted on Facebook by a juror in their trial and whether or not the juror had used the internet to research the defendant during the trial.

The second, in a case at the full appeal hearing stage, also involved questions relating to possible inappropriate contact between a defendant and juror. In this case the Commission also interviewed a juror and investigated and reported on the circumstances in which the juror had been seen at the prison where the defendant had been held.

The Commission relies heavily on the existence of a highly secure and stable IT environment.

Resources

Human Resources

Details of our staff numbers, composition and costs are given on page 56.

Following the departure of the Director of Finance and Corporate Services in April 2015, the Commission recruited a new Director of Finance and Corporate Services who started with the Commission in November 2015. During the year we recruited four front-line administrators; three were permanent contracts and one was a fixed term contract. We were also able to offer a permanent post to an incumbent apprentice and to continue with our successful apprenticeship programme by recruiting a new apprentice in September 2015 for a period of 18 months.

The Commission has in recent years worked closely with the The Kalisher Scholarship Trust to provide a number of paid internships at the Commission. The scheme has been highly beneficial both for the Commission and for the interns who have worked with us. In 2015/16 two Kalisher interns were appointed, each for a period of six months. One of the year's interns has since secured a pupillage in Chambers and the other remains with us. Recruitment for two new Kalisher interns for 2016/17 started at the end of March 2016.

Our IT systems

The Commission relies heavily on the existence of a highly secure and stable IT environment. We achieve this through a small in-house IT team which, again this year, has maintained near-100% system availability.

The main work during 2015/16 consisted of maintenance and update activities including preparation for migration away from unsupported products and a move onto the latest government secure network.

Having procured a replacement for the Commission's crucial case management system, we embarked 2014/15 on the building and testing phase of the project. We had expect the new system to go live during 2015/16. However, as discussed elsewhere in this report, the withdrawal of capital resource part way through the year meant this work and a number of important related projects had to be postponed.

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 2015/16 we logged 842 calls to the advice line. This is in line with last year's total of 839 calls but a significant increase on the 650 calls we have typically handled in recent years. During 2015/16 advice rota calls related to a wide range of issues from murder convictions to shoplifting matters and restraining orders.

While the advice rota represents a significant investment of casework resource, we view it as a valuable service which, among other things, helps potential applicants make the important decisions about matters such as whether should apply to the Commission or whether, in view of any remaining appeal rights, they should instead appeal direct to the appropriate court.

The Commission is fundamentally a caseworking organisation which seeks first and foremost to deal with cases in a fair and timely manner.

Corporate

Our wider contribution

The Commission is fundamentally a caseworking organisation which seeks first and foremost to deal with cases in a fair and timely manner. We also seek to engage with a wide range of stakeholders through a varied programme of activities and events. Our efforts in this area generally aim to raise awareness of the Commission and its work and to build relationships with relevant parties as well as to feed the knowledge and experience gained by the Commission back into the wider criminal justice system.

In April 2015 a Commissioner gave a presentation to a community group on the Shankill Road in Belfast under the auspices of Action for Community Transformation. The event followed Commission involvement at a February 2015 event arranged at the Bar Library in Belfast.

Also in April 2015, the Commission hosted a fact-finding visit from French Judge Benoit Delepoulle as part of a wider visit to the UK arranged by the European Judicial Training Network. Lesley Longstone, the Chief Executive of the Independent Police Complaints Commission, visited the Commission in May 2015.

Mr William Wragg, MP for Hazel Grove in Manchester, visited the Commission in November 2015. Mr Wragg is the MP responsible for proposing the private members bill which gave rise to the CCRC Information Bill which sought to extend the Commission's powers to obtain information so that it covers private as well as public bodies (see page 14)

In February 2016 the Commission took part, at the behest of the British Council, in a Foreign and Commonwealth Office-funded training initiative for government officials from states in the Western Balkans. As a result we hosted a visit from Mr Nikola Prokopenko, Head of Criminal and Civil Law Unit in the Department of Judiciary at the Macedonian Ministry of Justice.

We continue to have a constructive relationship with the Court of Appeal Criminal Division. Lady Justice Hallett, Vice President of the Court of Appeal Criminal Division, and the Registrar, Michael Egan QC, visited the Commission in October 2015, and Lady Justice Rafferty visited in January 2016.

In October 2015 Law Commissioner Professor David Ormerod spoke to Commissioners and staff on the subject of section 41 of the Youth Justice and Criminal Evidence Act 1999, which covers the admissibility of a complainant's sexual history in proceedings. He returned in April 2016 following the UKSC judgment in *Jogee*, to talk about joint enterprise.

Commissioners and staff also try where possible and appropriate to attend and contribute to events to which we are invited.

In 2015/16 such events included the United Against Injustice annual conference in Liverpool in October where a Commissioner and a member of staff spoke and gave a practical advice session on the work of the Commission.

In November, our Chair Richard Foster spoke at, and a Commissioner attended, the 2015 conference of the Criminal Appeal Lawyers conference in November 2015. In February 2016 a Commissioner and a member of staff addressed students from the Policing and Criminal Investigation degree course at De Montfort University in Leicester about the work of the Commission.

Feeding back to the criminal justice system on specific matters

During 2015/16, the Commission Chair has written to a number of bodies and individuals to raise some specific matters arising from cases referred by the Commission and/or decided in the appeal courts during the year (see pages 7 and 8).

from the police
and Crown
Prosecution
Service through
to the courts
and the Ministry
of Justice, on its
understanding of
the issues which
are continuing
to cause
miscarriages of
justice

Our increased activity, and the increased reporting of our activity in this area, follows from the enquiry into the Commission conducted last year by the Justice Select Committee which is discussed in more detail below.

Commissioners and staff made significant contributions to the creation in November 2015 of the Law Society's new practice note dealing with defences available to asylum seekers charged with document offences. Practice notes set out what the Law Society's considers to be good practice in a particular area of law.

The note on defences available to asylum seekers relies heavily on lessons learned in the line of recent Commission referral cases relating to people arriving in the UK without proper travel documents, and being advised to plead guilty, in circumstances where they would be entitled to rely on a statutory defence. The Commission hopes that the new practice note will help reduce the number of wrongful convictions arising in this area.

We have referred one case to the Solicitor's Regulation Authority in 2015/16 in which the conduct of a solicitor raised serious concerns.

During 2015/16 the Commission also made contributions to the Ministry of Justice consultation on the Victims' Code, the Commons Public Bills Committee inquiry into the Regulation of Investigatory Powers Bill, and to the Commons Science and Technology Committee inquiry on Forensic Science Strategy.

We are currently responding to the invitation of the Sentencing Council to take part in its consultation exercise regarding their Reduction in Sentence for a Guilty Plea Guideline.

Commission representatives regularly attend meetings of the Criminal Procedure Rule Committee. During the year the Commission was also represented on the Forensic Science Advisory Council by Commissioner Julie Goulding. Commissioner Andrew Rennison, formerly the Forensic Science Regulator (FSR), was Chairman of the FSR's Quality Standards Specialist Group while Commissioner Ewen Smith was Deputy Chairman of that group.

The Commission is represented on the Court of Appeal Criminal Division's User Group by our Chief Executive, Karen Kneller. She also sits on the Advisory Board of University of Nottingham's Criminal Justice Research Centre.

Feeding back in the future

In early 2015 the Justice Select Committee held an extensive inquiry into the work of the Commission. The inquiry and its findings were discussed in large part in last year's Annual Report and Accounts. One of the Committee's recommendations was that the Commission should make better use of it's: *"unique position" in order to "feed back into the criminal justice system on things going wrong and the causes of miscarriages of justice"*. Its specific recommendation was that:

"...CCRC should develop a formal system for regularly feeding back into all areas of the criminal justice system, from the police and Crown Prosecution Service through to the courts and the Ministry of Justice, on its understanding of the issues which are continuing to cause miscarriages of justice."

We agree with the Justice Select Committee's conclusion in this regard and during 2015/16, the Commission's Board approved plans to instigate just such a formal system designed to help us capture lessons from casework and ensure they are shared, in an appropriate way, with all relevant parts of the justice system or with any other body or entity.

Moreover, we have determined to improve the way in which we record case specific data with a view to compiling a data set that we, and possibly others, can interrogate to see what lessons might be derived from patterns in that casework data. For instance, it might be interesting and useful to use it to test the hypothesis

During 2015/16 we ran 38 mostly casework related training sessions which together amounted to 45.5 hours worth of CPD points for qualifying staff.

that changes to the criminal legal aid system might increase the frequency with which issues of defence incompetence appear in and affect Commission cases.

We have made some good progress designing this system. We have created new procedures designed to ensure that we record the salient points of cases and carefully consider what lessons they be derived from them. This approach is reflected in the increase this year in the number of occasions when we have directly raised matters with agencies such as the police and the CPS. We expect to further increase activity in this area.

Unfortunately, capital funding issues during the year meant that the project to install a new casework IT system had to be mothballed. The new casework system would have been central to the capture and analysis of the relevant data. We have pressed ahead with implementing changes to procedures designed to ensure that the right questions are addressed at the right stages of our casework process, but we have been unable to begin the data capture on which the new system depends.

Fortunately, we will in the year ahead be able to reinstate the project to replace that casework IT system. When that work is completed, we will be able to begin building a relevant casework database. We also plan to link it to compatible data captured in the course of academic research at the Commission.

Academic Research

During 2015/16 we continued to make significant progress with our plans to stimulate serious academic research in subject areas relevant to our work by allowing controlled access to the Commission and its casework records.

The Commission's Research Committee was established in 2014/15 to direct our efforts in this regard. With the help of its independent academic members, the Committee has not only established procedure and protocols governing various aspects of research work at the Commission, it has also identified key areas of research interest, commissioned internal research projects and, in February 2016, issued research calls in three subject areas; legal aid, young offenders and non-Troubles related cases in Northern Ireland. The deadline for expressions of interest was August 2016. At the time of writing this report a range of parties had already expressed interest and we are confident we will be able to identify suitable candidates to design and carry out useful and interesting research work in those areas.

Professor Carolyn Hoyle of the Oxford Centre for Criminology, drew on her four-year study of decision-making at the CCRC when she presented her paper "Discretion and Decision-making at the CCRC" at the Criminal Appeal Lawyers Conference in London in November 2015. We look forward to the publication of Professor Hoyle's completed research project.

We also look forward to seeing the PhD thesis of Dr William Schmidt, a visiting Gates Scholar at University of Cambridge whose work explored, through the analysis of Commission casework, the causes of wrongful convictions and looks at what factors statistically predict the Commission's referrals and at what factors predict an appellate court quashing a conviction following referral.

We will provide details of these and other research on a dedicated section of the Commission's website.

