



CCRC

Criminal • Cases • Review • Commission

ANNUAL REPORT & ACCOUNTS

2018/19

Criminal Cases Review Commission Annual Report and Accounts 2018/19

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OUR VISION & PURPOSE AIMS VALUES

Our purpose:

We Investigate and identify potential miscarriages of justice and, in doing so, promote public confidence in the justice system.

We accomplish this by:

Investigating and reviewing cases efficiently and effectively.
Referring appropriate cases for appeal.
Demonstrating independence and impartiality in all we do.

Our values:

Integrity
Motivation
Proactivity
Accountability
Courtesy and respect
Timeliness

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Performance Report

Section 1: Performance Report

The Performance Report of the Criminal Cases Review Commission (CCRC) has two parts.

- Part one contains a foreword from our Chairman and an introduction from our Chief Executive as well as an overview of the CCRC's purpose, its powers and performance and an outline of the key risks to its performance and the achievement of its aims. This overview is designed to give readers a reasonable understanding of the Commission and its current position without the need to find further or specific details.
- Part two provides detailed analysis of how the Commission has performed in the last year in specific areas such as casework function, finance and other areas.

Overview

Chairman's Foreword

I am delighted as Chairman to be writing this, my first foreword, for our Annual Report and Accounts. It coincides with my first six months in the role.

For me being appointed feels like my career has come full circle, having studied law at a variety of levels culminating in graduating from Queen Mary's College London with an LLB Hons where one of my tutors was Professor Graham Zellick, who also had the privilege of being the Chairman of the CCRC. Whilst, unlike Graham, I did not go on to practice law, I did remain involved in the legal profession, sitting on the Employment Appeal Tribunal, the Professional Conduct Committee of the Bar Council and chairing the Queen's Counsel Selection Panel. All these roles have a central thread and principle running through them which is about fairness, equity, justice and standards in the justice system. I have combined these roles with a career as Chairman of highly complex boards in commercial organisations, with good

governance and board dynamics at the core to oversee and steer performance.

I applied for the role of CCRC Chairman because I am passionate about bringing justice to the wrongly convicted. On joining the organisation, it was immediately clear that everyone here shares that core purpose and they all work diligently to uncover potential miscarriages of justice and refer them back to the appeal courts.

There is always more we can do to improve. While the Government's recent Tailored Review¹ of the CCRC recognised that we are efficient and effective, it also highlighted some areas where we could build on those strengths. Similarly, the significant independent research captured in the recently published *Reasons to Doubt: Wrongful Convictions and the Criminal Cases Review Commission* by Professor Carolyn Hoyle and Dr Mai Sato also suggests that while there is much we do rather well, there is much we can do to improve.

¹ The Government's Tailored Review of the CCRC can be seen here: www.gov.uk/government/publications/tailored-review-of-the-criminal-cases-review-commission

Some of the improvements suggested relate to speed of decision making, where and how we make decisions, how we monitor the quality of our work, how we govern ourselves as an independent public body, how we engage with our stakeholders and how transparent we are in reporting on our work. The Commission and I welcome those suggestions and we have already started the process of exploring what changes we might sensibly make. In doing so we are quite prepared to look at radical ideas such as whether it might be appropriate for some element of Artificial Intelligence to assist in our processes – obviously not to replace human experience, intuition and analysis, but to aid effective decision making and to speed up the process where appropriate.

It is important to remember that as well as eroding confidence in the justice system, miscarriages of justice can have severe and wide-ranging effects on the victims of those miscarriages and on their families. A reminder of this, if one were needed, came in January 2019 when Dr Laura Tilt of the Centre for Criminology at Oxford University presented to the recently established All Party Parliamentary Group on Miscarriages of Justice the findings of her doctoral research: *The Aftermath of Wrongful Convictions*. It was very moving to hear a woman whose case we referred, and who won her appeal, speak bravely and poignantly about how her conviction, and her labelling by the press as the Angel of Death, had essentially destroyed her life. I was perturbed to learn that those released suddenly after a successful appeal have no special status in terms of the support and assistance they receive and how, in many ways, they are entitled to less help than those who leave the system in a managed way having served their time. This surely has to be addressed?

I have also visited Northern Ireland, the Bar Library, Law Society, Constabulary and members of the Judiciary, all of whom provided excellent insights into the issues and welcome working with us to address miscarriages. The Scottish CCRC provided an insight into the art of the possible as we improve our IT and related processes. The way they use technology may be relevant to us in spite of the fact that they typically receive applications in the low hundreds whereas we at present usually receive around 1,500 a year.

It may be that we see our application rate rise thanks to ongoing justice system issues such as the forensic science market, reductions in funding for legal aid and the increase in litigants in person. It is imperative, therefore, that we constantly focus on increasing our efficiency, effectiveness and, of course, our timeliness – one day unfairly labelled as a criminal, whether in custody or at liberty, is one day too many.

There was some controversy earlier in the year when I said that “the number of cases we refer for appeal, while clearly very important, should not be the be-all-and-end-all of the Commission. I think perhaps too little attention is paid to the other outcomes of the Commission’s work”.

I stand by the idea that I intended to convey which was that if we are judged solely on the number of referrals we make each year, there is no recognition of the extensive and diligent work we do in cases that cannot be referred.

It is our aim to consider thoroughly each application that comes to us. As an organisation we have a clarity of purpose and the clear individual and collective dedication to bring justice to the wrongly convicted through diligent, timely investigations and through exercising our independence of judgment. To focus only on the number of referrals we make discounts the benefits of everything we do in the process of looking for those referrals such as inspecting previously undisclosed material, conducting fresh investigations and obtaining new forensic evidence. All of which Professor Hoyle acknowledges in the meticulously evidenced findings of her book.

The Commission has seen much change this year with our former Chairman Richard Foster CBE standing down after ten years in post and five Commissioners leaving us having completed their terms of office. I wholeheartedly thank each and every one of them for their dedication and service to the Commission.

Six new Commissioners started work in May 2019 and we are recruiting for two new Non-executive Directors and a number of other important roles. In line with the recommendations of the recent Tailored Review, the Commission’s board is being slimmed down and restructured and will have oversight from the Body Corporate.

No doubt the future will require more changes in order to ensure that our funds continue to be directed to where they add best value and to allow us to make the best possible use of the much needed funds now being provided by the Ministry of Justice for the transformation of our IT systems.

I look forward to 2019 and beyond and to continuing to lead such a dedicated organisation and to working closely with our stakeholders in the furtherance of our aims and of justice as a whole.



CCRC Chairman Helen Pitcher OBE.

Introduction from the Chief Executive

The Commission is going through a period of significant change, one of the most significant of those being the arrival in November last year of our new Chairman, Helen Pitcher OBE. We welcome Helen not just because of the wealth of experience she brings but also because of her commitment to the organisation and to the work that we do.

To run an organisation effectively it often helps to keep one eye on the future and one eye on the past. For us at the Commission this means looking to change and modernise in ways that will help us to do our job more efficiently and effectively, while keeping a firm hold on the skills and the values that have always helped us to maintain our standards, our independence and our integrity.

We have tried to keep this very much in mind during the many changes we have seen at the Commission in recent years and we will keep it in mind as we consider what changes we may yet wish to see.

In February this year, the Government published the results of its Tailored Review of the Commission. Publication of such a review is a significant moment in the life of any public body that is subject to them. The review of the Commission took many months, involved a team from the Ministry of Justice, with independent oversight, interviewing our staff and Commissioners and considering the views of applicants, legal representatives, campaigners and serving prisoners.

The findings are set out in a report that runs to 41 pages and makes a number of recommendations for us to consider. Some relate to our internal governance structures, and others, while noting excellent performance overall, consider what we might want to do to improve performance in certain areas and how we might want to develop further. Some of that is about transparency, and throughout the year, we have increasingly put more and more information and data on our website. We found the review to be both challenging and supportive.

We have already started work thinking about the recommendations from the Tailored Review. We are approaching the questions with an open mind and a willingness to consider any change that can be squared with the interests of justice and with our core role as what has often been described as the last resort for the wrongly convicted. In doing so we will be guided by the values that have always underpinned the Commission.

We have done a lot of listening this year; not only in respect of the Tailored Review, but also in taking on board comments from stakeholders about how we might do things differently. Of particular note is our refreshed approach to how we communicate with applicants following the observations made at the meetings of our Stakeholder Forum.

At the beginning of my report, I talked about the Commission being in a period of transition. Staff at the Commission have always had a remarkable ability to take in their stride the many developments and changes that have been required of them. I have no doubt that they will do so again with whatever changes are to come. I know I can be sure that together as an organisation, we will think long and hard before making important decisions and any changes we adopt will be grounded in the values that we all share.

As we go forward, we are making plans to move offices, although we will be staying in central Birmingham. We are also determined to be much more agile in how we work with improved digital ways of working to facilitate moving to a smaller office footprint. That will require us to consider how we work on a day-by-day basis, but I am confident that we have committed staff and Commissioners who are signed-up to an exciting programme of change.

I'm extraordinarily privileged to work with such a dedicated team of individuals at the Commission. We may be criticised from time to time but anyone who spends any time here with us meeting staff and Commissioners and seeing what we do, always goes away absolutely convinced of the commitment and passion of everyone who works here. I know that we are all united with our core purpose in mind, uncovering miscarriages of justice.



Karen Kneller

Chief Executive and Accounting Officer

The Criminal Cases Review Commission in 2018/19

The Commission started work in 1997. It was created as an independent, publicly funded investigative body dedicated to looking into alleged miscarriages of justice. It was the first body of its kind anywhere in the world.

Its creation was a response to a series of miscarriages of justice that came to light in the 1980s and 1990s and which included the Guildford Four and the Birmingham Six. These cases shocked the public and the legal institutions of the nation. A Royal Commission was established in 1991 “to examine the effectiveness of the criminal justice system in England and Wales in securing the conviction of those who are guilty of criminal offences and the acquittal of those who are innocent”².

One of the key recommendations in the Royal Commission’s 1993 report was the creation of a new body to independently examine alleged miscarriages of justice. As a result, Parliament passed the Criminal Appeal Act 1995 with cross-party support and created the Criminal Cases Review Commission (CCRC) to investigate alleged miscarriages of justice in England, Wales and Northern Ireland³ and to

send appropriate cases back to the appeal courts so that a fresh appeal must be heard.

By the end of March 2019, the CCRC had referred 663 cases to the appeal courts at an average rate of around 30 cases per year for 22 years. Those referrals came from 24,078 cases completed by that date. This means that one in every 36 applications to the Commission have been referred for appeal. Of those cases referred, 439 resulted in successful appeals and 200 resulted in appeals dismissed⁴.

Most CCRC referrals have related to convictions for serious offences including rape and other crimes of violence; murder alone accounts for 23% of CCRC referrals.

Many of the most significant and high profile miscarriage of justice cases of recent decades have been resolved by way of a CCRC referral for appeal. However, a vast majority of our referrals have been made in cases with little or no public profile, media interest or involvement of miscarriage of justice campaigners or support groups. Most of our applicants apply to the Commission without the help of a lawyer⁵. Historically the figure has been around 68%; in recent years it has climbed towards 90%.

During 2018/19 we received 1,371 applications; in the previous year it was 1,439. Most people applied using our Easy Read application form which is carefully designed to be as straightforward as possible.

The Commission is fundamentally a post appeal organisation whose core role is to consider cases where someone convicted of an offence has exhausted their normal rights of appeal, yet still maintains they were wrongly convicted or incorrectly sentenced.

The Act of Parliament that created the Commission provides that we cannot refer a case for appeal where an applicant has yet to use their normal appeal rights, unless there are “exceptional circumstances” that mean we should do so. However, since the Commission was created around 40% of applications to us have come from people who still could, and in most cases should, appeal direct to the courts.

How we work

To refer a case for appeal, the Commission needs to be able to point to some potentially significant new evidence or new legal argument that makes the case look sufficiently different to how it looked at trial or at an earlier appeal.



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The evidence or argument usually needs to be new in the sense that it was not used at the time of the conviction or the appeal. If the evidence in question was available but

unused at the time of the trial or appeal, there will need to be good reasons why it should now be treated as new.

In order to decide whether or not a case can be referred for appeal, the CCRC is required to apply a threshold test. That test is the “real possibility test” set out by Parliament in section 13 of the Criminal Appeal Act 1995. It says that the Commission can only refer a case for appeal where it is satisfied there is a real possibility that the subsequent appeal would succeed. (i.e. that the conviction would be quashed, or the sentence changed where a sentence is referred). For a case to be referred, it must be considered by at least three Commissioners sitting as a committee.

Commissioners are chosen for their experience and ability to take significant decisions in complicated matters. They are appointed by the Queen on the recommendation of the Prime Minister⁶.

² The Royal Commission on Criminal Justice Report page (i).

³ Scotland has a separate legal system and separate CCRC see: www.sccrc.org

⁴ The CCRC website www.ccrcc.gov.uk displays updated casework statistics. The figures at 31st March 2019 show that a total of 24,887 applications had been received. Of those, 24,078 cases had been completed while 656 were under review and 152 were awaiting review. The difference between the number of cases referred and the number of appeal outcomes is accounted for by cases where appeals have been heard and judgment is awaited, by referred cases awaiting appeal and by referred cases where appellants abandoned their appeals.