Training and Knowledge Management

The Commission's runs a substantial programme of in-house and external training designed to ensure that staff have up-to-date skills and knowledge. During 2015/16 we ran 38 mostly casework related training sessions which together amounted to 45.5 hours worth of CPD points for qualifying staff. The subject matter included DNA, cell site analysis, historic sexual offences and the Serious and Organised Crime and Police Act 2005. Such training sessions are generally recorded and made available, via our intranet, to staff who were interested but unable to attend.

Our Knowledge Manager has continued to help the Commission to make the best 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.

A number of specific training sessions, including one on managing staff absence, were provided to staff with line management responsibilities.

We have continued during 2015/16 to develop our approach to knowledge management. Our Knowledge Manager has continued to help the Commission to make the best 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. She has continued to expand and develop the Commission's bespoke intranet facility as our principal tool for the capture and dissemination of knowledge within the organisation.

Internet and Social Media

As reported last year, we were, on 30th March 2015, able to reinstate an independent CCRC website after a number of years when our web presence was restricted to a handful of pages on a government site. Our aim was always to build upon that independent web presence with the appropriate use of social media. Subsequently, in April 2016 we instigated a Commission Twitter feed and a Facebook page. We will use these various communication channels in combination in order to make available information about the Commission and to engage with our stakeholders and with the wider public.

Records Management

Our effectiveness as a caseworking organisation depends in large part on our ability to obtain casework material and manage the flow of documents and information. Our handling of such material is subject to legislation including the Public 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.

The Commission's Records Management team deals expertly with the ongoing high level of demand for the acquisition and management of casework material. Partly as a result of the voluntary audit conducted in 2015/16 by the Information Commissioner's Office (see below), and partly because of our own pre-existing plans, we will be revisiting and refreshing a number of policies that deal with the way in the Commission handles paper and electronic records.

The Information Commissioner's Office

The Commission volunteered to undergo a data protection audit by the Information Commissioner's Office (ICO). This was an audit of the Commission's compliance with the Data Protection Act 1998, and to a lesser extent, with the Freedom of Information Act 2000.

It was agreed in November 2015 that the ICO audit would focus on three areas: data protection governance – the extent to which appropriate policies and procedures are in place to govern the way in which the Commission handles personal data; training and awareness – the provision and monitoring of staff data protection training and awareness; and records management – the processes in place for managing electronic and manual records such as the creation, storage, movement, retention and destruction of records containing personal data.

The audit took place between 19th and 21st of January 2016 and was conducted by four members of ICO staff. It involved more than 30 interviews with members of Commission staff as well as a visit to a secure off-site storage facility and the provision to the ICO of several hundred pages of written material.

At the time of writing this annual report, the results of the ICO audit had not been finalised. The outcomes of the ICO audit will be dealt with in more detail in next year's report. The Commission takes extremely seriously its responsibilities in

The Commission maintains a good working relationship with the Miscarriage of Justice Support Service (MJSS).

relation to the handling of personal data and all other material in its possession. We welcome the ICO audit and will of course give serious consideration to its report and to any recommendations that may arise from it.

The Miscarriage of Justice Support Service

The Commission maintains a good working relationship with the Miscarriage of Justice Support Service (MJSS). The MJSS is a specialised and separately NOMS-funded service delivered by RCJ Advice (a Citizens Advice Bureau) which offers practical help and support to people whose convictions are quashed after a Commission referral or after an out-of-time appeal. A Commission representative occasionally attends meetings of the Trustees of the MJSS.

In January 2016 the MJSS Advisory Board agreed to extend the organisation's remit to allow it to offer support to individuals whose referrals are part of the line of asylum and immigration cases that the Commission has dealt with in recent years. The MJSS has also said it will explore the possibility of extending its support in CCRC cases to include assistance in finding appropriate legal representation for an appeal that follows a CCRC referral. Both developments are welcomed by the Commission.

Financial Resources and Performance

The funding of the Commission is entirely by means of a cash grant, called a Grant in Aid, from the Ministry of Justice. 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 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. Financial performance is therefore measured against each of these budget control totals.

The Ministry of Justice also funds the Commission's liabilities with respect to the by-analogy pensions for Commissioners. The use of provisions and the cash payments arising do not form part of the DEL or AME control totals.

For 2015/16 the Commission received a delegated Resource DEL budget, excluding notional costs, of £5.180 million and was initially given indications that a CDEL budget of £207,000 would be made available. These figures were reported in last year's annual report and accounts. On the strength of those expectations, some orders were placed in relation to the ongoing IT projects. It is mentioned elsewhere in the report that confirmation of the capital funding was ultimately not forthcoming, and agreement was reached with the Ministry of Justice that £47,000 would be transferred from the resource budget to cover the capital commitments already placed, thus reducing the Resource DEL total to £5.133 million. Performance is therefore measured against these revised totals.

At the time of writing the Commission has received a firm budget for 2016/17. The table below shows a comparison of budget figures for the current year, the previous year and the following year.

	2014/15 £000	2015/16 £000	2016/17 £000
Fiscal RDEL	5,304	5,133	5,119
Non-cash RDEL	184	184	219
RDEL total	5,488	5,317	5,338
RAME	270	270	258
CDEL	132	47	310
Total	5,890	5,634	5,906

Note: Figures for 2014/15 and 2015/16 budgets have been amended from previous annual reports to show the correct treatment of movements in the by-analogy pension scheme provisions for benefits paid, which are neither reported as DEL or AME.

The cash Grant in Aid received from the Ministry of Justice is drawn in accordance with government accounting rules such that it is only to be drawn when needed, and 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. The balance at the end of the year was £63,000 (2014/15 £9,000), the increase triggered by a short delay paying one or two supplier invoices while we clarified certain issues, which coincided with the year end.

Banking arrangements were simplified during the year with accounts rationalised so that all banking is carried out through the Government Banking service.

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 2.5%.

The Commission's actual expenditure compared with budget was as follows:

Ex-notional costs:

	2015/16			2014/15		
	Actual £k	Budget £k	Variance £k	Actual £k	Budget £k	Variance £k
Fiscal DEL	5,082	5,133	(51)	5,304	5,304	0
Non-cash	232	184	48	201	184	17
RDEL	5,314	5,317	(3)	5,505	5,488	17
RAME	232	270	(38)	260	270	(10)
CDEL	47	47	0	115	132	(17)
Total	5,593	5,634	(41)	5,880	5,890	(10)

In 2015/16 the Commission's actual expenditure against the RDEL total was £5.314 million and within 0.06% of the budget provided.

In 2015/16 the Commission's actual expenditure against the RDEL total was £5.314 million and within 0.06% of the budget provided. It also represented a reduction in actual expenditure compared to 2014/15 of 3.5%. Whilst it is not a target we set ourselves, given that cases require whatever resources are appropriate to their complexity, in terms of cost per case closed, the figure reduced from £ 3,370 to £2,957, an improvement greater than 12%. In the past two years the cost per closed case has reduced by 38%, reflecting notable efficiencies mentioned elsewhere in this report.

Expenditure shown above excludes notional costs. Notional expenditure is a presentational item included to ensure that the financial statements show the true cost of the Commission's operations. It is neither scored against the Commission's budgets nor 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 increase in notional costs from £607,000 to £665,000 relates to the fact that estimates for the cost of office service charges are made during each year which can only be finalised in the following year. It is the movement between the estimated and actual costs relating to 2014/15 that caused the apparent increase in 2015/16.

The notional costs are included in the Statement of Comprehensive Net Expenditure 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. The table below reconciles to net expenditure after interest as shown in the statement of comprehensive net expenditure on page 61: as follows:

	2015/16 £000	2014/15 £000
Resource DEL	5,314	5,505
Resource AME	232	260
Total resource expenditure	5,546	5,765
Notional expenditure <i>Note 18</i>	665	607
Net expenditure after interest	6,211	6,372

The accounts for the year ended 31st March 2016 are set out on pages 61 to 79.

The Statement of Comprehensive Net Expenditure on page 61 shows total expenditure for the year of £5.99 million (2014/15 – £6.11 million). Staff costs have decreased by £63,000 compared with the previous year. Other expenditure has also decreased from £1.49 million in 2014/15 to £1.42 million in the current year.

Looking forward to 2016/17, expenditure pressures will arise from salary increases and, more particularly, the increase in Employers' National Insurance contributions, following the introduction of the new State Pension arrangements from 6th April 2016. The commission will have to absorb these, and other inflationary, pressures within its delegated budget.

In 2015/16, the current service cost increased from £102,000 to £124,000 following a change to the estimated final salary used to calculate benefits.

By far the largest item on the Statement of Financial Position is the pension liability arising from the Commission's commitments to Commissioners for the by-analogy pension scheme. For those Commissioners entitled to this benefit, the Commission has to reflect the increase in liabilities relating to their service, interest thereon and adjustments arising from actuarial revaluations. The provision reduces as benefits are paid. In recent times, Commissioners have been, and continue to be, appointed without a pension. It means that as the longer serving Commissioners come to the end of their respective terms, the current service cost will tend to reduce. In 2015/16, the current service cost increased from £102,000 to £124,000 following a change to the estimated final salary used to calculate benefits. The interest (unwinding of the discount) also contributed to an increase in the liability, while this year, in addition to the reduction caused by benefits paid, there was an actuarial gain of £95,000 which further reduced it, such that the liability reduced by £5,000 in the current year. The Statement of Financial Position on page 62 now shows overall net liabilities of £6.285 million (2014/15 £6.235 million). 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 page 65.

Compliance with public sector payment

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

	2015/16		2014/15	
	£000	Number	£000	Number
Total invoices paid in year	1,136	1,255	1,380	1,530
Total invoices paid within year	1,061	1,225	1,290	1,506
Percentage of invoices paid within target	93.4%	97.6%	93.5%	98.4%

Performance has exceeded our 95% target for number of invoices paid but is just under in terms of invoice value. No interest was paid under the Late Payment of Commercial Debts (Interest) Act 1998.

Sustainability

By virtue of employing fewer than 100 staff and occupying office space less than 1000m², the Criminal Cases Review Commission is exempt from preparing a sustainability report pursuant to the Government commitments to "greening" the public sector. In addition, preparing a statement, which accurately reflects the Commission, presents challenges because the office accommodation, as part of a multiple occupier building, is not separately metered for electricity, gas and water usage, or waste disposals. That said, the Commission encourages staff awareness and choices, which reduce the environmental footprint of the organisation.



Karen Kneller

Chief Executive and Accounting Officer
28th June 2016

Section Two

Accountability Report

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

Corporate Governance Report

The directors' report

The Commission's Board is made up of the Commissioners, the Chief Executive and Directors 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 2016 there were 12 Commissioners including the Chair, Mr Richard Foster CBE. There have been no arrivals or departures among the Commissioners and therefore during 2015/16 the Commissioners were:

Mr Richard Foster CBE (Chair)

Mrs Elizabeth Calderbank

Mr James England

Miss Julie Goulding

Ms Celia Hughes

Mr Stephen Leach CB

Ms Alexandra Marks

Dr Sharon Persaud

Mr Andrew Rennison

Mr David James Smith

Mr Ewen Smith

Mr Ranjit Sondhi CBE

The Chief Executive and Directors

During 2015/16, responsibility for the day-to-day running of the Commission fell to Miss Karen Kneller, Chief Executive and Accounting Officer and Mrs Sally Berlin, Director of Casework Operations. From 1 April until 27 April the Director of Finance and Corporate Services was Justin Rees. An interim Head of Finance was in post until 12th November 2015 when Mr Ian Brooks started work as Director of Finance and Corporate Services. Together the two Directors and the Chief Executive make up the Senior Management Team.

Non-executive Directors

During the year the Commission Non-executive directors were Mrs Caroline Corby, Mr Jonathan Baume and Dr Maggie Semple OBE, FCGI.

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.

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 2015/16, or in any previous year, which had to be reported to the Information Commissioner or were otherwise recorded as being of significance.

However, in June 2015 we learned that a box containing casework material that we had obtained from a public body, a police force, had been damaged while at our off-site secure storage facility. We were not able to verify whether or not any material was missing from the box. As a result of this incident, we now require any damage to our boxes to be reported so that Commission staff can attend and re-box the material as staff at the facility do not have the authority to deal with content of Commission boxes. The incident described here was discussed with the Information Commissioner's Office during its audit of the Commission (see page 37).

Expenses of Commission Chair and Chief Executive

The total expenses claimed in 2015/16 by the Chair was £331.23. The total claimed by the Chief Executive was £25.00.

Statement of the 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 resource outturn, application of resources, changes in taxpayers' equity and cash flows for the financial year.

In preparing the accounts, the Accounting Officer is required to comply with the requirements of the *Government Financial Reporting Manual* and 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 the HM Treasury.

The Accounting Officer is also required to confirm that:

- (a) as far as she is aware, there is no relevant audit information of which the entity's auditors are unaware;
- (b) She has taken all the steps necessary to make herself aware of any relevant audit information and to establish that the entity's auditors are aware of that information;
- (c) the annual report and accounts as a whole is fair, balanced and understandable; and
- (d) she takes personal responsibility for the annual report and accounts and the judgments required for determining that it is fair, balanced and understandable.



Karen Kneller

Chief Executive and Accounting Officer
28th June 2016

Governance Statement

The Governance Statement is prepared annually by the Accounting Officer. It explains the system and processes, culture and values, by which the Accounting Officer discharges her responsibilities to manage and control the Commission's resources and risks during the year. The statement provides an assessment of how we have achieved these objectives.

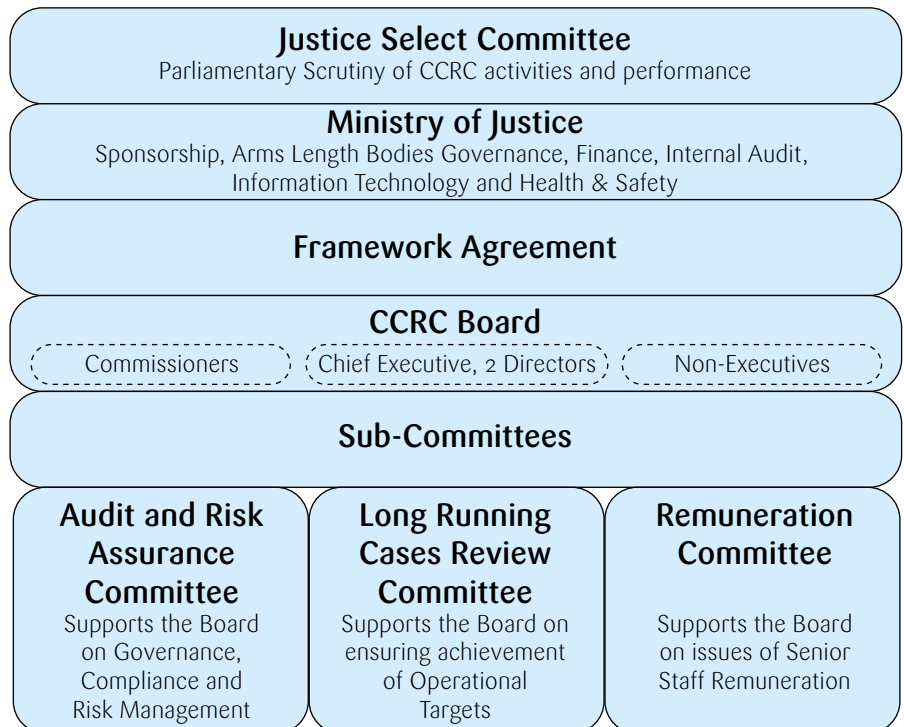
As Accounting Officer, I have responsibility for reviewing the effectiveness of the system of internal control, including the risk management framework. These responsibilities are laid out in the HM Treasury document "Managing Public Money". My review is informed by the work of the executive managers within the Commission who have responsibility for the development and maintenance of the internal control framework, the work of our internal auditors and comments made by the external auditors in their management letter.

My statement outlines the legal framework in which the CCRC operates, and how the oversight arrangements we have in place provide assurance of the CCRC's stewardship of public funds.

Governance framework

The Commission was founded by legislation in the Criminal Appeal Act 1995, which describes the broad structure and function of the Commission. The diagram below illustrates how the CCRC relates to our sponsor department, the Ministry of Justice (MoJ), and is held, from time to time, to account by Parliament in the form of the Justice Select Committee.

Governance Framework



The framework agreement between the MoJ establishes certain aspects of governance and accountability for the CCRC, but the structure of the Board, and its sub committees, are largely a decision for the CCRC.

Since a decision taken in the latter half of 2014/15, the CCRC board comprised the Chairman, Chief Executive, all Commissioners, two Directors and three Non-Executive members. This followed a trial period in 2014/15 of a smaller board, the evaluation of which indicated that the full board would be more efficient and

effective. The board meets monthly focussing its attention on the delivery of our strategic priorities. It is supported in delivering its objectives by the Audit and Risk Committee, the Long Running Cases Review Committee and the Remuneration Committee. The Chief Executive and two Directors form the Commission's Senior Management Team, which meets at least monthly to ensure operational effectiveness and monitor performance.

Details of the post holders are given on page 42 of this report.

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

Attendance Record

Attendance at eligible meetings

Member	Role	Board	Audit & Risk	Rem. Com.	Long Running Cases
L. Calderbank	Commissioner	10/11			
J. England	Commissioner	9/11			
R. Foster	Commissioner	11/11*		1/1	
J. Goulding	Commissioner	9/11			
C. Hughes	Commissioner	9/11			
S. Leach	Commissioner	10/11			
A. Marks	Commissioner	9/11			
S. Persaud	Commissioner	10/11			
A. Rennison	Commissioner	8/11	3/3	1/1	
D. J. Smith	Commissioner	11/11			
E. Smith	Commissioner	10/11			
R. Sondhi	Commissioner	8/11	3/3	1/1	
J. Baume	Non-Executive	9/11		1/1	
C. Corby	Non-Executive	10/11		1/1	11/11*
M. Semple	Non-Executive	7/11	2/3*	1/1*	
S. Berlin	Director	11/11			11/11
I. Brooks	Director	5/5	2/2‡		
K. Kneller	Chief Executive	11/11	3/3‡	1/1‡	4/11
J. Rees	Director	0/1	0/1‡		

* = Chair, ‡ = in attendance

The Audit and Risk Committee supports the Board and myself as the Accounting Officer in discharging 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.

The Long Running Cases Review Committee focuses attention on those cases that have been under review for two years or more. These long running cases are often complex, or raise particular challenges. With our ambition to deliver good quality reviews in a shorter timescale, the CCRC recognises the importance of timely review and intervention. Notwithstanding that the applicants expect progress of their cases, these reviews also have the potential to consume considerable resources, to the detriment of our overall performance. The Long Running Cases Review Committee has been instrumental in helping improve the CCRC to reach decisions on many of these applications.

The Remuneration Committee keeps under review the salaries of the senior staff which are not placed on the Commission's normal salary scales, and considers any other remuneration issues related to staff. The Committee is chaired by one of the non-executive directors, and normally meets annually or as required.

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 Research Committee, Internal Communications Group, the Management Information Security Forum, the Equality and 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 is conducted in accordance with the Office of the Commissioner for Public Appointments' code of practice. New members receive induction commensurate 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. A Board work plan is established at the beginning of each year, and 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. The Board completed a self evaluation exercise in March 2016, which enabled an analysis of how the larger unitary board, re-established in 2015/16, was functioning in comparison to a smaller board in 2014/15, which had been trialled following a recommendation in the last Triennial review, a review led by the Cabinet office. The overriding conclusions from this survey were a significant improvement in the cohesiveness of the Board and in its performance in general. In the spirit of continuous improvement, as Accounting Officer, I will be working with the Board to build on these advances.

Compliance with the Corporate Governance Code

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 does not reflect the optimal balance recommended by the Code. By virtue of being a Commission, in which all Commissioners are also Board members, there is potentially an imbalance between executive members and non-executive, particularly given the number of non-executive directors which is below the recommended minimum of four. As there are only three 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 and Risk Committee to ensure there is an appropriate segregation of duties. A Non-executive Director chairs each of the other Board Sub Committees.
- Approximately two thirds 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, experience and background of members are addressed.

- The membership of the Audit and Risk Committee diverges from the recommendations of the Corporate Governance Code, in so far as only the Chair is fully independent of the Commission. By virtue of the Commission's constitution under the Criminal Appeals Act 1995 which formed it, the Commissioner members, however, retain a degree of independence and scrutiny over the Chief Executive and the Directors.

Risk Management

The system of internal control is a significant part of the governance framework and is designed to manage risk to a reasonable level. 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. 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 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 Commission's risk management framework, illustrated below, ensures that risks to the Commission achieving its business objectives are identified, managed and monitored.

Risk Management Framework

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

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.

Individual risks are assigned to named individuals, and risks are reviewed on a systematic and regular basis. Each review is endorsed by the Audit and Risk Committee and a report is made annually by the Audit and 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.

TIAA Ltd. was awarded a three-year contract to provide internal audit services to 31st March 2018 following competitive tender in 2014/15. An annual plan of internal audit work is agreed by the Audit and Risk Committee, and included a review of the Commission's Risk Management processes and procedures, receiving a reasonable assurance rating. Management acted on the two operational recommendations. 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 were briefed on the Commission's policy on reporting security incidents as part of the programme of security awareness training.

Major risks

As part of the Business Planning process for 2016/17, the Board took the opportunity to consider the major risks to the Commission achieving its strategic and planned objectives, and those that would have greatest operational impact.