⁵ The CCRC is obliged to consider every eligible application we receive and we do not require an applicant to be legally represented.

⁶ The Directors’ Report at Page 33 gives details of the CCRC Commissioners during 2018/19.

The Commission looks carefully at every application it receives; how we proceed in each case depends on a number of factors.

If the application is from someone who has been convicted but still has the right to appeal through the courts, we will usually advise them that the CCRC is a post-appeal body and that they can and should try to appeal in the normal way through the courts⁷. In cases where we can see there are “exceptional circumstances” which mean that the Commission should consider a case in spite of there having been no earlier attempt to appeal, we will consider the case in the normal way. Such exceptional circumstances are quite rare. During 2018/19 we received 493 “no appeal” applications (36% of the total) and accepted 107 (21.7%) such cases for review because we were able to identify potential exceptional circumstances.

A proportion of applications made fail to raise any issues that we can review or investigate. For instance, some applications, or re-applications, simply restate points that have been made, unsuccessfully, at trial or at appeal or in an earlier CCRC review. In these cases, if we cannot identify any potential new issues that we can work on, we will explain the position to the applicant and close the case. We also receive a number of applications each year that are “ineligible” because they are not within our jurisdiction and we cannot review those cases.

Typically around half of all the applications we receive relate to cases that are either ineligible, are no appeal cases with no exceptional circumstances, or are applications of re-applications in which we can identify no new grounds.

The rest of the applications (i.e. those that are eligible and at least potentially raise something that requires further scrutiny) are allocated to a CCRC Case Review Manager who will conduct a more detailed review of the case.

A Case Review Manager’s job is to look into the case and conduct whatever investigations may be necessary to decide whether or not there are grounds upon which we could refer that case for appeal.

Case Review Managers can draw upon all of the Commission’s resources when considering a case. They will obtain and consider whatever material we need, interview anyone we decide we need to speak to and obtain independent expert evidence as necessary.

When the investigative stages of a review appear to be complete, we turn our attention to the question of whether the review has identified new information capable of raising a “real possibility”. As this point, the Case Review Manager will 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 it seems that

there is no prospect of the case being referred, the Case Review Manager will put it before a single Commissioner.

If the committee of three Commissioners concludes there is a real possibility the appeal court will quash the conviction (or amend the sentence in a sentence referral), they will refer the case to the appropriate appeal court⁸ thereby causing an appeal to be heard.

If a committee, or a single Commissioner, decides 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 applicant (and their representative if they have one) is invited to respond to that initial decision. This is an opportunity for them to persuade the Commission that its provisional decision not to refer is incorrect. The Commissioner or committee of Commissioners will carefully consider the response before making a final decision in the case.

Our performance in 2018/19

The casework section of this report (see pages 13 to 23) sets out how the Commission has performed in relation to its core task of reviewing alleged miscarriages of justice. It explains how we have performed against a range of casework targets such as how long it takes us to review cases.

Those targets and the rationale for them are set out in the current CCRC Corporate Plan which covers the period 2018 to 2021⁹.

The figures for 2018/19 show that the Commission has broadly maintained the position whereby work starts on an application with the practical minimum of delay. It means once our initial look at a case has concluded the issues raised require a more detailed review, it is allocated almost immediately to the Case Review Manager who will conduct the review and work begins straight away obtaining and compiling the material necessary to start.

This target was first achieved in 2017/18 after many years in which unacceptably long delays to the start of work on review cases were an unwelcome feature of our casework. Things are by no means perfect, but the fact that we have achieved and maintained this very ambitious target is testament to the sustained efforts of all those who work at the CCRC.

While making referrals to the appeal courts is our core task, the number of referrals we make is not and cannot be the subject of a particular target. Our aim in this area is essentially to apply the real possibility test properly and, in doing so, to refer all of the cases that we properly can.

The casework section also sets out various other casework factors including the fact that we referred 13 cases for appeal during 2018/19, compared with the 19 in the previous year. This means that 2018/19 saw

⁷ Such “no appeal” cases are discussed on page 13.

⁸ Crown Court cases are appealed at the Court of Appeal whereas magistrates’ court cases are appealed by way of a re-hearing of the case at the Crown Court. In CCRC referrals to the Court of Appeal, there is no “leave to appeal” stage and a Commission referral goes automatically to appeal before the full court.

⁹ The Corporate Plan can be found online at www.ccrc.gov.uk in the corporate documents section.

the second lowest number of referrals in the life of the Commission, with the lowest being 12 in 2016/17.

Our Powers and Investigations

The Commission's principal investigatory power comes from section 17 of our founding legislation, the Criminal Appeal Act 1995.

Our section 17 powers give us the ability to obtain any material we believe necessary for our work from any public body. It covers everything from materials held by the police and the Crown Prosecution Service (CPS) including the secret products of covert human intelligence sources, to government papers, social services files and so on.

In 2016 the Criminal Appeal Act 1995 was amended with the addition of section 18A to provide the Commission with the additional power to obtain material in private hands. The powers under section 18A can only be exercised with the agreement of a Crown Court Judge.

Section 19 of the Criminal Appeal Act 1995 gives the Commission the power to require a police force to appoint an investigating officer to carry out investigations on our behalf and under our direction. Through the use of section 19, our investigations can benefit from the use of police powers such as conducting interviews under caution. The power under Section 19 is generally used only when we think there may be an advantage in using police powers or where an investigation is too large for a body of our size.

As well as our core function of looking into applicants' cases, we have a lesser known but significant role investigating on behalf of the Court of Appeal Criminal Division in relation to ongoing appeals at first instance. The Court can direct the Commission to investigate and report to it under section 23A of the Criminal Appeal Act 1968 (and section 15 of the Criminal Appeal Act 1995). Such investigations have typically, but not exclusively, involved us looking into allegations of some kind of juror irregularity or misconduct. Our activity in this area during 2018/19 is reported on page 17.

Our aims and the threats to them

Each year the Commission sets itself various goals that it wants to achieve; these goals are set out in the CCRC Business Plan¹⁰ for the year.

Our Business Plan for 2018/19 sets out aims including: continued improvements in effectiveness and efficiency of casework processes; improving positive feedback on feedback forms filled in by applicants, and increasing the proportion of applications we receive from women and from young offenders (i.e. under 25 years of age).

The major threats to our organisational aims in our view include the securing of sufficient resources from Government, making sure we recruit and retain staff with the right skills and capabilities and the security of information we obtain from others to perform our role.

We manage these and other risks through a formal risk management process operated across the Commission. This includes but is not limited to the regular update and monitoring of our risk register, and the oversight provided by our Audit and Risk Assurance Committee which meets quarterly under the chairmanship of one of our Non-executive Directors (see page 38).

The Commission as a going concern

The Commission is an independent NDPB (Non-Departmental Public Body) funded by way of a Grant in Aid (i.e. a cash grant) from the Ministry of Justice. The Grant in Aid funding allows the Commission to maintain its independence from the Government and from other parts of the criminal justice system including the courts, the police and the prosecution.

In 2018/19 our cash budget was £5.208 million, including a £0.125 million capital allocation. This compares with a cash budget of £5.449 million (including £0.205 million capital allocation) in 2017/18.

The Statement of Financial Position at 31st March 2019 (on page 56) shows a negative total taxpayers' equity of £6.136 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 Ministry of Justice. This is because, under the normal conventions, such grants cannot be issued in advance of need.

Our Grant in Aid for 2019/20, taking into account the amounts required to meet the Commission's liabilities falling due in that year, has been included in the Ministry of Justice overall estimates for the year and has been approved by Parliament. We have every reason to believe that the Commission will continue to receive departmental sponsorship and future parliamentary approval and there is no reason to suppose that the Commission will not continue in its current form. On that basis, it is considered appropriate to adopt a "going concern" basis for the preparation of these financial statements.



Karen Kneller

Chief Executive and Accounting Officer
9 July 2019

¹⁰ The Business Plan for 2018/19 can be found online at www.ccr.gov.uk in the Corporate Documents section



Since achieving our objective in March 2018... we have successfully maintained that position throughout 2018/19

Performance Analysis

During 2018/19, we received 1,371 applications and completed our consideration of 1,449 cases. This compares to 2017/18 when received 1,439 applications and completed 1,538 cases. Thirteen of the cases closed this year were referred to the appeal courts. All but one of those referrals related to conviction rather than sentence.

During 2018/19, 21 appeals were heard in relation to CCRC referrals. Of those 16 appeals were allowed and five dismissed.¹¹

Casework resources

No appeal cases

“No appeal” cases are applications made to the Commission in spite of the fact that the individual concerned could still apply direct to the appeal courts if they chose to.

In these circumstances, the Commission can only refer a case for appeal if, in addition to the “real possibility” test that applies to every case, we can identify exceptional circumstances that mean we should review the case even though conventional appeal rights remain. If a no appeal applicant cannot point to exceptional circumstances, and none are apparent to us, we advise them to make use of their ordinary appeal rights and explain how they can do so. Where potential exceptional circumstances are present, the case is reviewed with those potential exceptional circumstances in mind.

In 2018/19 we received 493 no appeal applications. This represents around 36% of our case intake for the year. Of

those 107 cases (21.7%) were passed through to normal case review. This proportion of no appeal cases has been fairly typical for many years. Even though relatively few “no appeal” cases are subject to normal case review, the process for deciding whether or not exceptional circumstances are present requires a significant amount of Commission resource.

Casework

Since achieving our objective, in March 2018, to reduce waiting times to allocation for all cases to three months, we have successfully maintained that position throughout 2018/19. We have focussed, even harder this year, on the quality of our casework, which includes the timeliness of our case reviews.

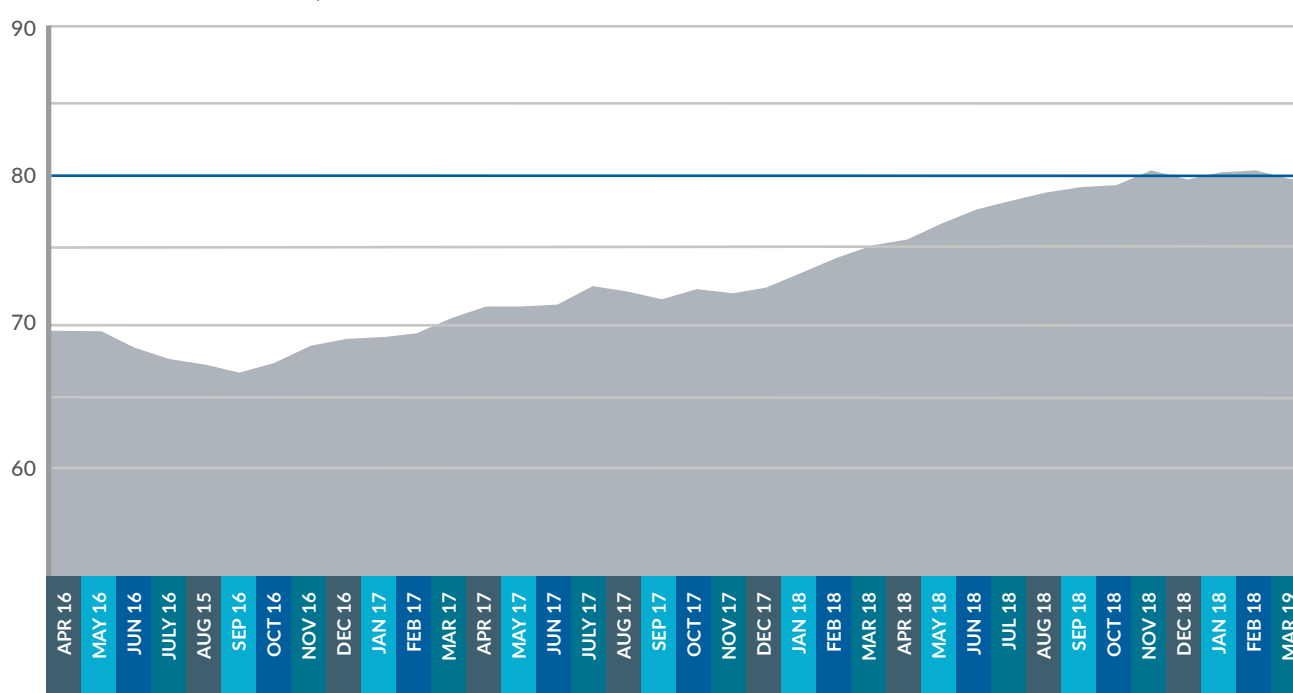
Most cases require a limited or moderate amount of analysis and/or investigation, but a proportion of our reviews are very complex. Those cannot properly be undertaken quickly. Many months of painstaking work can be involved, for example, examining large quantities of relevant files (including meticulous cross-referencing or audit trailing relevant information), interviewing applicants or witnesses (some of whom can be reluctant to engage with us) and, very commonly, forensic testing or instruction of experts. We routinely find ourselves working with experts at the cutting edge of science and we sometimes need to wait for new tests to be validated. We are often heavily reliant on being supplied with the necessary information by organisations and individuals. Many of them, especially public bodies such as the police, courts and CPS, continue to be under substantial resource pressure themselves.

¹¹ Fifteen appeals against conviction and one against sentence were allowed and five appeals against conviction were dismissed. The table on page 76 of this report shows details of the cases that were heard this year.