While not an exhaustive list of the risks discussed by the Board, the key risks are summarised in the following table:

Key Risks

Timescales	<ul style="list-style-type: none"> The ongoing lengthy queues, which can be heavily influenced by the number and complexity of the cases we are asked to review.
Information	<ul style="list-style-type: none"> The security of the information we obtain in order to perform our work, set against the increasing quantum of demands under the Data Protection and Freedom of Information legislation.
Resources	<ul style="list-style-type: none"> Obtaining sufficient resources and capital funding to maintain the level of casework personnel and improve the IT environment.
Skills	<ul style="list-style-type: none"> Maintaining and motivating a highly qualified workforce with sufficient skills and manageable workload in a demand led organisation.
Safety	<ul style="list-style-type: none"> Ensuring the safety and wellbeing of our staff while performing their roles, particularly on activities away from the office.

Effectiveness of Whistleblowing Policy

The CCRC Whistleblowing Policy was last revised during 2014/15, and nominates one of the Commissioners as Whistleblowing champion. The policy is reviewed on a bi-annual cycle. During the year several policies, including the Code of Conduct for Commissioners and Staff, the Travel and Expenses Policy, and the Gifts and Hospitality Policy were updated. The communication and dissemination of these reviews provided an opportunity to remind staff of the provisions of the Whistleblowing Policy should they, at any time, have concerns over the conduct of others. During 2015/16 there were no concerns raised by staff.

Accounting Officer

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 and 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 2016/17 maintains our current level of funding in nominal money terms, meaning that we are absorbing inflationary pressures and continuing to seek efficiencies in our procedures. In 2015/16 our Whole System Review of casework has proven very effective in delivering efficiencies while maintaining quality, and has helped us to significantly shorten waiting times for applicants. Nevertheless there is still some way to go before further we reduce waiting times to our targeted level.



Karen Kneller

Chief Executive and Accounting Officer
28th June 2016

Remuneration & Staff 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 (2014/15 – £104,800). During 2016 a recruitment campaign will be undertaken to replace retiring Commissioners. It is expected that the new Commissioners will be covered by a revised remuneration policy. They will be paid on a daily fee basis, broadly equivalent to the current annual salary or pro rata for part time working. The exact details are subject to agreement between the Commission and the Ministry of Justice.

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

Salaries of the Chief Executive and Directors are set by the Remuneration Committee. Membership comprises the Chairman of the Commission, the non-executive directors and two Commissioners. The Committee takes into account HM Treasury pay growth limits, affordability, and performance in determining annual salary increases.

Service contracts

Commissioners are appointed by the Queen on the recommendation of the Prime Minister, one of whom is appointed by the Queen as 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.

The Chief Executive and Directors are employed on permanent contracts of employment with a notice period of three months. Normal pensionable age under the Principal Civil Service Pension Scheme is 60 for Classic and Premium members, and 65 for Nuvos and Alpha members. Further details of the pension schemes are provided in later in this report and note 4 to the accounts. Early termination, other than for misconduct, would result in the individual receiving compensation as set out in the Civil Service Compensation Scheme.

Remuneration (salary, benefits in kind and pensions)

The following sections provide details of the remuneration and pension interests of Board members, i.e. Commissioners, the Chief Executive, Directors and non-executive directors. The table below contains details for Commissioners during the currency of their Board membership only. These details have been subject to audit.

	2015/16				2014/15			
	Salary £000	Benefits- in-kind (to nearest £100) £000	Pension benefits (to nearest £1000) £000	Total £000	Salary £000	Benefits- in-kind (to nearest £100) £000	Pension benefits (to nearest £1000) £000	Total £000
Commissioners								
Mr Richard Foster CBE ¹	55-60	–	–	55-60	80-85	–	–	80-85
Ms Penelope Barrett [to 28.05.14]	–	–	–	–	10-15	–	13	20-25
Mrs Liz Calderbank ¹	35-40	–	–	35-40	35-40	–	–	35-40
Mr James England	85-90	–	34	120-125	85-90	–	29	115-120
Miss Julie Goulding ¹	70-75	–	26	95-100	70-75	–	22	90-95
Ms Celia Hughes ¹ [to 28.05.14 and from 01.04.15]	55-60	–	–	55-60	5-10	–	–	5-10
Mr Stephen Leach ¹ [from 01.05.14 to 28.05.14 and from 01.04.15]	45-50	23.1	–	65-70	0-5	1.1	–	0-5
Ms Alexandra Marks ¹	35-40	–	–	35-40	35-40	–	–	35-40
Dr Sharon Persaud ¹ [to 28.05.14 and from 01.04.15]	75-80	–	–	75-80	10-15	–	–	10-15
Mr Andrew Rennison ¹ [to 28.05.14 and from 01.04.15]	55-60	–	–	55-60	5-10	–	–	5-10
Mr David James Smith	90-95	–	–	90-95	90-95	–	–	90-95
Mr Ewen Smith ¹	70-75	–	22	90-95	70-75	–	26	95-100
Mr Ranjit Sondhi ¹ [to 28.05.14 and from 01.04.15]	55-60	–	–	55-60	5-10	–	–	5-10
Non-executive directors								
Mr Jonathan Baume	0-5	1.3	–	5-10	0-5	1.0	–	0-5
Ms Caroline Corby	5-10	3.1	–	10-15	5-10	2.4	–	5-10
Dr Margaret Semple	0-5	0	–	0-5	0-5	0.3	–	0-5
Directors								
Miss Karen Kneller	85-90	–	19	105-110	85-90	–	16	100-105
Mr Colin Albert [to 31.08.14]	–	–	–	–	25-30	–	15	40-45
Mrs Sally Berlin	60-65	–	49	110-115	60-65	–	17	80-85
Mr Ian Brooks [from 12.11.15]	25-30 (full time equiv- alent 70-75)	–	11	35-40				
Mr Justin Rees [from 01.04.15 to 27.04.15]	5-10	–	2	5-10	35-40	–	15	50-55

¹‘Salary’ includes gross salary or remuneration.

Note 1 – The Chairman and Commissioners indicated are part time.

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

The monetary value of benefits-in-kind covers any benefits provided by the Commission and treated by HM Revenue and 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 £14,486 (2014/15 – £11,608).

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.

	2015/16	2014/15
Band of highest paid Board member's total remuneration [£000]	100-105	100-105
Median total remuneration	£37,364	£38,794
Ratio	2.7	2.6

Remuneration ranged from £12,000 to £94,000 (2014/15 £13,000 – £94,000).

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

These details have been subject to audit.

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 7.35% of pensionable earnings.

Pension benefits for the Chief Executive and Directors are provided through the Civil Service pension arrangements. From 1st April 2015, a new pension scheme for civil servants was introduced – the Civil Servants and Others Pension Scheme or alpha, which provides benefits on a career average basis with a normal pension age equal to the member's State Pension Age (or 65 if higher). From that date all newly appointed civil servants and the majority of those already in service joined alpha. Prior to that date, civil servants participated in the Principal Civil Service Pension Scheme (PCSPS). The PCSPS has four sections: 3 providing benefits on a final salary basis (classic, premium or classic plus) with a normal pension age of 60; and one providing benefits on a whole career basis (nuvos) with a normal pension age of 65.

These statutory arrangements are unfunded with the cost of benefits met by monies voted by Parliament each year. Pensions payable under classic, premium, classic plus, nuvos and alpha are increased annually in line with Pensions Increase legislation. Existing members of the PCSPS who were within 10 years of their normal pension age on 1st April 2012 remained in the PCSPS after 1st April 2015. Those who were between ten and 13 years and 5 months from their normal pension age on 1st April 2012 will switch to alpha sometime between 1st June 2015 and 1st February 2022. All members who switch into alpha have their PCSPS benefits "banked", with those with earlier benefits in one of the final salary sections of the PCSPS having those benefits based on their final salary when they leave alpha. (The pension figures quoted in this report show pension earned in PCSPS or alpha – as appropriate. Where the individual has benefits in both the PCSPS and alpha the figure quoted is the combined value of their benefits in the two schemes.) Members joining from October 2002 may opt for either

the appropriate defined benefit arrangement or a “money purchase” stakeholder pension with an employer contribution (partnership pension account).

Employee contributions are salary-related and range between 3% and 8.05% of pensionable earnings for members of classic (and members of alpha who were members of classic immediately before joining alpha) and 4.6% and 8.05% for members of premium, classic plus, nuvos and all other members of alpha. Benefits in classic accrue at the rate of 1/80th of final pensionable earnings for each year of service. In addition, a lump sum equivalent to three years initial pension is payable on retirement. For premium, benefits accrue at the rate of 1/60th of final pensionable earnings for each year of service. Unlike classic, there is no automatic lump sum. Classic plus is essentially a hybrid with benefits for service before 1st October 2002 calculated broadly per classic and benefits for service from October 2002 worked out as in premium. In nuvos a member builds up a pension based on his or her pensionable earnings during their period of scheme membership. At the end of the scheme year (31st March) the member's earned pension account is credited with 2.3% of their pensionable earnings in that scheme year and the accrued pension is uprated in line with Pensions Increase legislation. Benefits in alpha build up in a similar way to nuvos, except that the accrual rate is 2.32%. In all cases members may opt to give up (commute) pension for a lump sum up to the limits set by the Finance Act 2004.

The partnership pension account is a stakeholder pension agreement. The employer makes a basic contribution of between 3% and 12.5% up to September 2015 and 8% and 14.75% from 1st October 2015 (depending on the age of the member) into a stakeholder pension product chosen by the employee from a panel of providers. The employee does not have to contribute, but where they do make contributions, the employer will match these up to a limit of 3% of pensionable salary (in addition to the employer's basic contribution). Employers also contribute a further 0.8% of pensionable salary up to 30th September 2015 and 0.5% of pensionable salary from 1st October 2015 to cover the cost of centrally-provided risk benefit cover (death in service and ill health retirement).

The accrued pension quoted is the pension the member is entitled to receive when they reach pension age, or immediately on ceasing to be an active member of the scheme if they are already at or over pension age. Pension age is 60 for members of classic, premium and classic plus, 65 for members of nuvos, and the higher of 65 or State Pension Age for members of alpha. (The pension figures quoted for individuals show pension earned in PCSPS or alpha – as appropriate. Where the individual has benefits in both the PCSPS and alpha the figure quoted is the combined value of their benefits in the two schemes, but note that part of that pension may be payable from different ages).

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

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 pension or years of pension service in the scheme at their own cost. CETVs are worked out in accordance with The Occupational Pension Schemes (Transfer Values) (Amendment) Regulations 2008 and do not take account of any actual or potential reduction to benefits arising from Lifetime Allowance Tax which may be due when pension benefits are taken.

Real increase in CETV

The real increase is the increase due to additional benefit accrual (i.e. as a result of salary changes and service) that is funded by the employer. It will be smaller than the difference between the start and end CETVs because it does not include any increase in the value of pension due to inflation or due to the contributions paid by the employee or the value of any benefits transferred in from another pension scheme. Nor does it include any increases (or decreases) because of any changes during the year in the actuarial factors used to calculate CETVs.

There will be an even greater disparity than usual in the 2015/16 accounts between the start /end CETV differences and the corresponding real increases. This is because the actuarial factors used to calculate CETVs changed during the year and, consequently, CETV figures increased even without any further pension accrual. The real increase calculation uses common actuarial factors at the start and end of the period so that it disregards any changes of factors and focuses only on the increase that is funded by the employer.

Pension benefits

These details have been subject to audit.

	Accrued pension at normal retirement age at 31/3/16 and related lump sum	Real increase/ (decrease) in pension and related lump sum at normal retirement age	CETV at 31/3/16	CETV at 31/3/15	Real increase/ (decrease) in CETV
	£000	£000	£000	£000	£000
Mr James England	15-20	0-2.5	316	259	31
Miss Julie Goulding	10-15	0-2.5	273	227	23
Mr Ewen Smith	0-5	0-2.5	85	62	18
Miss Karen Kneller – <i>Chief Executive</i>	30-35 plus 90-95 lump sum	0-2.5 plus 2.5-5 lump sum	595	534	15
Mrs Sally Berlin – <i>Director of Casework Operations</i>	15-20 plus 5-10 lump sum	2.5-5.0 0-2.5 lump sum	237	185	23
Mr Ian Brooks – <i>Director of Finance and Corporate Services</i>	0-5	0-2.5	8	0	6

Notes

- 1 Mr Richard Foster is entitled to a pension but has not opted-in.
- 2 The non-executive directors are not entitled to pension benefits.
- 3 Commissioners appointed after 2012/13 are not entitled to pension benefits.
- 4 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.
- 5 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 31/3/15 shown in the table above may differ from the CETV at 31/3/15 as disclosed in the 2014/15 remuneration report.

Staff Report

Our staff numbers have remained relatively stable during 2015/16 with little recruitment activity. As at 31st March 2016, there were 83 (80 2014/15) permanent members of staff making up a Full Time Equivalent (FTE) of 76 (79 2014/15). They included 76 (79 2014/15) directly employed staff. At the end of 2015/16 there were 12 Commissioners (FTE 8.0), including the Chair, Richard Foster (12 and FTE 8.0 2014/15). These details have been subject to audit.

At the 31st March 2016 the Commission had 50 female and 34 male staff, seven male and five female Commissioners and two female and one male non-executive directors.

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

	2015/16 £000	2014/15 £000
Commissioners		
Salaries and emoluments	765	790
Social security contributions	87	89
Pension costs	103	76
Total Commissioners cost	955	955
Non-Executive Directors		
Salaries and emoluments	23	24
Social security contributions	1	1
Total Non-Executive Directors cost	24	25
Staff		
– Staff with permanent employment contracts		
Salaries and emoluments	2,671	2,741
Social security contributions	210	207
Pension costs	522	482
– Other staff (contract, agency/temporary)		
Salaries and emoluments	87	122
Total Staff cost	3,490	3,552
Total	4,469	4,532

We aim for sickness absence within the Commission to be less than 7.5 days per person (FTE) per year (see Key Performance Indicator on page 87). Disappointingly, the actual average in 2015/16 was 8.7 days per person. In 2014/15 it had been 7.8 days per person.

Because we have fewer than 100 staff, a relatively small number of long term absences can have a significant impact on our sickness absence KPI. During 2015/16, five members of staff needed periods of more than 20 consecutive days sickness absence (a widely-used definition “long-term sickness absence”). If they are removed from the calculation, the average sickness absence figure for the year falls to 5.3 days.

The Criminal Cases Review Commission operates a wide range of staff policies, which are regularly reviewed, designed to provide a working environment that supports staff and the productivity and effectiveness of our work. While not an exhaustive list, the Commission has policies that support:

- Dignity at Work.
- Equality and diversity.
- Fair recruitment including a Guaranteed Interview Scheme for applicants who identify as disabled.
- Sickness absence and absence management.

- Performance appraisal.
- Training and development, including capability.
- Flextime working.

Line managers and staff are supported in their awareness of the policies by appropriate training, routine reminders and the involvement of Human Resources specialists in matters affecting staff working conditions.

As mentioned at page 37 of this report, we provided managers within the organisation with specialist training to help them manage staff absence. We anticipate that training, provided in March 2016, will have a positive impact on the figures for 2016/17.

Expenditure on Consultancy

The Criminal Cases Review Commission has incurred no consultancy expenditure in 2015/16.

Off Payroll Contractors

During the current period, the Criminal Cases Review Commission has reviewed the tax arrangements of all its' off-payroll appointments. All contractors within the scope of this exercise have been required to provide evidence of tax compliance. There have been no instances of non-tax compliant off-payroll engagements as at 31st March 2016. Further details of off-payroll engagements can be found in the Ministry of Justice consolidated accounts.

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 (£0 2014/15).

These details have been subject to audit.

Exit Packages

There have been no exit packages in 2015-16 (£0 2014/15).

These details have been subject to audit.

Parliamentary Accountability and Audit Report

Regularity of Expenditure

The Criminal Cases Review Commission operates within a framework agreement between the sponsor department and the Commission, which sets out the financial transaction limits to which the Commission may operate without further referral to the Ministry of Justice. During the course of 2015-16, the MoJ invoked additional expenditure controls on certain types of expenditure, with which the Commission complied in full. The Commission also operates to the standards set out in HM Treasury's "Managing Public Money", and can confirm no irregularity with any of the provisions contained therein.

Losses and Special Payments

The Criminal Cases Review Commission has not incurred any losses or made any special payments in the year 2015-16

This has been subject to audit.

Fees and Charges

The Criminal Cases Review Commission does not levy and fees or charges.

This has been subject to audit.

Remote Contingent Liabilities

International Accounting Standard 37 (IAS 37) sets out the requirements for provisions, contingent liabilities and contingent assets. Parliamentary reporting also requires that organisations disclose remote contingent liabilities. The Criminal Cases Review Commission has no remote contingent liabilities.

Long Term Expenditure Trends

As part of the Spending Review Process in 2015 (SR15), the Ministry of Justice agreed a long term settlement of resource and capital budgets for the period up until 2020/21. The Criminal Cases Review Commission works with the Ministry of Justice to agree its budgets on an annual basis.



Karen Kneller

Chief Executive and Accounting Officer
28th June 2016

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 2016 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 and Staff Report and the Parliamentary Accountability disclosures that is described in that report as having been audited.

Respective responsibilities of the Accounting Officer and auditor

As explained more fully in the Statement of Accounting Officer's Responsibilities, 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 2016 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 parts of the Remuneration and Staff Report and the Parliamentary Accountability disclosures to be audited have been properly prepared in accordance with Secretary of State directions made under the Criminal Appeals Act 1995; and
- the information given in the Performance Report and Accountability 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 returns adequate for my audit have not been received from branches not visited by my staff; or
- the financial statements and the parts of the Remuneration and Staff Report and the Parliamentary Accountability disclosures 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

Comptroller and Auditor General
30th June 2016

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

Section Three

Financial Statements

This section presents the Commission's final audited accounts for the period 1st April 2015 to 31st March 2016 in Financial Statements and Notes to the Accounts.

Statement of Comprehensive Net Expenditure**for the year ended 31 March 2016**

	Note	2015-16 £000	2014-15 £000
Expenditure			
Staff Costs	3	4,469	4,532
Depreciation & Amortisation	9, 10	91	99
Other Expenditure	5	1,425	1,486
Total Expenditure		5,985	6,117
Income			
Income from Activities	7	(5)	(5)
Net Expenditure		5,980	6,112
Interest Payable	6	231	260
Net Expenditure after Interest		6,211	6,372
Other Comprehensive Expenditure			
Pensions: actuarial losses	4	(95)	455
Total Comprehensive Expenditure		6,116	6,827

The notes on pages 65 to 79 form part of these accounts.

Statement of Financial Position

as at 31 March 2016

	Note	31 March 2016 £000	31 March 2015 £000
Non-current assets			
Property, plant & equipment	9	219	285
Intangible assets	10	357	352
Trade & other receivables	11	1	0
Total non-current assets		577	637
Current assets			
Trade & other receivables	11	140	151
Cash	12	63	9
Total current assets		203	160
Total assets		780	797
Current liabilities			
Trade payables & other current liabilities	13	401	362
Non-current assets less net current liabilities		379	435
Non-current liabilities			
Provisions	14	53	54
Pension liabilities	4	6,611	6,616
Total non-current liabilities		6,664	6,670
Assets less total liabilities		(6,285)	(6,235)
Taxpayers' equity			
General reserve		(6,285)	(6,235)
Total taxpayers' equity		(6,285)	(6,235)

The notes on pages 65 to 79 form part of these accounts.

The financial statements on pages 61 to 64 were approved by the Board on 28th June, and were signed on behalf of the Criminal Cases Review Commission by:



Karen Kneller

Chief Executive and Accounting Officer
28th June 2016

Statement of Cash Flows
for the year ended 31 March 2016

	Note	2015-16 £000	2014-15 £000
Cash flows from operating activities			
Net cash outflow from operating activities	15	(5,301)	(5,549)
Cash flows from investing activities			
Purchase of property, plant and equipment		(1)	(4)
Purchase of intangible assets		(45)	(112)
Total cash outflow from investing activities		(46)	(116)
Cash flows from financing activities			
Capital Grant in Aid	2	46	115
Revenue Grant in Aid	2	5,355	5,555
Total financing		5,401	5,670
Net increase in cash	12	54	5
Cash at beginning of year	12	9	4
Cash at end of year	12	63	9

The notes on pages 65 to 79 form part of these accounts.

Statement of Changes in Taxpayers' Equity
for the year ended 31 March 2016

	Note	General reserve £000	Total reserves £000s
Balance at 1 April 2014		(5,685)	(5,685)
Changes in taxpayers' equity for 2014-15			
Total comprehensive expenditure for 2014-15		(6,827)	(6,827)
Grant from sponsor department	2	5,670	5,670
Reversal of notional transactions: notional expenditure	18	607	607
Balance at 31 March 2015		(6,235)	(6,235)
Changes in taxpayers' equity for 2015-16			
Total comprehensive expenditure for 2015-16		(6,116)	(6,116)
Grant from sponsor department	2	5,401	5,401
Reversal of notional transactions: notional expenditure	18	665	665
Balance at 31 March 2016		(6,285)	(6,285)

The notes on pages 65 to 79 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 2015/16 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.