The largest and most complex cases bring their own challenges, but all ultimately need to be concluded. Too many of our reviews take us longer than they should. The work of the Long Running Cases Committee has continued in 2018/19, bringing additional scrutiny and improved practices to strategic case planning and timeliness in cases that take us more than two years to review. Our aspiration is to carry out all of the relevant investigation and analysis in the shortest possible time, to make an appropriate and properly informed decision.

The activity of the Long Running Cases Committee is supplemented by a formal case scrutiny process after 12 months, to enhance our ability to manage and appropriately resource those complex reviews, and by quality assurance which samples case plans.

The Commission's casework performance is monitored



Over the last six months of the year, we have managed to either meet our target, or to be within a hair's breadth of doing so (achieving over 79%). That is remarkable, in a period where, on top of the organisation's customarily heavy workload, we successfully managed:

- The departure of five Commissioners, before their replacements arrived.
- Temporary casework staff shortages, which arose for a variety of reasons, most of which could not be planned for.
- Unexpected turns of events in our two, very complex, longest running cases (requiring the investment of substantial Commissioner resource in preparing for the resultant further case committees).

using a set of Key Performance Indicators, or KPIs. Several KPIs are discussed below. The full set of Commission KPIs are defined and set out on pages 78 to 80 of this report.

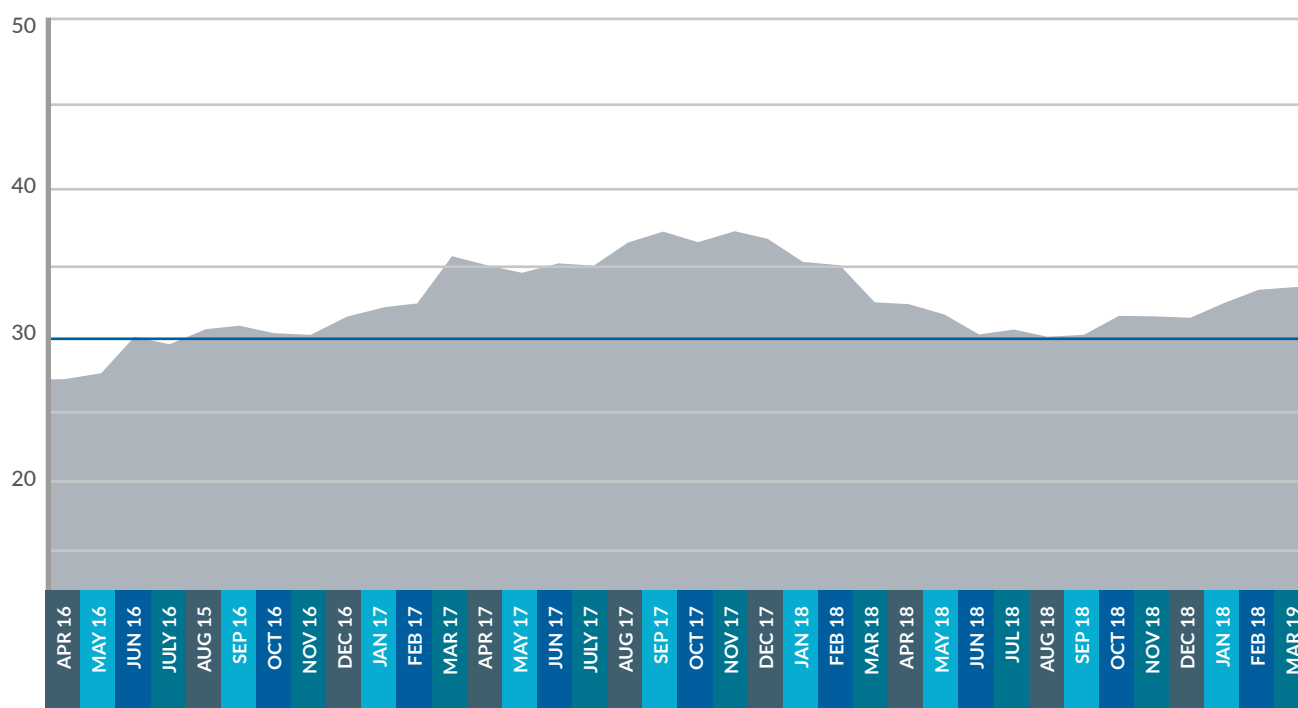
KPI1 - Cases closed within 12 months of application

This KPI provides an indication of the timeliness with which we complete all cases (including no appeals, refused re-applications and ineligible cases) from receipt of application to completion. We consider a case to be completed when a final decision has been sent (or, where a provisional decision was sent and no further submissions have been made within the time allowed). We aim for 80% of cases to be complete within 12 months. Our performance over the last three years is shown in the graph below.

Our performance for this KPI is also (negatively) affected by our success in properly resolving long running cases. Completion of those cases is to be welcomed and is a reflection of the efforts being put in to closing longer running cases. Inevitably, their closure impacts on this KPI.

KPI2 - duration of a review

This KPI provides an indication of the timeliness with which we complete cases which receive more detailed reviews by measuring the average time for a Review From Allocation to Decision (Provisional Statement of Reasons where one is issued). We aim for the average time to complete a review defined in this way to be less than 30 weeks. The graph below shows our performance between April 2016 and the end of March 2019.

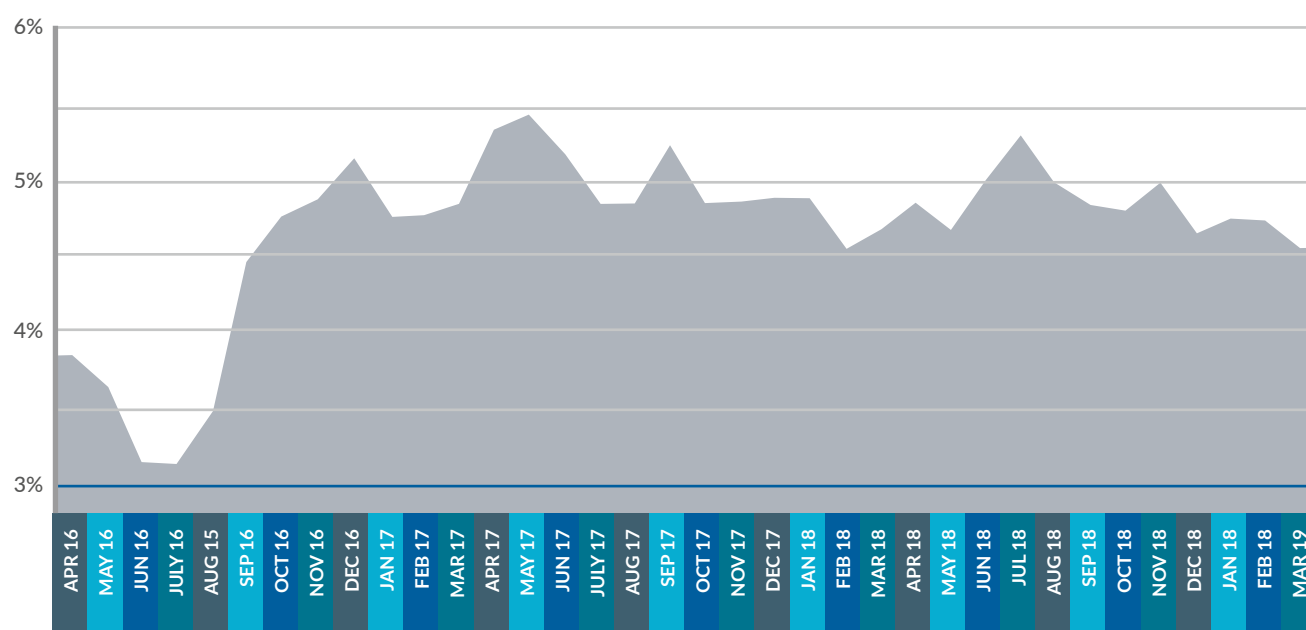


As the graph shows, our performance in respect of this KPI has fluctuated through 2018/19, we have not quite managed to meet our target and, in the last quarter, performance has deteriorated slightly. That was predicted in the context reflected in respect of KPI1 above, especially given the very low Commissioner FTE (full-time equivalent) level that we have been managing over the last five months of the year. We expect this to turn around relatively quickly after new Commissioners start casework in around July 2019, but there is likely to be a legacy effect over the course of the next 12 months.

KPI 3 - Long Running Cases¹²

This measure provides an indication of the proportion of cases that are considered as “long running” by virtue of being under review for two years or more. Long running cases are usually complex reviews where a range of matters, internal and external, can affect the pace at which we are able to conduct our review and reach a decision.

A case is counted as long running if two years has elapsed since the date of its allocation for review and a final decision has not been issued. We aim for less than three per cent of cases to reach this stage. The graph below shows how we have performed in this regard since April 2016.



¹² The purpose and work of the Long Running Cases Review Committee is discussed on page 38

We have not met our target for long running cases, though our performance has improved on last year. The context set out in relation to KPI1 has an impact here also, as does the context of our Case Review Managers having case portfolios that were too high during the course of the year. Having said that, 27 of the cases on the long running list are closely connected in that they are all cases involving the Post Office Horizon computer system. These cases are being reviewed together, as overarching issues, expert evidence and current trials in the civil court impact on them all.

KPI 5 Quality Assurance

This year, our Chief Executive and Director of Casework Operations have carried out our quality assurance exercise on a sample of decisions made in our smaller cases. Just one case required reopening as a result, but feedback to aid learning was shared in a number of cases where any issue arising was less impactful.

We will be expanding our quality assurance programme in 2019/20 and, to enable that, at the end of the year we started a recruitment campaign for a new role at the organisation, Head of Quality.

Referrals

In 2018/19 the Commission referred 13 cases to the appeal courts. This means that we referred 0.9% of the cases concluded this year. In the previous year the referral rate was 1.24%, it was 0.77% in 2016/17 and 1.8% in 2015/16. Between its inception and the end of 2018/19 the Commission has made 663 referrals at an average rate of 30.1 per year or 2.75% of the total number of cases.

Last year we conducted some analysis that suggested the principal factor behind the relatively low number of referrals in 2015/16 and 2016/17 was the absence of thematically linked multiple referrals such as those generated by issues like changes in the medical understanding and significance attributed to signs of child abuse and work of historically discredited police units such as West Midlands Police Serious Crime Squad and the Rigg Approach Flying Squad¹³.

Such issues, and consequent multiple referrals, are again notable by their absence in the Commission cases concluded in 2018/19. Other factors identified in last year's annual report also seem likely to be part of the reasons for the low referral rate in 2018/19.

We have also seen during 2018/19 a further reduction in the number and proportion of our applicants who apply to us with the assistance of a legal representative. Unrepresented applicants in this sense have always been in the majority. Historically around 65 to 70% have applied without the help of lawyer. This year that figure reached 90%.

Independent academic research¹⁴ has already shown that legal representation can be a significant factor in identifying a wrongful conviction and that legally represented applicants have a better chance of having their cases referred. It is reasonable to assume, but impossible to evidence, that a fall in the proportion of legally represented applicants could contribute to a fall in the number of cases being referred.

Joint Enterprise

Cases related to the use of joint enterprise to convict various parties to an offence, particularly in cases of murder, continue to feature in our caseload. The principle reason for the increase in this area in recent years has been the Supreme Court's decision in *R v Jogee* and others [2016] UKSC 8 (18 February 2016), we have received some 130 applications featuring arguments relating to *Jogee*. We also considered the potential impact of the Supreme Court's decision in *Jogee* in 104 other cases which were already with us before the *Jogee* decision. A very tight framework for the assessment of such cases was established by the Supreme Court and Court of Appeal. The Court of Appeal's subsequent decision in the case of *R v Johnson and others* [2016] EWCA Crim 1613, clarified the approach of the Court of Appeal in such cases.

We referred our first post-*Jogee* joint enterprise murder case in 2017/18. That was the case of Laura Mitchell. This referral and the outcome of the appeal are discussed in detail on page 20 of this report. During 2018/19 the Commission has referred a further three joint enterprise murder convictions. They were the cases of Jordan Towers, Kyrone Daley (see pages 20 and 21) and Andre Johnson-Haynes. We continue to consider other cases.

Randox Testing Services

Towards the end of 2016/17 an issue came to light regarding improper data manipulation affecting some of the results of drug tests on blood samples tested by Randox. In 2017/18 we liaised with the Forensic Science Regulator the Police and the CPS in relation to detecting any convictions that might be unsafe as a result of the problems at Randox. Somewhat surprisingly, we have received only two Randox related cases. By the end of 2018/19 we had completed one of those cases. In the first case the Randox test result was only one part of the prosecution case and the case could not be referred. The other case was still under review at the close of the year. There is an ongoing police investigation, led by Greater Manchester Police, into events at Randox Testing Services and a broader criminal justice system response led by the Gold Group currently chaired by Assistant Chief Constable Paul Gibson which is overseeing a programme for retesting. We remain interested in and connected to that process. Shortly after the end of the reporting year the second Randox case was also closed without referral.

¹³ The Commission's analysis on this matter appears in a document called *Analysis of CCRC Referral Rate* which can be found in the Corporate Publications section of the Commission's website at www.ccr.gov.uk.

¹⁴ See *The Extent and Impact of Legal Representation on Applications to the CCRC* by Professor Jaqueline Hodgson and Juliet Horne, Published 2009.

Post Office 'Horizon Computer' cases

The Commission has for some time been conducting detailed reviews in a number of cases involving former Sub-Postmasters/mistresses convicted of offences such as theft and false accounting, having been prosecuted by the Post Office. At the end of 2018 / early 2019 we had 35 such applications under review. The theme relevant to all those applications is a suggestion that problems with the 'Horizon' computer system and/or with the training and support provided in using the system were the cause of cash shortfalls in the Post Office branches in question, which in turn led to the convictions.

In December 2018 the Commission informed the applicants in these cases that we had decided it was necessary for us to wait for the first judgment of the High Court in Group Litigation against the Post Office by more than five hundred former Sub-Postmasters (the judgment in the 'Common Issues' trial) before making any decisions in the Horizon cases under review. The applicants were informed that we would then need to take a view on whether we should also wait for the outcome of the second in the series of High Court trials (the "Horizon trial") on the basis that that second set of proceedings appeared on the face of it to be the most relevant to the Horizon applications under review. At the end of the reporting year the Horizon trial had not concluded; further delay had been caused by an application by lawyers for the Post Office attempting to have the judge recuse himself from those proceedings (that application ultimately proving unsuccessful). We are acutely aware of the need to ensure that relevant matters from the High Court proceedings are considered in the review of the applications to the CCRC, and will be paying close attention as matters continue to unfold. We will keep our applicants informed of our approach in this regard.

Investigations for the Court of Appeal

As well as reviewing those cases that come to us by way of applications from individuals, the CCRC also conducts some investigations in relation to cases where the Court of Appeal Criminal Division is considering a first appeal or an application for leave to appeal. The Court can direct us to investigate and report on matters related to ongoing appeals pursuant to section 15 of the Criminal Appeal Act 1995 and 23A of the Criminal Appeal Act 1968.

The Commission has not been tasked by the Court of Appeal to investigate any matters on its behalf during 2018/19. This is the first time that no such investigations have been initiated in a reporting year. However, the most recent Section 15 investigation conducted by the Commission on behalf of the Court began in March 2018 and concluded during the current reporting period in May 2018. The case involved the Commission interviewing a number of people in connection with the question from the Court of Appeal about the presence on the jury of a prison officer known to the defendant.

Military cases

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

We did not receive any applications relating to cases of a military origin in 2018/19. Since the extension of our jurisdiction to cover military cases we have dealt with a total of 16 such cases. No such cases are currently under review. It remains the case that only one military conviction has so far been referred for appeal; it was the high profile case of Alexander Blackman which was reported in detail in the CCRC Annual Report for 2016/17.

Royal Prerogative of Mercy

Section 16 of the Criminal Appeal Act 1995 gives the Commission two areas of responsibility relating to the Royal Prerogative of Mercy. One is to recommend the use of the Royal Prerogative where the Commission sees fit. The other is to respond to requests from the Secretary of State in relation to the use of the Royal Prerogative. The Commission has rarely had reason to use the powers available to it under this section of the Act and had no cause to do so in 2018/19.

Cases referred to the appeal courts in 2018/19

Neil Secker

Mr Secker appeared at Norfolk Crown Court in September 2016, charged with five counts of sexual assault against the same person. He pleaded not guilty to all. The jury convicted him of three counts, and he was sentenced to four and a half years' imprisonment. His application for leave to appeal against the conviction was refused.

Subsequent to Mr Secker's trial and application for permission to appeal, Norfolk Police investigated the complainant for suspected perverting the course of justice. This was because a new witness had approached the police to say that the complainant had discussed the case in a way which contradicted her trial evidence.

Although, in the event, the complainant was not prosecuted for perverting the course of justice, the Commission considers that her alleged comments to the new witness were of potential significance to Mr Secker's case.

The Commission has interviewed the new witness, taken a further witness statement from her, and considers her to be credible. The Commission has also obtained written comment from trial defence counsel regarding how she would have deployed the new information which has come to light, if it had been available at trial. Counsel states that she was unaware of the information at the time of trial, but if she had been aware she would have deployed it in cross-examination of the complainant. Counsel's opinion is that the information would have

damaged the complainant's credibility, and that it would have been capable of affecting the verdicts.

The Commission takes the view that the new witness information significantly undermines the complainant's credibility and reliability. The Commission concludes that the new witness information gives rise to a real possibility that the Court of Appeal will find Mr Secker's conviction to be unsafe.

Gordon Park

Gordon Park was convicted in January 2005 of the murder of his first wife Carol Park on or about Saturday 17 July 1976, by several blows to her face with a heavy blunt object with a sharp edge, causing death by upper respiratory obstruction. He was said to have bound her body with ropes and packaged it within bin bags, a rucksack and a stitched pinafore dress, before depositing it from a boat in Coniston Water, where it remained for twenty-one years until it was raised by amateur divers in 1997.

Mr Park appealed against his conviction, but his appeal was dismissed in 2008. In January 2010, he committed suicide in his cell at HMP Garth. In November 2010, members of Mr Park's family applied to the Commission on his behalf.

The Commission is able to review a conviction or sentence posthumously, provided that the review has the support of someone who will be 'approved' by the Court for the purpose of bringing an appeal. An approved person must fall within one of the following categories:

- a. the widow or widower;
- b. the 'personal representative' (within the meaning of the Administration of Estates Act 1925, s. 55(1)(xi)); or
- c. any other person appearing to the Court to have, by reason of a family or similar relationship with the dead person, a substantial financial or other interest in the determination of the appeal.

An application to the Court for such approval must normally be brought within one year of the individual's death, but this time limit does not apply in respect of Commission referrals (Criminal Appeal Act 1968, s44A).

The Commission's extensive and detailed review has considered numerous issues and lines of enquiry and involved several visits to Cumbria, interviews with multiple witnesses old and new, the use of cutting edge DNA testing and the investigation of multiple potential alternative suspects.

During the review we used our section 17 powers dozens of times to obtain material from the Forensic Archive, seven individual police forces, the courts, the Crown Prosecution Service, prison authorities, the Probation Service, and a number of other government agencies and public bodies.

Mr Park's conviction was referred to the Court of Appeal in October 2018 on the basis that a real possibility

arose from the cumulative effect of a number of matters including:

- the non-disclosure of expert opinion undermining the consistent implication by the prosecution that Gordon Park's climbing axe, Exhibit 1 at trial, could be the murder weapon.
- the non-disclosure of information undermining the reliability of a prosecution witness who gave evidence of a prison confession.
- new scientific evidence showing that Gordon Park was not a contributor to DNA preserved within knots of the rope used to bind Carol Park's body.
- renewed relevance of expert evidence, presented for the appellant at the first appeal, that a rock found in the lake near Mrs Park's remains could not specifically be linked to rocks at Bluestones (the Parks' home).

Ismail Abdurahman

Mr Abdurahman was convicted in February 2008 of assisting an offender and failing to disclose information about acts of terrorism.

The charges related to the attack on the London underground on 21 July 2005 in which three devices were detonated but each failed to explode.

Four men, Hussein Osman, Muktar Ibrahim, Yassin Omar and Ramzi Mohamed were all convicted of conspiracy to murder and sentenced to life imprisonment with a recommended minimum term to be served of 40 years.

At a separate trial at Kingston Crown Court, Mr Abdurahman was prosecuted as one of a group of people said to have given active assistance to the bombers.

Mr Abdurahman pleaded not guilty but was convicted and sentenced to a total of ten years' imprisonment. He appealed and his sentence was reduced to eight years, but his appeal against conviction was dismissed.

Mr Abdurahman had applied unsuccessfully to the CCRC in 2009.

Mr Abdurahman applied to the Grand Chamber of the European Court of Human Rights ("ECtHR") which found that Mr Abdurahman's Article 6 rights were breached by the way in which he was dealt with by the police when interviewed as a witness and that the UK Government failed to demonstrate why the overall fairness of the trial was not irretrievably prejudiced by the decision not to caution him and to restrict his access to legal advice.

Having conducted a detailed review of the case, the Commission has decided to refer the case to the Court of Appeal because it considers there is a real possibility that the Court will now quash the conviction. The referral is based on new evidence in the form of the judgment of Grand Chamber of the ECtHR which concludes that Mr Abdurahman's trial was "irretrievably prejudiced".

The ECtHR decision, in our view, raises a real possibility that the confession statement will now be regarded by the Court of Appeal as inadmissible. The admission into evidence of the confession statement prejudiced the remaining case against Mr Abdurahman and the manner in which his defence was conducted thereafter.

It is arguable that without his confession statement the case against Mr Abdurahman is not compelling. The CCRC has therefore decided that there is a real possibility that the Court of Appeal would now quash Mr Abdurahman's conviction because:

- The breach of his Article 6 rights as determined by the ECtHR. This decision does not come within the special circumstances allowing the domestic court not to take account of the same;
- Without the confession and the prepared statement the remaining circumstantial evidence against him would not support a conviction.

Asylum and Immigration Cases

In the last reporting year, the Commission referred a number of convictions falling into the category of "asylum and immigration" cases; several more such referrals made in previous years were heard in Court during 2018/19. This continues, albeit at a reduced rate, the line of asylum and immigration referrals that has been discussed at some length in Commission annual reports of recent years.

A significant number of these relate to convictions under s2(1) of the Asylum and Immigration (Treatment of Claimants) Act 2004 where applicants, upon receipt of incorrect legal advice, pleaded guilty in the magistrates' court.

The applicants had arrived from various countries including Iran, Iraq, Pakistan, Syria and Zimbabwe and following their guilty pleas spent short spells in custody. All have since been granted leave to remain in the UK.

As they pleaded guilty in the magistrates' court, there is no right to appeal so their only recourse lied with an application to the Commission.

The referrals to the Crown Court were made on the basis that the applicants could not have made an informed choice as to plea, as the Commission had established that the legal advice they had each received was incorrect. In each case, the applicant had not been informed they were entitled to rely on the statutory defence available to them under section 2 (4) of the Asylum and Immigration (Treatment of Claimants) Act 2004. This section provides that an individual is not guilty of an offence if they have a reasonable excuse for not having a travel document.

- iv. upon reviewing each of these cases, the Commission concluded there was a statutory

defence available to each applicant that probably would have succeeded;

- v. s/he did not make an informed choice as to plea because the legal advice s/he received was incorrect;
 - vi. in the particular circumstances of his case, the court should, in any event, have stayed the prosecution as an abuse of process;
- and consequently:
- vii. it would be an affront to justice to allow the guilty plea to stand.

In most cases, the Commission has not publicly named the applicants due to the nature of their cases.

One case where we have named the applicant, with his consent, was Sleman Shwaish. Mr Shwaish is a Syrian national. He made a claim for asylum on arrival in the UK but did not have a passport or any other form of valid immigration document. He was convicted of failing to produce an immigration document at an asylum interview contrary to section 2(1) and (9) of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 ("the 2004 Act"). Mr Shwaish was subsequently granted leave to remain in the UK, as it was accepted that his life would have been at risk if he returned to Syria.



Although officers' credibility was explored at trial, we were able to challenge it with reference to modern standards of fairness...

The Commission interviewed Mr Shwaish, and he provided a signed waiver allowing the Commission access to his defence file from his magistrates court proceedings, and it

became clear that Mr Shwaish had not been properly advised of a defence that was available to him, as described above. Upon referral, the decision was quashed in the Crown Court.

Northern Ireland Referrals

Michael Devine

This is a Troubles case centring on police misconduct, modern standards of fairness and fresh evidence including forensic linguistics.

The key evidence against Mr Devine was admissions that he was said to have made to two police officers in a series of pre-PACE interviews: he had no solicitor, no appropriate adult and there was no audio or video recording. He signed no documents but did complain to two doctors that the interviewing detectives were writing statements that he was not making.

Although officers' credibility was explored at trial, we were able to challenge it with reference to modern standards of fairness and evidence of other serious allegations being made. It is notable that we issued a Provisional Statement of Reasons and altered our approach following further representations.

The case also involved liaising with the States of Jersey Police (SOJP), which was interesting as our powers do not extend to the Channel Islands. SOJP were however cooperative and keen to assist 'in the interests of justice' and the Commission is grateful for their assistance.

Analysis of selected referrals decided by the appeal courts in 2018/19

The cases analysed here all relate to murder convictions where joint enterprise was used to convict various parties. As discussed on page 16, the Commission has seen an increase in applications relating to joint enterprise following the Supreme Court's decision in *R v Jogee* and others [2016] UKSC 8. The appeals in three such cases referred by the Commission were decided at the Court of Appeal this year and are worthy of note.

Kyrone Daley

On 16 April 2013, at the Central Criminal Court, Mr Daley and his co-defendant, Sanchez Thomas, were convicted of the murder of Mr Umar Tufail. Mr Daley was sentenced to custody for life, with a minimum term of 22 years.

The background to the case was that on Sunday 15 July 2012, Umar Tufail was sitting alone in the driver's seat of his car parked outside his home. A second car drew alongside. It was driven by Mr Daley's co-defendant. Mr Daley was the front seat passenger. A shot was fired through the open front passenger window of the second car, hitting Mr Tufail in the head. The emergency services attended and Mr Tufail was taken to hospital, where he died the following day.

The prosecution alleged that the defendants had followed the victim's car and that the shooting was an execution, carried out in furtherance of an ongoing dispute between two rival gangs.