Changes in Accounting Policy and Disclosures

a) Changes in Accounting Policies

There have been no changes in accounting policies during the period ended 31st March 2016.

b) New and Amended Standards Adopted

IFRS 13 “Fair Value Measurement” is effective for accounting periods beginning on or after 1 April 2015, and is applied prospectively in these accounts. This standard defines fair value, sets out a uniform framework for measuring fair value and provides related disclosure requirements. The aim of this standard is to create a consistent methodology for the calculation of fair values that is to be applied across other IFRSs. In conjunction with the release of IFRS 13, the FReM have adapted and interpreted IAS 16 “Property, Plant and Equipment” and IAS 38 “Intangible Assets” for public sector application. These changes have been effective from 1 April 2015 and have had no impact on the accounts.

Going Concern

The Statement of Financial Position at 31 March 2016 shows negative total taxpayers’ equity of £6,285,000. 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 2016/17, 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 headings, with a full analysis shown in note 18 to the accounts. An equivalent credit entry to finance the notional expenditure is recognised in the Statement of Changes in Taxpayers' Equity.

Non-current Assets

Assets are capitalised as non-current assets if they are intended for use on a continuing basis and their original purchase cost, on an individual or grouped basis, is £500 or more.

Depreciated historical cost is used as a proxy for 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
Assets under development	no depreciation as assets are not yet in use

Impairment

The Commission annually performs an asset review across significant asset categories and, if indicators of impairment exist, the assets in question are tested for impairment by comparing their carrying value of those assets with their recoverable amounts. When an asset's economic carrying value decreases as a result of a permanent diminution in the value of the asset due to clear consumption of economic benefit or service potential, the decrease is charged to net operating costs on the SoCNE.

Employee Benefits

Employee Leave Accrual

An accrual is made for untaken annual leave. Employees accrue one twelfth of their annual paid leave entitlement for each month worked which is calculated as paid time owing to the employee until the leave is actually taken. The value accrued also includes an allowance for the associated employers national insurance and employers pension contributions.

Pensions

(i) Staff pensions

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

(ii) Commissioners' pensions

Commissioners appointed before 2012/13 are 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.

Operating Leases

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

Provisions

Provision is made for the estimated costs of returning the office premises occupied under a Memorandum of Terms of Occupation (MOTO) to an appropriate condition. The estimated amount is adjusted to take account of actual inflation to date when the cash flow is expected to occur (i.e. the end of the period of occupation), and then discounted to the present value. The rates used are the short and medium term official inflation and nominal discount rates for general provisions advised by HM Treasury.

In previous years some small building alterations have been made which gave access to future economic benefits, therefore a non-current asset has also been created corresponding to the amount of the provision, in accordance with IAS 37 (Provisions, Contingent Assets and Contingent Liabilities). This noncurrent asset is amortised over the period of the MOTO on a straight line basis, and the amortisation charged to the Statement of Comprehensive Net Expenditure. The interest cost arising from the unwinding of the discount is also charged each year as 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 2016.

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

	2015/16 £000	2014/15 £000
Received for revenue expenditure	5,355	5,555
Received for capital expenditure	46	115
Total	5,401	5,670

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

	2015/16 £000	2014/15 £000
Commissioners		
Salaries and emoluments	765	790
Social security contributions	87	89
Pension costs	103	76
Total Commissioners cost	955	955
Non-Executive Directors		
Salaries and emoluments	23	24
Social security contributions	1	1
Total Non-Executive Directors cost	24	25
Staff		
– Staff with permanent employment contracts		
Salaries and emoluments	2,671	2,741
Social security contributions	210	207
Pension costs	522	482
– Other staff (contract, agency/temporary)		
Salaries and emoluments	87	122
Total Staff cost	3,490	3,552
TOTAL	4,469	4,532

There were no exit packages in 2015/16 (2014/15 nil).

4 Pensions

(i) Staff

Pension benefits are provided through the Civil Service pension arrangements. From 1 April 2015 a new pension scheme for civil servants was introduced – the Civil Servants and Others Pension Scheme, or alpha, which provides benefits on a career average basis with a normal pension age equal to the member's State Pension Age (or 65 if higher). From that date all newly appointed civil servants and the majority of those already in service joined alpha. Prior to that date, civil servants participated in the Principal Civil Service Pension Scheme (PCSPS). Existing members of the PCSPS who were within 10 years of their normal pension age on 1 April 2012 remained in the PCSPS after 1 April 2015. Those who were between 10 years and 13 years and 5 months from their normal pension age on 1 April 2012 will switch into alpha sometime between 1 June 2015 and 1 February 2022. These statutory arrangements are part of an unfunded multi-employer defined benefit scheme but the Commission is unable to identify its share of the underlying liabilities. The last formal actuarial valuation undertaken for the PCSPS was as at 31 March 2012. The next valuation of the scheme is due to be undertaken as at 31 March 2016. Details can be found in the Government Actuary's Department Report by the Scheme Actuary, "PCSPS: Actuarial valuation as at 31 March 2012". (www.civilservicepensionscheme.org.uk).

The cost of the Commission's pension contributions to the Principal Civil Service Pension Schemes is included in employment costs. For 2015/16, employers' contributions of £490,000 (2014/15 £449,000) were payable to the PCSPS at one of four rates in the range 20% to 24.5% (2014/15 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 2015/16 to be paid when the member retires and not the benefits paid during this period to existing pensioners. The next revision to the employer contribution rate is expected to take effect from 1 April 2019.

Employees can opt to open a partnership pension account, a stakeholder pension with an employer contribution. Employers' contributions of £28,000 (2014/15 £31,000) were paid to one or more of the panel of two appointed stakeholder pension providers. Employer contributions are age-related and ranged from 3% to 12.5% of pensionable pay up to 30 September 2015 and 8% to 14.75% from October 2015. Employers also match employee contributions up to 3% of pensionable pay. In addition, employer also contribute a further 0.8% of pensionable salary up to 30 September 2015 and 0.5% of pensionable salary from 1 October 2015 to cover the cost of centrally-provided risk benefit cover (death in service and ill health retirement) amounting to contributions of £2,000 (2014/15 £2,000).

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

(ii) Commissioners

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

Commissioners' pension arrangements are unfunded, and the Commission is responsible for paying retirement benefits as they fall due. Contributions are paid by Commissioners at the rate of 7.35% of pensionable earnings.

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

	2015/16 £000	2014/15 £000	2013/14 £000	2012/13 £000	2011/12 £000
Liability in respect of					
Active members	1,022	707	959	1,241	2,030
Deferred pensioners	519	522	865	530	132
Current pensioners	5,070	5,387	4,241	3,727	2,858
Total present value of scheme liabilities	6,611	6,616	6,065	5,498	5,020

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

	2015/16	2014/15	2013/14	2012/13	2011/12
Discount rate	3.60%	3.55%	4.35%	4.10%	4.85%
Rate of increase in salaries	0.00%	0.00%	variable	variable	4.25%
Price inflation	2.20%	2.20%	2.50%	1.70%	2.00%
Rate of increase in pensions (deferred and in payment)	2.20%	2.20%	2.50%	1.70%	2.00%

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

	31 March 2016		31 March 2015	
	Men	Women	Men	Women
Current pensioners				
At age 60	28.9	30.7	29.1	31.3
At age 65	23.9	25.7	24.2	26.4
Future pensioners				
At age 60	31.1	32.8	31.4	33.6
At age 65	26.5	28.3	26.9	29.0

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 £211,000.

An increase of 0.5% in the rate of increase in salaries would not affect the final pensionable earnings figure on which the benefit calculations have been based.

Increasing the discount rate by 0.5% pa would result in a corresponding decrease in liabilities of approximately £448,000 or 7.0%.

Increasing the CPI inflation assumption by 0.5% pa would result in a corresponding increase in liabilities of approximately £448,000 or 7.0%.

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

	2015/16 £000	2014/15 £000
Current service cost	124	102
Commissioners' contributions retained	(21)	(26)
Total charge to Staff Costs	103	76
Interest on pension scheme liabilities	232	260
Total charge to Interest Payable	232	260

The estimated current service cost for the next year is 52.7% of pensionable salary. Commissioners' contributions retained are expected to be £13,000 and the expected charge to Staff Costs is £73,000.

The movement in scheme liabilities is analysed as follows:

	2015/16 £000	2014/15 £000
Present value of scheme liabilities at start of year	6,616	6,065
Current service cost	124	102
Interest cost	232	260
Actuarial (gains)/losses	(95)	455
Benefits paid	(266)	(266)
Present value of scheme liabilities at end of year	6,611	6,616

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

	2015/16 £000	2014/15 £000
Loss at start of year	2,261	1,806
Net actuarial losses/(gains) recognised in the year	(95)	455
Loss at end of year	2,166	2,261

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:

		2015/16	2014/15	2013/14	2012/13	2011/12
Experience (gains)/losses on pension liabilities	£000	106	41	(4)	159	(67)
		1.6%	0.6%	-0.1%	2.9%	-1.3%
Changes in demographic and financial assumptions	£000	(201)	414	426	224	(43)
		-3.0%	6.3%	7.0%	4.1%	-0.9%
Net actuarial losses/(gains)	£000	(95)	455	422	383	(110)

5 Other Expenditure

	2015/16	2014/15
	£000	£000
Accommodation – operating lease	665	607
IT costs	196	200
Travel, subsistence and external case-related costs	155	207
Office supplies	112	107
Training and other HR	56	29
Case storage	39	42
Information and publications	34	34
Audit fee – external	26	26
Telephones	26	25
Payroll and pension costs	26	12
Office services	22	29
Legal and professional costs	23	79
Loss on disposal of non-current assets	17	31
Recruitment	12	30
Library and reference materials	13	11
Audit fee – internal	3	14
Equipment rental under operating lease	–	3
Total	1,425	1,486

6 Interest Payable

	2015/16	2014/15
	£000	£000
Interest on pension scheme liabilities	232	260
Total	232	260

7 Income from Activities

	2015/16	2014/15
	£000	£000
Kalisher Trust internships	5	5
Total	5	5

During 2015/16, the Commission created two short-term internship posts, which was partially funded by the Kalisher Trust. One ended in 2015.