At trial Mr Daley denied any knowledge of the gun, or of his co-defendant's intention. In convicting Mr Daley of murder, the jury must have been sure that Mr Daley knew of the gun and, at least, foresaw that his co-defendant might commit murder by firing the gun.

Mr Daley appealed against his conviction, but the appeal was dismissed by the Court of Appeal on 16 July 2015.

Mr Daley applied to the CCRC in November 2015. Shortly after Mr Daley applied to the CCRC, the Supreme Court delivered its decision in the cases of *R v Jogee*; *Ruddock v The Queen* [2016] UKSC 8 (*Jogee*).

Having considered the case in the light of *Jogee*, and the subsequent Court of Appeal decision in the case of *R v Johnson & others* [2016] EWCA Crim 1613 (*Johnson*) the CCRC decided to refer Mr Daley's murder conviction to the Court of Appeal because it considers there is a real possibility that the Court will quash the conviction.

The CCRC's referral was based on the change in the law in relation to the liability of secondary parties brought about by the judgment in *Jogee* and elaborated in *Johnson*, and on the basis that the Court of Appeal could conclude that to uphold Mr Daley's conviction for murder would amount to a 'substantial injustice'.

Subsequently the Court of Appeal dismissed the appeal. In their judgment, they identify the factors which can safely be inferred from the jury's verdicts, namely:

- Daley voluntarily joined Thomas in the grey Corsa.
- At the time he did so he knew that Thomas had with him an illegal, loaded gun, for it would not amount to possession if the jury concluded that Daley simply found out about the gun while on the journey in the car.
- Daley continued to remain with Thomas, knowing he had an illegal, loaded gun, and supported or encouraged him in the possession of the loaded gun by remaining with him as they journeyed from Unity Close, ending at Wharncliffe Road, despite having opportunities to leave the car had he wished to do so.
- At the time he did so, Daley knew there was a realistic possibility that Thomas might commit murder by firing the gun.

The Court observed that "The knowing possession of the loaded gun in these circumstances means the inference of participation with, at least, an intention to cause really serious harm arise is very strong.", and went on to note that "Murder was therefore in the scope of the plan to which Daley gave his assent and intentional support. To put it another way, he joined a criminal enterprise which encompassed the use of the loaded gun with the requisite intent for murder should the occasion to do so arise".

The Court concluded: "it follows that this is not a conviction where the high threshold for demonstrating substantial injustice has been met. We are not satisfied that Daley has shown a strong case that the change in the law would in fact have made a difference to the jury's verdict". Noting the care that the Commission had given the referral, the case was dismissed.

Laura Mitchell

In last year's annual report, the referral of Laura Mitchell's conviction for murder was discussed in some detail. In summary, the judgment in *R v Jogee*, *Ruddock v The Queen* [2016] UKSC 8, [2016], and its subsequent interpretation in *R v Johnson and others* [2016] EWCA Crim 1613 potentially cast the safety of joint enterprise based convictions in to doubt.

Laura Mitchell was convicted after a trial of the joint enterprise murder of Mr A. whilst Ms Mitchell did not strike the fatal blow – nor was she present at the scene – she did play a significant part in the build-up and was involved in violence directed at Mr A.

On 18 February 2016, in *Jogee*, the Supreme Court changed the law of joint enterprise. In *R v Johnson and others* a number of appellants sought to apply the new law to their cases. One of the 'others' was Laura Mitchell's co-accused, Michael Hall.

The court concluded that the argument that if the law as set out in *Jogee* had been explained to the jury, Mr

Hall would not have been convicted of murder, was not sufficiently strong to call into question the safety of his conviction. The court refused Mr Hall's application.

The CCRC has concluded that there is a real possibility that the Court of Appeal will find that Ms Mitchell's case can be distinguished on its facts from that of her co-accused, Michael Hall, in relation to whom the Court of Appeal has already determined in *Johnson and Ors* that the jury would have been entitled to infer the requisite conditional intent.

The CCRC has concluded, further, that there is a real possibility that the Court of Appeal will find that there would be a substantial injustice if Ms Mitchell's conviction was not quashed.

In a judgment dated 14th November 2018, the Court of Appeal dismissed the application. The Court concluded that Ms Mitchell's position could not be distinguished from Mr Hall's.

In considering the level of foresight held by Ms Mitchell, the court observed:

Although there was a lull in the violence, the joint enterprise to punch and kick continued (after the weapons were collected) and the jury found she was still a party to it. Mr Ayres was punched and kicked to death. The appellant foresaw the possibility of grievous bodily harm of this kind being caused with intent yet did not withdraw from the enterprise. She was therefore involved throughout in one joint enterprise to use significant violence and it led to a man's death. On those facts, the evidence of her foresight was strong evidence of her conditional intent that grievous bodily harm would be caused.

Commenting on the judges flawed directions in light of *Jogee* the Court said:

The judge's directions were undoubtedly flawed in one important respect and the approach of the court on the last occasion similarly flawed, but we infer from the jury's factual findings that Jogee compliant directions would not have made a difference. The appellant had the necessary conditional intent. On those facts, there would be no substantial injustice in refusing the appellant exceptional leave.

Jordan Towers

Mr Towers and his co-defendants' convictions arose out of incidents on 19 May 2007 when Mr Kevin Johnson was fatally stabbed during an altercation outside his home in Sunderland. A few minutes later another man, Mr Jamie Thompson, was also stabbed during an altercation but his injuries were not life-threatening.

Mr Towers was 16 years old when he was tried in October 2007 for murder and for wounding with intent to cause grievous bodily harm. He and two co-defendants were tried on the basis of joint enterprise.

He pleaded not guilty but was convicted of both charges and sentenced to be detained at Her Majesty's Pleasure with a minimum custodial term of 13 years. The sentence

reflected Mr Towers' age at the time. Mr Towers tried to appeal against his conviction but his application for leave to appeal was refused by the full court in July 2008.

Mr Towers applied to the CCRC in 2009 and 2013 but in spite of extensive consideration of the case, the Commission was unable to identify grounds on which it could refer the convictions for appeal.

Mr Towers applied again in 2015. In February 2016, while the case was under review at the Commission, the Supreme Court made its decision in the cases of *R-v-Jogee; Ruddock v The Queen* [2016] UKSC 8. Following this change in the law, Mr Towers' representatives made new submissions to the Commission.

Having considered the case in light of *Jogee*, and *R-v-Johnson & others* [2016] EWCA Crim 1613 (Johnson) the Commission decided to refer Mr Towers' murder conviction to the Court of Appeal because it considers there was a real possibility that the Court would quash the conviction.

This referral was made on the basis that if jury were now correctly directed on the murder count they would now have to be sure, at least, that Mr Towers:

- was in fact a participant, in that he assisted or encouraged the commission of the crime – by, for example, contributing to force of numbers; and
- intended to encourage or assist the principal to commit wounding with intent to cause really serious harm.

Having considered the relevant evidence and material, the CCRC concluded that there are sufficient factors in Mr Towers' case in relation to the murder count to significantly weaken the safe inference of an intention on his part to cause really serious harm or to encourage or assist the principal to cause really serious harm with intent to do so.

On the 20th February 2019, the Court of Appeal upheld the conviction. In considering the case as a whole, they noted that Mr Towers had involved himself in a joint enterprise knowing that he and his co-adventurers were armed. Additionally, he took part in the attack by lifting and throwing a paving slab at Mr Johnson when two others were or had been attacking him. Third, he went on, with the intention of causing grievous bodily harm, to involve himself in the attack on Thompson whether by attracting his attention, encouraging or otherwise. As such, the Court found that the test of substantial injustice was not met, commenting that: "As *Jogee* makes clear (at [100]), the error identified in the law of joint enterprise was one of legal principle: it does not follow that it will have been important on the facts to the outcome of a trial or the safety of a conviction". The Court specifically noted that the fact that the application "has not prevailed does not diminish the importance of [the Commission's] work either in general or, indeed, in this case."

It is clear to the Commission that the Court of Appeal has set a high bar when interpreting what may be considered

a substantial injustice. In all three of the cases highlighted, the Court has taken into consideration the individual facts of the case, and the conclusions that must have been reached by the jury. Balancing these factors against the potential misdirection and consequences of *Jogee* is something which the Commission must strive to do when considering whether there is a real possibility the Court would find the conviction unsafe. This new body of case law assists in that respect, but it is clear that the bar is remarkably high.

In Mitchell, the Court specifically took a view of the entire incident, disagreeing with the suggestion that each confrontation was in fact a separate matter. In Towers, the Court looked at the specific facts of the case when assessing foresight and the level of involvement; in appropriate cases the facts will speak for themselves and the legal principles will not necessarily affect the safety of the conviction.

Judicial Reviews 2018/19

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. If a decision taken by the CCRC is successfully judicially reviewed, the Administrative Court can require us to revisit the decision in question.

During the year 2018/19 the Commission was the subject of a total of 30 challenges.

In 23 cases, correspondence was exchanged under the established pre-action protocol for judicial review, but in seven cases applicants chose not to follow the protocol and opted instead to issue claims directly.

Out of the 19 cases that issued proceedings during the year, 12 have now concluded having been refused permission. Two of these claims were considered to be 'totally without merit'.

One case was granted permission by the Court but was successfully defended at a substantive hearing and the claim was dismissed. The Claimant's subsequent application seeking a certificate from the High Court for an appeal to the Supreme Court was also refused.

A number of claims received in 2017/18 have been concluded this year. In two cases, the Claimants' have made applications to stay proceedings and so these are pending. Eleven cases were refused permission. Three cases were granted permission but have been successfully defended at substantive hearings and the claims dismissed.

In one case, that of the well-known joint enterprise murder conviction of Jordan Cunliffe whose case was heard in March 2019, the Claimant's application to the Supreme Court was also refused in April 2019.

The CCRC conceded one claim, and agreed to reconsider the case following the granting of permission at an oral renewal. The Court provided detailed reasoning, and the Commission agreed to look again at the review, rather than contest the matter in a full hearing. The review remains ongoing.

Shortly after the end of the reporting year at a hearing of the Administrative Court sitting in Birmingham on 30th April 2019, the Commission agreed part way through the proceedings to re-open the case in question, that of several members of the Shrewsbury 24, in order to reconsider two specific issues. The Court also required the Commission to pay the claimant's cost which will be decided in due course.

Complaints to the Commission and feedback from applicants

The Commission operates a formal complaints process whereby our Customer Service Manager looks independently and carefully into each complaint received. She decides whether or not to uphold a complaint and if a complaint is upheld, has the power to recommend redress and remedial action if necessary.

If a complainant is not satisfied with the outcome of their initial complaint, there is a second stage to the process where someone else will consider how the complaint was originally handled. The Formal Memorandum on the Complaints Procedure available at www.ccrc.gov.uk sets out the process in detail.

During 2018/19 we received a total of 58 complaints. This represents an eight percent decrease on the previous year when 63 complaints were received. The 58 complaints in 2018/19 came from 58 individuals.

As in previous years, complainants' convictions this year covered a wide range of offences from murder to motoring offences. This year the largest identifiable category of convictions was sexual offences. Complaints were made in relation to both conviction and sentence.

The (mean) average time we took to acknowledge a complaint in 2018/19 was six working days; four days better than our target of ten days but two days longer than the average time to acknowledgement last year.

We then aim to provide a substantive response to the complaint within 25 working days. That target was met exactly in 2018/19 whereas in 2017/18 the average time to substantive response was ten days.

In 2018/19 a total of five complaints moved to the second and final stage of the complaint procedure. This number represents a return to the long-term norm after an exceptional year in 2017/18 when no complaints moved to the second stage.

The Commission considers a complaint to be upheld if any aspect of the conduct of the case complained about is found to have been deficient, regardless of whether that deficiency affected the outcome of the case.

During 2018/19, the Complaints Manager upheld a total of 14 complaints (24%). This represents an increase on the previous year when five complaints (eight per cent) were upheld. The 14 upheld complaints include a single complaint which was partially upheld at stage two of the complaint procedure. The single largest cause for a complaint being upheld in 2018/19 was unacceptable delay in the casework process; this accounted for half of the upheld complaints.

No cases needed to be reopened in 2018/19 as a result of a complaint being upheld. An apology was the usual form of redress offered in most upheld complaints.

Any allegations that the Commission has acted in a prejudicial manner against an applicant is taken very seriously and recorded separately in the complaints register. In 2018/19, four (seven percent) complainants raised issues concerning equality and discrimination. This is a decrease from the previous year where nine (14%) complainants raised concerns of this nature. None of the complaints raising discrimination as an issue were upheld in 2018/19.

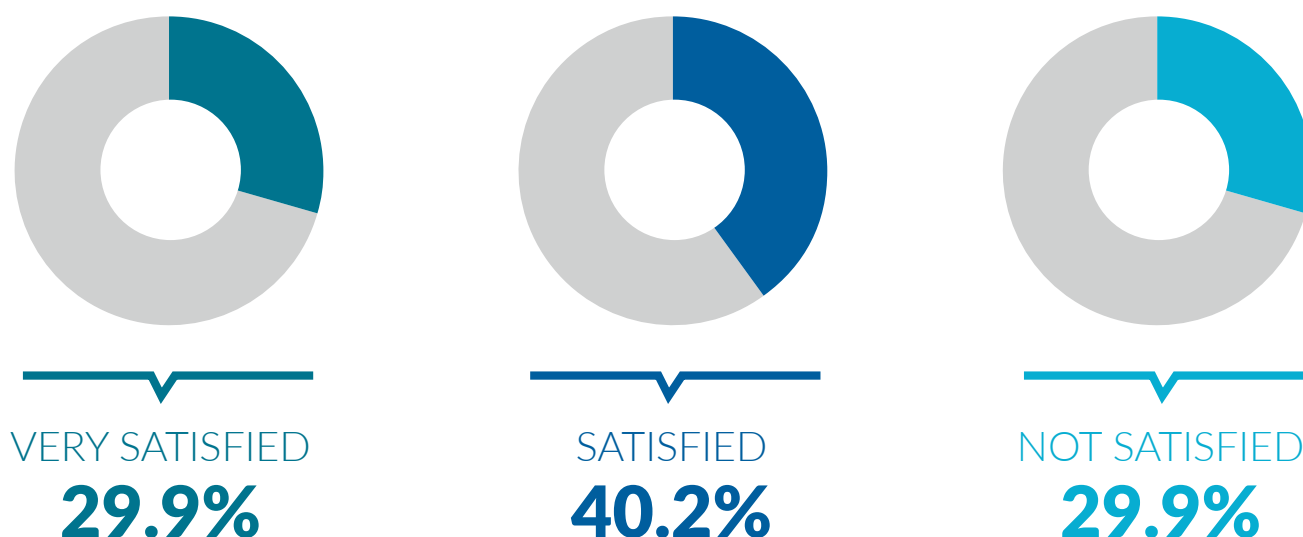
Feedback from applicants

The Commission has for several years gathered and recorded information from feedback forms voluntarily completed by applicants at the end of the case review process. In 2018/19 we have for the first time set

ourselves a specific performance indicator aimed at increasing levels of applicant satisfaction measured in this way.

Applicants are invited to answer a series of multiple-choice question on their level of satisfaction in seven areas: how easy it was to find the CCRC; how easy it was to apply; how well they thought we understood their case; how well we kept in touch, how well they felt they understood what we were doing with their case; how well we explained our decision, and how they felt about the time it took us to deal with their case.

Respondents can choose to express satisfaction, neutrality or dissatisfaction. During 2018/19, a total of 98 applicants returned feedback forms and between them answered 686 questions; 70.1% of respondents gave a positive response (i.e. good or very good). The results, reported here for the first time in an annual report, for 2018/19 are illustrated below.



Equality and Diversity

The Commission has for some years gathered data on the applications we receive broken down in terms of a number of equality and diversity categories such as by age, gender and ethnicity group. We gather the information anonymously in a section of the CCRC application form which is detached and stored separately before the merits of the case are considered.

Our purpose in doing this is to keep track of how closely, or otherwise, the applications we receive reflect in terms of equality and diversity the demographics of the prison population. Our assumption is that, given that in most years around 80% of applications are received from individuals in custody, it would be reasonable to expect a more or less close match in terms of proportions of applications falling into the various categories we monitor. Our aim, where possible, is to adjust our prison focussed communication work to try to counter any surprising and unexplained results in terms of proportionate representation of any group in our case intake.

The internal report on Equality and Diversity is detailed and too long to report in this Annual Report and Accounts. However, we intend from Summer 2019 to publish on our website at www.ccrc.gov.uk regularly updated detailed information about equality and diversity matters in relation to CCRC applications.

In summary, applications to the Commission broadly reflect the prison population in terms of gender and ethnicity. Young people continue to be under represented as a proportion of CCRC case intake; this has been a persistent theme as has been discussed in annual reports of recent years.

Over the last two years we have seen an aggregated increase of 24.5% (184 in 2016/17 to 229 in 2018/19) in the number of applicants who identify themselves as having a disability. Difficulty in finding comparable figures for the wider justice system make direct comparison problematic. Work continues in this area but our tentative conclusion is that our figures do not suggest that people with disabilities are being discouraged from applying.

Resources

Our People

During 2018/19, the Commission recruited externally for five Case Review Managers (two on permanent, and three on fixed term contracts). The posts became vacant as a result of internal promotion and staff departures.

A new Chairman was recruited by the Ministry of Justice as a result of the end of the appointment of Richard Foster. We recruited two human resource officers as replacements due to a vacancy from 2017/18 and a retirement during 2018/19. During the year we also recruited three casework administrators (two on permanent, one on a fixed term contract) and one Administration Assistant in the Business Information Team.

A Temporary Team Leader position in the Business Information Team was filled via internal promotion, following an application and interview process.

As a result of the success of our relationship with the Kalisher Trust since 2011, and the high calibre of the interns that have worked with us as a result of that collaboration, we launched our own separate CCRC internship programme in 2016/17. Once again we have continued that programme and during 2018/19 we appointed three CCRC interns on 12 month contracts.

The Commission has continued to operate its Apprentice Scheme and during 2018/19 recruited one apprentice to the Records Management Team.

During 2018/19, five Commissioners left the Commission, having completed their fixed term appointments. Six new Commissioners joined the Commission early in 2019/20.

Full details of the position regarding Commissioners and Non-executive Directors can be seen in the Director's Report on page 33 of this report.

Our IT systems

The work of the Commission depends upon the existence of a highly secure and stable IT environment. We achieve this through a small in-house IT team which has maintained greater than 99.8% system availability over the course of the reporting period.

The main work during 2018/19 consisted of the roll-out of new desktop hardware, allowing the removal of unsupported operating systems (WinXP); the replacement of the +10-year-old network hardware and the purchase of a new Remote Access Solution enabling a more user-friendly home and remote working experience.

These upgrades ensure the ongoing security of the IT infrastructure and provide the opportunity to the CCRC to implement its longer term IT strategy of enhancing the benefits of recent developments in IT technology and digital security to facilitate further improvements.

Records Management

Our Records Management Team is responsible for obtaining and managing the flow of documents and other material that is fundamental to the Commission's ability to perform its casework function.

How we manage that material is subject to legislation including the Data Protection Act 2018 and the Freedom of Information Act 2000 as well as the Public Records Acts of 1958 and 1967. We act in accordance with the provisions of those Acts, and in consultation with the National Archives, in the way we create, manage and retain or destroy records. During 2018/19, we updated our retention and disposal policy which sets out how we will manage the electronic and paper records in our possession¹⁵. Several members of staff studied for and passed examinations relating to the General Data Protection Regulation (GDPR) and Data Protection Act 2018 as part of the ongoing measures taken by the Commission to meet the requirements of the GDPR and Data Protection Act 2018.

Applicants' advice line

The Commission operates a telephone helpline so that applicants, potential applicants, their lawyers or supporters, can call and speak to one of our Case Review Managers about matters relating to an application they are thinking of making or have already made.

In 2018/19 staff handled 261 calls to the advice line. They came from applicants and potential applicants in custody and at liberty as well as from family members, supporters and legal representatives. Calls covered a wide range of issues from murder to motoring offences.

The Commission invests a significant amount of time and effort into the provision of the telephone line. We do so because we consider it worthwhile to help potential applicants make informed decisions about questions such as whether they should apply to the Commission or, if appropriate, approach an appeal court instead.

Financial Resources and Performance

The Commission is funded 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, which are divided into three categories. The Resource Departmental Expenditure Limit (RDEL) covers most cash expenditure, but also includes depreciation; Resource Annually Managed Expenditure (RAME) covers movements in provisions and interest on pension liability; and Capital DEL (CDEL) is for expenditure on non-current assets that are capitalised. Financial performance is 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

¹⁵ The CCRC Retention and Disposal Policy can be found in the corporate publications section of the CCRC website.

payments arising do not form part of the DEL or AME control totals.

For 2018/19, the Commission received a delegated Resource DEL budget, excluding notional costs, of

£5.083 million and a CDEL budget of £125,000. The Commission has received a firm budget for 2019/20. The table below shows a comparison of budget figures for the current year, the previous year and the following year.

	2017/18 £000	2018/19 £000	2019/20 £000
Fiscal RDEL	5,244	5,083	5,684
Non-cash RDEL	150	200	250
RDEL total	5,394	5,283	5,934
RAME	258	258	258
CDEL	205	125	500
TOTAL	5,857	5,666	6,692

The cash Grant in Aid received from the Ministry of Justice is drawn in accordance with government accounting rules such that it is to be drawn only when needed, and the Commission forecasts its cash requirement on a monthly basis. By drawing down only 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 £149,000 (2017/18 £53,000).

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 by more than 2.5%.

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

Excluding notional costs:

	2018/19			2017/18		
	Actual £k	Budget £k	(Under)/over £k	Actual £k	Budget £k	(Under)/over £k
Fiscal DEL	5,073	5,083	(10)	5,107	5,244	(137)
Non-cash	191	200	(9)	132	150	(18)
RDEL	5,264	5,283	(19)	5,239	5,394	(155)
RAME	326	258	68	186	258	(72)
CDEL	125	125	0	126	205	(79)
Total	5,715	5,666	49	5,551	5,857	(306)

In 2018/19, the Commission's actual expenditure against the RDEL total was £5.264 million and 0.5% less than the budget allocation. The main contributor to the under spend was lower staff and Commissioner pay costs. This arose from longer than anticipated timescales to fill vacancies. Spending also represented an increase of less than 0.5% when compared to the previous year, with an increase in depreciation being covered by a decrease in other costs.

During the year, the Commission managed to spend all of its capital allocation. The focus being on upgrading IT equipment and completing the implementation of our new casework management software.

Expenditure shown above excludes notional costs. Notional expenditure is included to ensure that the financial statements show the true cost of the Commission's operations. It is expenditure 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 £709,000 to £752,000 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 2017/18 that caused the apparent increase in 2018/19.

The notional costs are included in the Statement of Comprehensive Net Expenditure in accordance with the Financial Reporting Manual. There is an equivalent reversing entry in the Statement of Changes in Taxpayers' Equity. Full details are given in notes one 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 55: as follows:

	2018/19	2017/18
	£000	£000
Resource DEL	5,264	5,239
Resource AME	326	186
Total resource expenditure	5,590	5,425
Notional expenditure Note 18	752	709
Net expenditure after interest	6,342	6,134

The accounts for the year ended 31 March 2019 are set out on pages 55 to 73.

The Statement of Comprehensive Net Expenditure on page 55 shows total comprehensive expenditure for the year of £6.239 million (2017/18 - £5.830 million). Staff costs have only increased by £18,000 compared with the previous year. Other expenditure has increased by £165,000. However, the largest contributor to the increase in expenditure year on year was the movement due to actuarial revaluation of pension provisions, which resulted in a lower gain of £103,000 compared to the gain of £304,000 in 2017/18.

By far the largest item on the Statement of Financial Position is the pension liability arising from the Commission's commitments to former Commissioners for the by-analogy pension scheme. For those former Commissioners entitled to this benefit, the Commission

has to reflect the change in liabilities relating to interest 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. This meant that as those Commissioners entitled to pension benefits reached the end of their respective terms, the current service cost reduced. 2016/17 was the final year in which any service cost needed to be recognised because the final three Commissioners to whom pension entitlements existed retired part way through that year. The service cost in 2018/19 was therefore £0. The interest (unwinding of the discount) contributed to an increase in the liability, but was more than offset by benefits paid. The liability was further decreased by an actuarial gain of £103,000 (gain in 2017/18 of £304,000). Overall, the liability decreased by £225,000 in the current year.

The Statement of Financial Position on page 56 now shows overall net liabilities of £6.136 million (2017/18 £6.128 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 covered further in the Accounting Policies note on page 59.

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:

	2018/19		2017/18	
	£000	Number	£000	Number
Total invoices paid in year	1,291	968	1,548	1,002
Total invoices paid within target	1,282	962	1,522	992
Percentage of invoices paid within target	99.3%	99.4%	98.3%	99%

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



With some 70% of our applications coming from people in prison, a number of our activities are aimed at reaching the prison population with accurate, useful information about who we are and what we do.

Corporate

CCRC and its stakeholders.

While the CCRC is fundamentally a caseworking organisation whose core purpose is to review our applicants' cases and to refer appropriate ones to the appeal courts, we do not conduct that activity in isolation. Indeed that work involves the Commission in relationships with a wide range of stakeholders including potential applicants and their representatives, campaigners, academics and students, lawyers and other agencies and organisations in the justice system. The Commission tries always to engage with its stakeholders in a constructive way and enjoys interesting relationships with many.

Through a varied programme of activities and events we aim to raise awareness and increase understanding of our work and to share our knowledge and experience with those interested.

In prisons

With some 70% of our applications coming from people in prison, a number of our activities are aimed at reaching the prison population with accurate, useful information about who we are and what we do.

We worked closely with National Prison Radio (NPR) to produce a prison radio campaign which was broadcast in nearly all prisons in England. The programmes in 2018/19 aired for the first time in April and were repeated frequently until the end of June.

Evidence gathered by NPR suggested that the broadcasts had helped lead to an increase in applications from under-represented groups such as young people and women. The proportion of "no appeal" cases also

dropped (the need for most people to have appealed before applying was a key message in the campaign). The encouraging results persuaded us to repeat the exercise with new CCRC content in summer 2019.

We have also continued in the last year to produce an article every second month for the prison newspaper Inside Time. These articles try to deal with matters that we know, through experience, through questions put to us by those in prison, and through the assistance we receive from the editorial team at Inside Time, are likely to be of interest to serving prisoners.