8 Analysis of Net Expenditure by Programme & Administration Budget

	2015/16			2014/15		
	Programme £000	Administration £000	Total £000	Programme £000	Administration £000	Total £000
Expenditure						
Staff costs	3,512	957	4,469	3,646	886	4,532
Depreciation & amortisation	91	–	91	99	–	99
Accommodation – operating lease	665	–	665	607	–	607
Other expenditure	563	197	760	649	230	879
Total Expenditure	4,831	1,154	5,985	5,001	1,116	6,117
Income						
Income from activities	(5)	–	(5)	(5)	–	(5)
Net Expenditure	4,826	1,154	5,980	4,996	1,116	6,112
Interest Payable	231	–	231	260	–	260
Net Expenditure after Interest	5,057	1,154	6,211	5,256	1,116	6,372

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 2015	107	103	148	446	804
Additions	–	1	1	–	2
Disposals	–	–	(21)	–	(21)
Reclassification	–	–	–	–	–
Cost/valuation at 31 March 2016	107	104	128	446	785
Depreciation at 1 April 2015	43	78	79	319	519
Charged during the year	11	4	12	34	61
Depreciation on disposals	–	–	(14)	–	(14)
Reclassification	–	–	–	–	–
Depreciation at 31 March 2016	54	82	77	353	566
Carrying amount at 31 March 2016	53	22	51	93	219
Carrying amount at 31 March 2015	64	25	69	127	285
Cost/valuation at 1 April 2014	107	103	149	448	807
Additions	–	–	–	3	3
Disposals	–	–	(1)	(5)	(6)
Reclassification	–	–	–	–	–
Cost/valuation at 31 March 2015	107	103	148	446	804
Depreciation at 1 April 2014	32	74	67	288	461
Charged during the year	11	4	13	34	62
Depreciation on disposals	–	–	(1)	(3)	(4)
Reclassification	–	–	–	–	–
Depreciation at 31 March 2015	43	78	79	319	519
Carrying amount at 31 March 2015	64	25	69	127	285
Carrying amount at 31 March 2014	75	29	82	160	346

All assets are owned by the Commission.

10 Intangible Non-Current Assets

	Assets Under Development	Software Licences	Total
	£000	£000	£000
Cost/valuation at 1 April 2015	218	740	958
Additions	45	–	45
Disposals	–	(80)	(80)
Cost/valuation at 31 March 2016	263	660	923
Amortisation at 1 April 2015	–	606	606
Charged during the year	–	30	30
Amortisation on disposals	–	(70)	(70)
Amortisation at 31 March 2016	–	566	566
Carrying amount at 31 March 2016	263	94	357
Carrying amount at 31 March 2015	218	134	352
Cost/valuation at 1 April 2014	124	788	912
Additions	94	18	112
Disposals	–	(66)	(66)
Cost/valuation at 31 March 2015	124	740	958
Amortisation at 1 April 2014	–	606	606
Charged during the year	–	37	37
Amortisation on disposals	–	(37)	(37)
Amortisation at 31 March 2015	–	606	606
Carrying amount at 31 March 2015	218	134	352
Carrying amount at 31 March 2014	124	182	306

All assets are owned by the Commission.

11 Other Receivables

	31 March 2016 £000	31 March 2015 £000
Amounts falling due within one year		
Trade receivables	–	6
Travel loans to staff	20	14
Prepayments	120	131
Total	140	151

Amounts falling due after more than one year		
Prepayments	1	–
Total	1	–

12 Cash & Cash Equivalents

	31 March 2016 £000	31 March 2015 £000
Balance at 1 April	9	4
Net change in cash balances	54	5
Balance at 31 March	63	9

The following balances at 31 March 2016 were held at:		
Government Banking Service	63	9
Balance at 31 March	63	9

No cash equivalents were held at any time.

13 Trade Payables & other Current Liabilities

	31 March 2016 £000	31 March 2015 £000
Amounts falling due within one year		
Intra-government balances:		
UK taxation & social security	99	117
Total	99	117

Trade payables	129	24
Capital accruals	1	–
Accruals	172	221
Total	401	362

14 Provisions

	2015/16 Dilapidations £000	2015/16 Total £000	2014/15 Total £000
The movements in the provisions are analysed as follows:			
Balance at 1 April	54	54	53
Unwinding of discount	(1)	(1)	1
Balance at 31 March	53	53	54

The expected timing of discounted cash flows is as follows:

	31 March 2016 £000	31 March 2015 £000
Dilapidations:		
Later than one year and not later than five years	53	–
Later than five years	–	54
Balance at 31 March	53	54

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

	Note	2015/16 £000	2014/15 £000
Net expenditure after interest		(6,211)	(6,372)
Interest payable	6	231	260
Depreciation and amortisation	9,10	91	99
Loss on disposal of non-current assets	5	17	31
(Increase)/decrease in receivables	11	10	(12)
Increase in payables	13	38	1
Increase in provisions		–	1
Pension provision:			
Current service cost	4	124	102
Benefits paid	4	(266)	(266)
Notional expenditure	18	665	607
Net cash outflow from operating activities		(5,301)	(5,549)

16 Capital Commitments

Capital commitments contracted for at 31 March 2016 were £nil (2015 £nil).

17 Commitments under Operating Leases

At 31 March 2016 the Commission had the following total future minimum lease payments under non-cancellable operating leases for each of the following periods:

	31 March 2016 £000	31 March 2015 £000
Buildings:		
Not later than one year	618	607
Later than one year and not later than five years	2,309	2,428
Later than five years	–	455
Total buildings	2,927	3,490
Total commitments under operating leases	2,927	3,490

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.

	2015/16 £000	2014/15 £000
Notional expenditure		
Other expenditure – incurred by MoJ:		
Accommodation – operating lease	665	607
Total notional other expenditure	665	607
Total notional expenditure	665	607

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 Related Party Transactions

The Ministry of Justice is a related party to the Commission. During the period 1 April 2015 to 31 March 2016, 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 2015 to 31 March 2016, none of the Commissioners, key managerial staff or other related parties undertook any related party transactions.

20 Financial Instruments

IFRS 7 (Financial Instruments: Disclosures) requires disclosure of the significance of financial instruments for the entity's financial position and performance, and the nature and extent of risks arising from financial instruments to which the entity is exposed, and how the entity manages those risks. Because of the largely non-trading nature of its activities and the way it is financed, the Commission is not exposed to the degree of financial risk faced by business entities. Moreover, financial instruments play a much more limited role in

creating or changing risk than would be typical of the listed companies to which IAS 32 (Financial Instruments: Presentation), 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.

21 Events after the Reporting Period

Events after the reporting period have been considered up to and including the date on which the accounts are authorised for issue. This is interpreted as the date of the audit certificate of the Comptroller and Auditor General.

The result of the referendum held on 23 June was in favour of the UK leaving the European Union. This is a non-adjusting event. A reasonable estimate of the financial effect of this event cannot be made.

Section Four

Tables and Appendices

Commission referrals to the appeal courts during 2015/16

Name	Ref	Referral date	Offence	Sentence Only
CHINIE, Temesgen	354/14	22-Apr-15	Failure to produce a document contrary to section 2 Asylum and Immigration (Treatment of Claimants, etc.) Act 2004	
WHITE, Mark Anthony	835/11	23-Apr-15	Failed to give information as to the identity of the driver s.172 Road Traffic Act 1988	
GRACIA, Michael	1298/14	20-May-15	Assault Constable in execution of duty	
GOODALL, James	688/09	20-May-15	NI – Causing an explosion, Unlawful possession of a firearm	
YAHYAEI, Ahmad	1300/12	29-May-15	Possession of a false document	
MUAKANA, Gracia	228/13	03-Jul-15	Robbery and Handling stolen goods	
GARLAND, Jason	175/10	06-Jul-15	Burglary, Aggravated burglary, 2 x GBH with intent	
KARIMI-AYOUBLOO, Toomaj	962/13	13-Jul-15	Possession of false identity document with intent	
EMBLETON, Jonathan	807/10	30-Jul-15	Murder	
HOOKE, Kenton	1404/13	20-Aug-15	Allowing a dog to be 'Dangerously Out of Control in a Public Place', contrary to Section 3(1) and (4) of the Dangerous Dogs Act (1991)	
DUNN, James	1049/13	24-Sep-15	Murder	
NORI, Mohammed	1582/2012	24-Sep-15	Failure to produce a satisfactory immigration document contrary to section 2(1) Asylum and Immigration (Treatment of Claimants, etc.) Act 2004	
WILLIAMSON, Simon	666/13	29-Sep-15	Common assault and Being drunk and disorderly in a public place	
Q	1371/13	05-Oct-15	Offences arising from assaults	●
EVANS, Chedwyn	849/14	05-Oct-15	Rape	
CHIKHO, Roudi	879/13	15-Oct-15	Possessing/Controlling Identity Documents with Intent contrary to section 4 of the Identity Documents Act 2010	
EMSDEN, Kevin	604/15	22-Oct-15	Fraud and making off without payment	●
DORLING, Mark	298/12	27-Oct-15	Murder	
BURKE, Jeanette	897/13	27-Oct-15	Conspiracy to supply cocaine, a class A controlled drug Conspiracy to supply heroin, a class A controlled drug	
COLEMAN John	234/15	12-Nov-15	Intent to Defraud Creditors of a Company contrary to s.458 of the Companies Act 2003 x 3	
McKENZIE, David	1253/14	19-Nov-15	Robbery	●
KNIGHTS, James	1396/13	19-Nov-15	Distribution of indecent photographs of a child x 3 Making indecent photographs of a child x 14 Possession of indecent photographs of a child	

CANDLISH, James	74/15	15-Dec-15	Failing to identify the driver of a motor vehicle	
R	1420/12	15-Jan-16	Possession of an identity document with improper intent contrary to section 4(1) of the Identity Documents Act 2010	
CLARKE, David	1437/12	27-Jan-16	Count 2: Sexual Assault, contrary to section 3 of the Sexual Offences Act 2003 Count 3: Sexual Assault, contrary to section 3 of the Sexual Offences Act 2003	
V	215/14	28-Jan-16	Possession of false document	
HARTWELL, Elliott	100/16	10-Feb-16	Conspiracy to supply Class A drugs Possession of cannabis with intent to supply	●
W	1463/14	10-Feb-16	Possessing/Controlling Identity Documents with Intent contrary to section 4 of the Identity Documents Act 2010	
KAMANGA, Patrick	812/14	10-Feb-16	Possession of a false identity document with intent	
HOLDEN, Kerry	1050/13	02-Mar-16	Murder	
NEUBERG, Karen	651/13	08-Mar-16	Re-using a prohibited company name during the period 19th November 2001 to 14th June 2002 contrary to s216(4) of the Insolvency Act 1986	●
WEINTROUB, Adrian	844/11	08-Mar-16	Acting as a director of a company with a prohibited company name without the leave of the Court between 6th April 2006 and 29th October 2008 contrary to s216 of the Insolvency Act 1986	●
WEINTROUB, Jeremy	845/11	08-Mar-16	Acting as a director of a company with a prohibited company name without the leave of the Court between 6th April 2006 and 29th October 2008 contrary to s216 of the Insolvency Act 1986	●