During the year we also re-edited existing CCRC film footage in order to cost effectively produce a 30-second film about the role of the CCRC in the areas where family members and others wait before visiting prisoners. Initially the film was being shown in the North East prisons of HMP Frankland, HMP Durham, HMP Northumberland and HMP Holme House. The initiative was later extended to cover six prisons in the North West; HMP Liverpool, HMP Wakefield, HMP Manchester, HMP Kirkham, HMP Lancaster and HMP Hindley.

Our staff often visit prisons in order to see applicants. The Commission also organises specific visits to prisons so that our staff can meet and speak to prisoner and prison staff to raise awareness about the work we do. Among a number of such visits in 2019, Commission staff visited HMP Oakwood (UK's largest prison). The new Chairman attended this meeting in November 2018. As well as meeting a number of potential applicants, they also met again with the Your Consultation Group (YCG) which is a group of legally qualified prisoners who provide help for fellow prisoners on legal matters. YCG have been very impressive and the Commission has in recent years

engaged with the group in a number of matters regarding our communications in prisons.

We have continued to be involved in the digital hub pilot project running in HMPs Berwyn and Wayland and are grateful for feedback provided by prisoners in relation to the content we are making available through the hub. The spread of digital services for prisoners must be inevitable at some point in the future. From the Commission's viewpoint, when it does come it will afford an opportunity for us to provide quality information and guidance to potential applicants and may eventually provide an appropriately secure way for those in prison to make applications and submissions to us. There would be clear benefits in that not only for the Commission but also for potential applicants in custody.

In November 2018 we set up a new local rate telephone number for the Commission. We did so with applicants in custody very much in mind as the new number means that calls from landlines are charged at local call rate no matter where the call emanates from within the UK. The number is 0300 456 2669.

Changes to our Easy Read Application form

Since 2012 the Commission has received almost all applications made on the Easy Read form that we created to improve access to the Commission for people who may struggle with reading and writing in English. Since then we have amended the Easy Read application form in line with feedback from users and in response to changes within the justice system. This year we made some amendments to the form and to our guidance for applicants relating not only to changes to the law of data protection, but also to some procedural changes at the Court of Appeal. As a result the form now refers to a new leaflet called Help for Applicants produced by the Criminal Appeal Office for people considering making an appeal at first instance. We have done this in order to help people make the informed decisions on whether and how to contest a conviction or sentence and to reduce the number of no appeal applications in which we cannot help.

School Resource pack

The CCRC Schools Resource Pack went live in summer 2018 when the pack was made available, free of charge, via the Times Educational Supplement (TES) website. As reported last year, we developed the teaching resource for 11 to 14 year olds after Commission staff taught a successful module on criminal justice at a Tamworth School.

With the help of local teaching resource expert Emily Cotterill, we produced a comprehensive pack providing five hours of highly detailed citizenship lessons. In July 2018 we trialled the pack at Phoenix Academy, Sandwell, Birmingham, before making it available online. Since then the TES website records that the pack has been downloaded more than 46,000 times. Feedback left by users has been excellent and included the following comments: "This is a really interesting, detailed resource

with a great variety of activities to keep students engaged with the topic"; "Absolutely brilliant resources and extremely detailed scheme of work"; "Thorough, interesting range of resources, a brilliant resource..."

CCRC Lecture Series

In last year's annual report we reported the start of a CCRC lecture series. The aim of the lectures is to stimulate wider debate about important issues facing the CCRC and the criminal justice system more widely. The inaugural CCRC lecture was delivered in April 2018 by Sir Brian Leveson, Head of Criminal Justice in England and Wales, and President of the Queen's Bench Division. His lecture was called *The Pursuit of Criminal Justice*.

The second CCRC lecture in July 2018 was delivered by Felicity Gerry QC, who represented Ameen Jogee in the landmark joint enterprise case at the Supreme Court. Her address was called: *Joint Enterprise Appeals – have the Courts of England & Wales lost sight of justice?*

The third and final lecture of the year was given in October 2018 by the then Chairman of the Commission Richard Foster as a farewell address to mark his departure after serving ten years as Chairman of the Commission. As well as being something of a retrospective of Mr Foster's time at the CCRC, the speech also focussed on the enduring issue of non-disclosure in criminal cases and on the Commission's attitude towards it and our attempts to encourage other agencies to take action on the issue. This latter feature of Mr Foster's speech attracted some media coverage. The text of all CCRC lectures are made available via CCRC website.

All the lectures took place at University College London Faculty of Laws in London. We are very grateful to Professor Cheryl Thomas, Director of UCL's Judicial Institute, and Institute manager Maria Diaz who have generously hosted and organised, not only all three CCRC lectures so far, but also all meetings of the CCRC Stakeholder Forum.

Visits and visitors

A delegation of Taiwanese Judges led by Judge Shang-yu Lin visited the Commission in September 2018 on a fact-finding mission.

In October Commissioners David James Smith and Liz Calderbank spoke for the Commission at the annual United Against Injustice Conference in Liverpool.

Also in October, our Director of Casework Operations provided some practical guidance on Commission applications as part of a Law Society training initiative while other staff gave a presentation and case study-based workshop for students at Leicester University as part of Pro Bono week.

In January we hosted a visit from two well-known American lawyers, Steven Drizin and Laura Nirider who are the attorneys involved in series two of the Netflix programme *Making a Murderer* who were touring the UK making appearances related to the programme.

In February we hosted a visit from Japanese academics Dr Tomonobu Ishida and Professor Hiroyuki Kuzuno who have received the a grant from Japanese government for a project researching various systems in place around the world for reviewing alleged miscarriages of justice.

We were also happy to be able to assist the campaign group JENGBA (Joint Enterprise Not Guilty By Association) by hosting and contributing to a regional meeting at our offices in February.

We maintain a good working relationship with the Miscarriages of Justice Support Service (MJSS) which is a specialist service delivered by RCJ Advice (a part of Citizens' Advice). We were very pleased to be able to host a visit to the Commission in March 2019 from MJSS Chief Executive Alison Lamb and Chair Dame Ruth Runciman and other representatives of the organisation.

In November Commissioner Andrew Rennison gave evidence at the House of Lords Science and Technology Select Committee's enquiry into forensic science. This followed the CCRC's written submission prepared in response to the Committee's call for evidence.

Throughout the year we have continued to attend the meetings the Criminal Procedure Rule Committee. We have also been represented at the Forensic Science Regulator's Quality Standards Specialist Group and the Forensic Science Advisory Council.

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.

New Zealand

We have been pleased to assist those who are working towards establishing a Criminal Cases Review Commission type body in New Zealand. Since the government there announced its intention to create such a body we have hosted two visits to our offices in Birmingham for those tasked with bringing it about. The New Zealand Government introduced a Bill to establish a Commission which passed its first reading in October 2018. We watch with interest as their parliament goes through a process similar to the one followed here more than twenty years ago when the CCRC was created. We stand ready to assist them in any way we can.

Academic Research

The Commission's Research Committee exists to promote and manage serious independent academic research which uses Commission casework records to study matters relevant to miscarriages of justice and the wider justice system.

Significant progress has been made during the year on the Commission's ambitious aim to research the potential impact of changes to funding for legal aid in criminal cases on applications to the CCRC. Prof Richard Vogler, Dr Lucy Welsh, Dr Liz McDonnell and Dr Susann Wiedlitzka of Sussex University were awarded Economic and Social Research Council funding which was confirmed in September 2018 following completion of a scoping report using CCRC casework data. The in-depth qualitative and quantitative research will explore levels of legal representation, the quality of applications being made to the CCRC and the use of evidence in such applications. Since then members of the team have visited the Commission for further access to data relating to the research project. We intend to report any relevant findings to the appropriate public bodies and agencies as part of our aim to improve the criminal justice system and prevent miscarriages of justice.

The Court of Appeal and the Criminalisation of Refugees by Dr Yewa Holiday, Elspeth Guild and Valsamis Mitsilegas was also published during 2018/19. This piece of work was instigated by the Commission in order to better understand the fate



The Commission operates a formal complaints process whereby our Customer Service Manager looks independently and carefully into each complaint received.

of "no-appeal" applicants convicted of relevant offences and who applied to the CCRC after the Court of Appeal's decision in *R v YY and Nori* [2016] EWCA Crim 18. In December we hosted a special seminar to discuss the results of the research.

Also published during 2018/19 was a paper called *The Criminal Cases Review Commission: Last resort or first appeal?* by Professor Jacqueline Hodgson, Dr Juliet Horne and Dr Laurène Soubise of Warwick University. The project looked at the high number of applications to the CCRC from individuals who have not appealed their convictions or sentences (no appeal cases) before applying.

The results of both completed projects discussed above can be found on the research pages of the Commission's website along with other completed projects and information about the requirements and process for proposing an independent research project.

The year also saw the conclusion of perhaps the single most significant piece of independent academic research ever conducted at the CCRC. The project culminated in the February 2019 publication by Oxford University Press of *Reasons to Doubt Wrongful Convictions and the Criminal Cases Review Commission* by Professor Carolyn Hoyle and Dr Mai Sato.

The 383-page book is the result of a study over several years by Professor Carolyn Hoyle and her team from the Oxford University Centre for Criminology. They had access to CCRC casework files as well as to staff and Commissioners in order to conduct quantitative and qualitative research. Through in-depth analysis of case files and interviews the authors scrutinized the Commission's operational practices, its working rules and assumptions, considering how these influence its understanding of the real possibility test.

The Commission has welcomed the book as the most in-depth and significant independent academic study of CCRC's culture, working practices and decision-making.

Training and Knowledge Management

This year as in previous years the Commission has run a programme of in-house and external training to ensure that staff have up-to-date skills and knowledge.

In 2018/19 the Commission provided 21 internal and external formal training sessions most of which related mainly to casework and included disclosure, digital forensics, substantial injustice and joint enterprise and mental health awareness. Our in-house training sessions are now routinely recorded and made available via the intranet to staff who could not attend.

During the year, five members of staff involved in the Information Team dealing with requests for information made under data protection and freedom of information legislation studied for and passed examinations to obtain their Practitioner Certificate in Data Protection.

Sustainability

Since the Commission has fewer than 100 staff and occupies office space less than 1000m² it is exempt from the requirements to prepare a sustainability report pursuant to the Government commitment to "greening" the public sector. Also, because we occupy part of a multiple occupancy building where power, water usage and waste are not measured separately, it is impossible for us to produce meaningful sustainability statistics. The Commission does, however, provide recycling facilities in its office and tries itself, and encourages its staff, to behave in ways that tend to reduce the environmental footprint of the organisation including the use of public transport to attend external meetings whenever practicable.

Social and Employee matters

The Commission operates policies that seek to ensure equality and fair treatment irrespective of age, gender, sexual orientation, religion, disability and ethnic origin, making reasonable adjustments to support such policies. Equality and diversity issues pertaining to our services users and staff are discussed at regular meetings of the Commission's Equality and Diversity Committee.

Human Rights

We are committed to respecting human rights. The Commission's activities of reviewing criminal convictions can and does bring into conflict the competing rights of the range of individuals associated with a case and, less often, with establishing priorities between cases. We find ourselves balancing the rights of applicants with those of witnesses and victims, and operate policies and procedures on how to approach case material accordingly. We take account of those who are young, may be vulnerable, or have physical or mental disability.