Commission referrals decided by appeal courts during 2015/16³

Name	Referral date	Offence	Sentence Only	Outcome	Appeal Decision
BENGUIT, Omar	19-Dec-12	Murder		U	09-Apr-15
Z	05-Mar-14	Rape; Sexual assault x3		Q	01-May-15
L	17-Mar-15	Possession of a false instrument; Attempting to obtain services by deception contrary to sec.1 (1) of the Criminal Attempts Act 1981		Q	07-May-15
K	17-Feb-15	Using a false instrument (Passport)		Ab	07-May-15
M	24-Mar-15	Failure to produce a satisfactory immigration document		Q	07-May-15
O	24-Mar-15	Failure to produce a satisfactory immigration document		Q	07-May-15
HILLMAN, Barry	28-Jan-15	Murder		Q	07-May-15
GOWANS, Paul	28-Jan-15	Murder		Q	07-May-15

³ U = Upheld, Q = Quashed, Ab = Abandoned

Name	Referral date	Offence	Sentence Only	Outcome	Appeal Decision
JOHARCHI, Pooneh	20-Mar-15	Failure to produce a satisfactory immigration document		Q	14-May-15
JOSEPH, Elizabeth	27-Oct-14	Assaulting an officer in the execution of his duty, contrary to s89 (1) of the Police Act 1996; Obstructing an officer in the execution of his duty, contrary to s47 Terrorism Act 2000		Q	18-May-15
BUTLER, Carl	24-Sep-13	Rape		U	20-May-15
O'MEALLY, Benjamin	12-Nov-13	Rape x9		U	20-May-15
PETERSEN, Brian	16-Jun-14	Indecent Assault x4		U	10-Jun-15
SOHE NGUIDJOL, Richard	14-Oct-14	Possession of false identity document with intent		Q	18-Jun-15
GRACIA, Michael	20-May-15	Assault Constable in execution of duty		Q	26-Jun-15
CHINIE, Temesgen	22-Apr-15	Failure to produce a document contrary to section 2 Asylum and Immigration (Treatment of Claimants, etc.) Act 2004		Q	03-Jul-15
NANTHAKUMAR, Kirush	19-Dec-14	Murder; Causing grievous bodily harm with intent; Assault occasioning actual bodily harm		U	09-Jul-15
MAIAH, Aziz	19-Dec-14	Murder; Causing grievous bodily harm with intent; Assault occasioning actual bodily harm		U	09-Jul-15
KUMBAY, Asif	19-Dec-14	Murder; Causing grievous bodily harm with intent; Assault occasioning actual bodily harm		U	09-Jul-15
WHITE, Mark Anthony	23-Apr-15	Between 14th January and 12th February 2010 at Sheffield failed to give information as to the identity of the driver. s.172 Road Traffic Act 1988		U	10-Jul-15
GEORGE, Aaron	07-Jul-14	Rape		U	17-Jul-15
G	01-Oct-14	Rape		U	22-Jul-15
H	01-Dec-14	Possession of a false document with intent		Q	22-Jul-15
MONKS, Geoffrey	11-Mar-15	Possession of food (pork and ham) for sale which failed to comply with food safety requirements; Failing to keep a food premises clean and in good repair; Failing to ensure that food waste and other refuse did not accumulate; Failing to store food so as protected against contamination; Failing to store raw materials so as protected against harmful deterioration and contamination		Q	09-Sep-15
O'HAGAN, Myles Christopher	15-Oct-14	Causing an explosion contrary to section 2 of the Explosive Substance Act 1883		U	20-Oct-15

Name	Referral date	Offence	Sentence Only	Outcome	Appeal Decision
SEMANSHIA, Frederick	28-Jan-15	False imprisonment; Causing grievous bodily harm with intent	●	U	12-Nov-15
EMSDEN, Kevin	22-Oct-15	Fraud and making off without payment	●	Q	17-Nov-15
P	17-Jul-13	Indecent assault; Indecency with a child; Rape; Attempting to commit an act of gross indecency		U	18-Nov-15
WILLIAMSON, Simon	29-Sep-15	Common assault and Being drunk and disorderly in a public place		Q	30-Nov-15
N	24-Mar-15	Failure to produce a satisfactory immigration document		Q	17-Dec-15
P	24-Mar-15	Failure to produce a satisfactory immigration document		Q	17-Dec-15
HOOKE, Kenton	20-Aug-15	Allowing a dog to be 'Dangerously Out of Control in a Public Place', contrary to Section 3(1) and (4) of the Dangerous Dogs Act (1991)		Q	22-Jan-16
CANDLISH, James	15-Dec-15	Failing to identify the driver of a motor vehicle	●	Q	25-Feb-16
YY	29-May-15	Possession of a false document		U	26-Feb-16
NORI, Mohammed	24-Sep-15	Failure to produce a satisfactory immigration document contrary to section 2(1) Asylum and Immigration (Treatment of Claimants, etc.) Act 2004		U	26-Feb-16
Q	05-Oct-15	Offences arising from assaults	●	Q	02-Mar-16
CHARLTON, Alan	26-Feb-14	Murder		U	08-Mar-16
ALI, Idris	12-Mar-15	Manslaughter		U	08-Mar-16
HARTWELL, Elliott	10-Feb-16	Conspiracy to supply Class A drugs Possession of cannabis with intent to supply	●	Q	10-Mar-16
MUAKANA, Gracia	03-Jul-15	Robbery and Handling stolen goods		U	18-Mar-16
ABOULKADIR, Adil	06-Jun-14	Sexual activity with a child x2; Rape		U	22-Mar-16

The following table records the outcomes in relation to two Commission referrals which were recorded in previous annual reports as R (reserved) and have since been decided.

Name	Referral date	Offence	Sentence Only	Outcome	Appeal Decision
KHAN, Bakish	02-Aug-13	Conspiracy to supply heroin		U	01-Jul-14
HANIF, Ilyas	02-Aug-13	Conspiracy to supply heroin		Q	01-Jul-14

The following table records the outcomes in relation to six Commission referrals which were not recorded in previous annual reports.

Name	Referral date	Offence	Sentence Only	Outcome	Appeal Decision
O'CONNELL, Terence	30-May-13	Doing an act tending and intended to prevent the course of public justice; Conspiracy to supply a Class B drug		U	09-Jul-14
REYNOLDS, Thomas	30-May-13	Conspiracy to supply a Class B drug; Conspiracy to steal		U	09-Jul-14
KINGSTON, Thomas	30-May-13	Conspiracy to supply a Class B drug; Conspiracy to steal; Theft and handling stolen goods		U	09-Jul-14
IRVING, David	28-Jan-14	Arson; Damaging property; Threat to kill	●	U	05-Feb-15
LISSAN, Badreldin	15-Sep-14	Asylum case: Failure to produce a satisfactory immigration document contrary to section 2(1) Asylum and Immigration Act 2004		Q	07-Oct-14

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 less than 26 weeks for custody cases and 78 weeks for at liberty cases.

Actual average time for custody cases (weeks):

Apr:	21.9	May:	19.0	Jun:	23.2	Jul:	22.4	Aug:	20.4	Sep:	23.7
Oct:	21.6	Nov:	15.7	Dec:	20.8	Jan:	15.7	Feb:	15.9	Mar:	16.0

Rolling 12 months average time for custody cases: 19.4 weeks.

Actual average time for at liberty cases (weeks):

Apr:	60.0	May:	29.6	Jun:	67.5	Jul:	49.3	Aug:	43.8	Sep:	55.0
Oct:	68.6	Nov:	62.2	Dec:	64.8	Jan:	55.5	Feb:	49.7	Mar:	65.3

Rolling 12 months average time for at liberty cases: 55.4 weeks.

KPI 2a Duration of Review⁴

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 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.

Data Source: Case statistics compiled from the case management system.

Plan: for the average duration of review cases to be less than 28 weeks .

Actual average time for review cases (weeks):

Apr:	25.3	May:	25.0	Jun:	15.3	Jul:	32.2	Aug:	12.3	Sep:	15.0
Oct:	44.3	Nov:	28.7	Dec:	30.2	Jan:	35.6	Feb:	32.9	Mar:	26.0

Rolling 12 months average time for custody cases: 27.1 weeks.

KPI 2b Time to decision from application

Purpose: This KPI records the average time taken for an application to be reviewed from the point of application.

Definition: The time from the date of application to the issuing of the final decision averaged for all applications in the reporting period for which an final decision has been issued.

Calculation: Recorded for each month and the rolling 12 month period, calculated separately for each type of review case and no appeal cases.

Data Source: Case statistics compiled from the case management system.

Plan: For the average duration of review cases to be less than 56 weeks for custody cases, 88 weeks for liberty cases and 15 weeks for no appeal cases.

Actual average time for custody cases (weeks):

Apr:	40.7	May:	61.7	Jun:	71.5	Jul:	54.9	Aug:	60.1	Sep:	36.4
Oct:	50.3	Nov:	54.0	Dec:	61.3	Jan:	50.4	Feb:	36.3	Mar:	67.5

Rolling 12 months average time for custody cases: 55.7 weeks.

Actual average time for liberty cases (weeks):

Apr:	55.0	May:	79.4	Jun:	47.8	Jul:	98.6	Aug:	78.0	Sep:	80.0
Oct:	97.7	Nov:	87.5	Dec:	84.7	Jan:	95.2	Feb:	89.1	Mar:	106.3

Rolling 12 months average time for liberty cases: 84.9 weeks.

Actual average time for no appeal cases (weeks):

Apr:	12.9	May:	8.6	Jun:	6.3	Jul:	5.9	Aug:	5.7	Sep:	10.1
Oct:	7.4	Nov:	8.7	Dec:	8.2	Jan:	6.5	Feb:	9.1	Mar:	10.2

Rolling 12 months average time for no appeal cases: 8.3 weeks.

⁴ KPI2a and 2b in this report have replaced last year's KPI2 – Time from allocation to decision for review cases and NA's.

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.

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: Over the whole year we closed 317 more 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	2	<4%	2.6%
Other	<7	4	<9.5%	5.8%

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: 0%.

KPI 6 Time to notification of referrals⁵

Purpose: This KPI records the average time taken to notify the court and applicant of a referral from the point of agreement to refer.

Definition: The time from the date of the committee agreement to refer to the point when the court and applicant are notified of the referral by sending the Statement of Reasons.

Calculation: Recorded for the 12 months to date and cumulatively over the life of the Commission.

Frequency: Quarterly.

Data source: Case statistics compiled from the case management system.

Plan: <2 months in 90% of cases.

Actual: 72.7% for the 12 months with a cumulative figure of 76.2%.⁶

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: 8.7 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.

Plan and performance:

	Target		Actual
	Budget %		Budget %*
	<	>	
Resource (RDEL)	0%	-2.5%	-0.1%
Capital (CDEL)	0%	-12.5%	-0.0%

Note*. Variances quoted against the revised budget after transfer of £47k from RDEL to CDEL.

⁵ KPI6 in this report replaces last year's KPI6 – Referral conclusions.

⁶ Cumulative figure includes backdated data to Q1 14/15. The new KPI 6 was introduced in July 15.