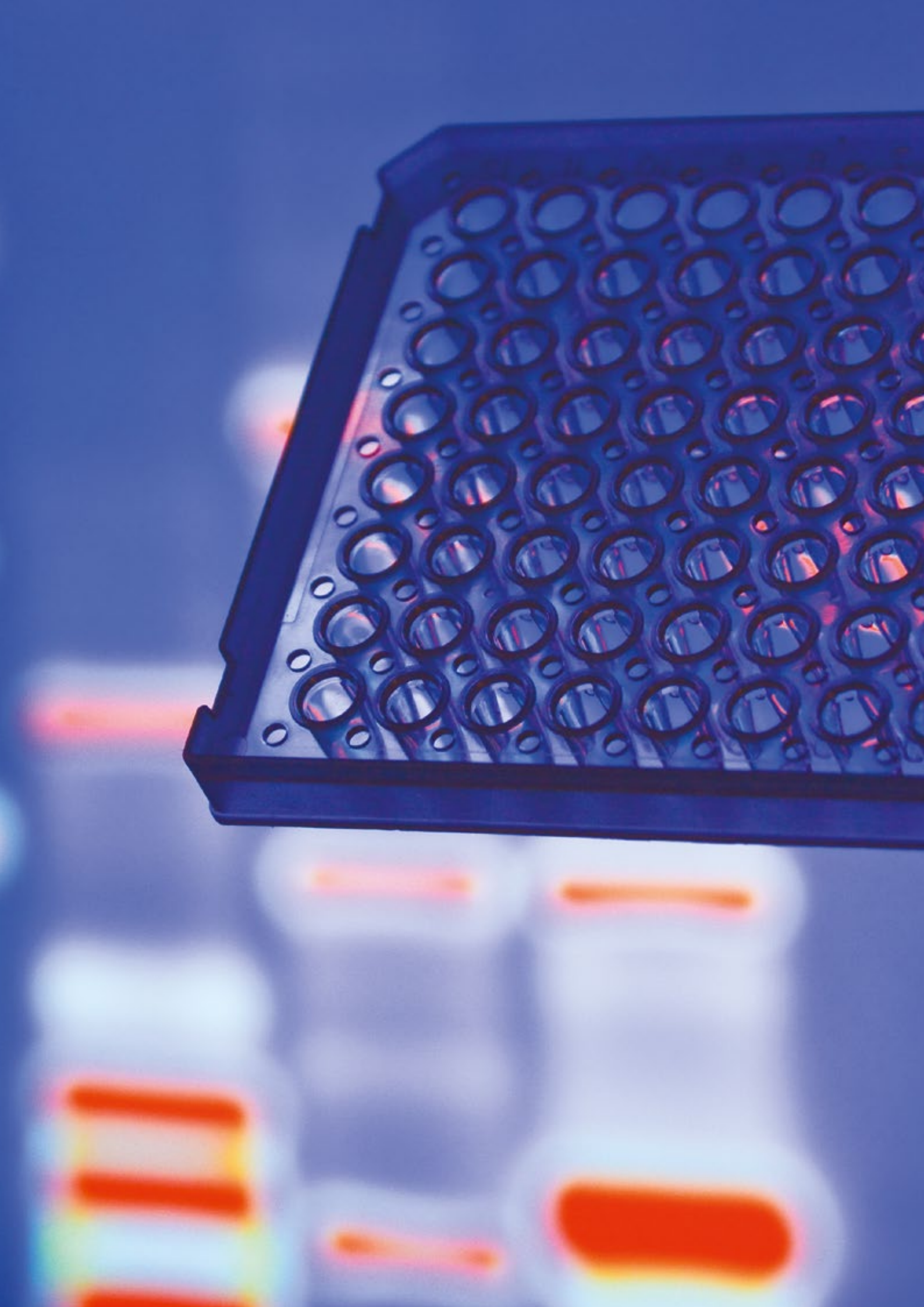
Anti-Corruption and Anti-Bribery Matters

The Commission is committed to preventing corruption or bribery. Policies are in place and risk assessments are performed annually to review those risks. Procurement policies require tendering procedures, appropriate to the value of the procurement, and a minimum of two officials to select supplier and authorise purchases. Contractual terms reinforce anti-corruption and anti-bribery measures.



Karen Kneller

Chief Executive and Accounting Officer
9 July 2019





2

Accountability Report

Section 2: Accountability Report

The accountability report 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 can be appointed for a period of up to five years, though it is now more typically three. Commissioners can be re-appointed but can serve for a maximum of ten years.

During 2018/19, six commissioners reached the end of their appointed term. A recruitment campaign was run for a replacement Chairman and Mrs Helen Pitcher OBE was appointed on 1st October 2018, initially as Chairman designate before succeeding to the chair. A recruitment campaign was run for Commissioners during 2018/19 and six new Commissioners began appointments at the CCRC in May 2019; Mr David Brown, Mrs Cindy Butts, Mr Ian Comfort, Mrs Johanna Higgins, Mrs Sukhi Gill and Mrs Christine Smith QC.

This means that at the end of March 2019 there were eight Commissioners in post including the Chairman.

During 2018/19 the Commissioners were:

Mr Richard Foster CBE (Chair until 31/10/18)

Mrs Helen Pitcher OBE (from 1/10/18 and Chair from

1/11/18)

Mrs Elizabeth Calderbank (until 1/1/2019)

Miss Rachel Ellis

Mrs Jill Gramann JP

Ms Celia Hughes

Mr Stephen Leach CB

Mrs Linda Lee

Ms Alexandra Marks CBE (until 27/10/18)

Dr Sharon Persaud (until 27/10/18)

Ms Jennifer Portway

Mr Andrew Rennison (until 2/3/19)

Mr David James Smith (until 27/10/18)

Mr Robert Ward CBE QC

The Chief Executive and Directors

During 2018/19, responsibility for the day-to-day running of the Commission fell to Miss Karen Kneller, Chief Executive and Accounting Officer, Mrs Sally Berlin, Director of Casework Operations, and Mr Ian Brooks, Director of Finance and Corporate Services. Together the two Directors and the Chief Executive Officer make up the Senior Management Team.

Non-executive Directors

During the year, the Commission Non-executive Directors were Mr Jonathan Baume, Mrs Caroline Corby and Mr Andre Katz.

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.

Register of Interests

The Code of Conduct for Commission Board Members and Employees includes a commitment to maintain a Register of Interests. This is available online at our website www.ccr.gov.uk.

Audit and Risk Assurance 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.

External Audit

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.

Personal data related incidents

The Commission’s Management Information Security Forum (MISF) deals with all matters relating to IT and information security and assurance. It meets quarterly and involves key personnel in IT and information assurance including all CCRC information asset owners.

At each meeting, MISF considers any security or information security related incident. During 2018/19, the forum considered sixteen data related incidents, the majority of which did not involve any actual data loss. However, in line with the post GPDR and Data Protection Act 2018 guidance on reporting data related incidents, we did report two matters to the Information Commissioner’s Office (ICO). One involved the loss of original documents related to a case and the other to the loss of discs containing copies of scanned casework documents. In both cases, the Commission had no reason to believe the data went missing outside of the Commission’s premises and that the data has probably been destroyed in error or mis-filed rather than lost. In

the first case the ICO accepted this and required no further action. In the second they advised that we review our handling of digital media on disc and other removable format. We are in the process of doing that.

Expenses of the Commission’s Chairman and Chief Executive

The total expenses claimed in 2018/19 by Richard Foster (Chairman until 31st October 2018) was £84,555. Those claimed by new Chairman Helen Pitcher from 1st November onwards was £0. The total claimed by the Chief Executive was £1,710.98.



Karen Kneller

Chief Executive and Accounting Officer
9 July 2019

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* (FReM) 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;
- prepare the accounts on a going concern basis, and
- confirm that the annual report and accounts as a whole is fair, balanced and understandable and take personal responsibility for the annual report and accounts and the judgements required for determining that it is fair, balanced and understandable.

The Accounting Officer of the Ministry of Justice has designated the Chief Executive as Accounting Officer of 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.

As Accounting Officer I have taken all the steps that I ought to have taken to make myself aware of any relevant audit information and to establish that the Commission's auditors are aware of that information. So far as I am aware there is no relevant audit information of which the auditors are unaware.



Karen Kneller

Chief Executive and Accounting Officer
9 July 2019

Governance Statement 2018/19

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 CCRC's resources and risks during the year. The statement provides an assessment of how we have achieved these objectives.

Introduction

As Accounting Officer I am responsible for ensuring there is an effective system of internal controls to manage and mitigate against the identified risks to the CCRC. I am also responsible for the preparation of contingency plans should those risks materialise. In a dynamic world, it is essential that I keep these matters regularly under review, as prescribed in HM Treasury "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. I am supported by the independent scrutiny provided by the Audit and Risk Assurance Committee.

Governance framework

The Criminal Appeal Act 1995, which founded the CCRC, describes the broad structure and function of the Commission. The diagram below illustrates how, in 2018/19 we related to our sponsor department, the Ministry of Justice (MoJ), and are held, from time to time, to account by Parliament in the form of the Justice Select Committee.

Our framework agreement with the MoJ establishes certain aspects of governance and accountability for the CCRC, but the structure of the Board and its sub-committees are largely a decision for the CCRC. In 2007, governance of the Commission was, and remains, vested to the Board including the Chief Executive, Directors and non-Executives. The structure and makeup of the Board has been altered from time to time but the principle established in 2007 remains unchanged. In recent years, all Commissioners have also been members of the board.

In February 2019, the MoJ published a Tailored Review of the CCRC. Government policy is to perform such reviews of all of its Arm's Length Bodies, at least once in the lifetime of a Parliament (i.e. normally at least once every 5 years). The CCRC welcomed this opportunity of an external and peer review, which covers the twin tenets of a review of governance arrangements and performance effectiveness and efficiency. The key recommendations from the Tailored Review have been described separately in this annual report. Since publication and as we move into 2019/20, the Board will reduce in size to ten members; the Chairman, the Chief Executive, three commissioners, two directors and three Non-executive Directors. This establishes a more balanced board and accords with the recommended structure in the Tailored Review and HM Treasury Corporate Governance Code.

JUSTICE SELECT COMMITTEE

Parliamentary Scrutiny of CCRC activities and performance

MINISTRY OF JUSTICE

Sponsorship, Arms Length Bodies Governance, Finance, Internal Audit, Information Technology and Health & Safety

FRAMEWORK AGREEMENT

CCRC BOARD

SUB-COMMITTEES

AUDIT & RISK ASSURANCE COMMITTEE

Supports the Board
on Governance,
Compliance and
Risk Management

LONG RUNNING CASES REVIEW COMMITTEE

Supports the Board on
ensuring achievement
of Operational
Targets

REMUNERATION COMMITTEE

Supports the Board
on issues of Senior
Staff Remuneration

Board Performance

During 2018/19 the Board met eight times focussing its attention on the delivery of our strategic priorities. These include Financial and Strategic Planning, Governance Arrangements, Reviewing Business Performance, Risk Management and External Stakeholder Engagement.

The Board maintains a number of processes and systems to ensure that it can operate effectively. Recruitment by the sponsor department of new Commissioners is conducted in accordance with the Governance Code for Public Appointments as applied by the Ministry of Justice. The most recent appointments of Commissioners have been on a revised set of terms and conditions (see Remuneration and Staff Report). New members receive induction commensurate with their experience and knowledge of the public sector and the criminal justice system. Board members are subject to periodic personal appraisal by the Chairman.

Meeting agendas and papers are made available to members one week before Board meetings. Papers provide sufficient information and evidence for sound decision-making. At each meeting the Board receives a comprehensive management information pack detailing progress against Key Performance Indicators, as defined in our annual Business Plan, performance statistics for our casework, financial expenditure against budget, and information on our people, information systems performance and communications. Feedback on the contents of the pack is routinely sought to ensure it continues to meet the needs of the Board. 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. Under the new Chairman and Board structure, the necessity and appropriateness of the management information currently supplied to the Board will be reviewed.

Because the Board underwent a period of significant transition in 2018/19, including the appointment of a new Chairman midway through the year, and expected to receive recommendations about the governance structure and performance from the Tailored Review, the normal process of conducting an annual review of performance was not considered representative or efficient. The performance of new board arrangements will be reviewed towards the end of 2019/20.

The Board is supported in delivering its objectives by the Audit and Risk Assurance Committee, the Long Running Cases Review Committee and the Remuneration Committee. The Board receives and discusses the minutes of the sub-committees where practicable at the next available Board Meeting. The Chief Executive and two Directors form the Commission's Senior Management Team, which meets at least monthly to ensure operational effectiveness and monitor performance.

Audit and Risk Assurance Committee

The Audit & Risk Assurance Committee (ARAC) 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. Membership of ARAC is entirely made up by the three independent Non-executive Directors, aligning with recommended best practice. This year we have benefited from the experience of a new Chairman of ARAC. The meetings are attended by a commissioner, the chief executive and directors, the internal auditor and the external auditor. The committee meets quarterly, and reviews the Commission's major risks and the plans for their mitigation at each of those meetings. This includes a cycle of deep dive reviews, which from April 2018 looked at our major risks both individually and thematically.

The Commission appointed the Government Internal Audit Agency (GIAA) as its internal auditors with effect from 1 July 2018. We would like to express our thanks to TIAA for their work over the previous nine years, but the time was right for a refreshed approach. ARAC agreed a broader and deeper programme of internal audit reviews which were delivered over the remainder of the year, covering matters such as our use of the case management software, HR and payroll controls, KPIs and business continuity planning. Each of the reports produced is considered in detail by the ARAC and actions followed up helping to drive continuous improvement. Members of the ARAC undertook an annual review of effectiveness in March 2019, discussed at the meeting in April 2019.

Long Running Cases Review Committee

The Long Running Cases Review Committee, chaired by a Non-executive Director, has been effective at improving the use of case plans, focussing attention and providing scrutiny on those cases that have been under review for two years or more. These long running cases are often complex, or raise particular challenges, and we continue to have more cases than we would like reaching this timescale. Sometimes delays are experienced identifying necessary experts and obtaining their opinions, while sometimes our initial investigations leave a nagging doubt, which may lead to further inquiry. Notwithstanding that, the applicants expect progress of their cases and it is our ambition to deliver good quality reviews in a shorter timescales. The CCRC recognises the importance of timely intervention if and when case reviews face challenges and since its inception the committee has recommended several improvements to case review procedure.

Remuneration Committee

The Remuneration Committee keeps under review the salaries of the senior staff which are not placed on the Commission's normal salary scales, and considers any other remuneration issues related to staff. The new provisions of the HM Treasury's Corporate Governance Code issued in July 2018 mean that the Board will review the remit of the Remuneration Committee. The Committee did not meet during 2018/19.

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 Diversity & Inclusion Group and various *ad hoc* groups formed to discharge specific functions.

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

MEMBER	ROLE	BOARD	AUDIT & RISK	LONG RUNNING CASES
L. Calderbank	Commissioner	6/7		
R. Ellis	Commissioner	8/8		
R. Foster	Commissioner	5/6*		
J. Gramann	Commissioner	6/8		
C. Hughes	Commissioner	7/8		
S. Leach	Commissioner	7/8		
L. Lee	Commissioner	7/8		
A. Marks	Commissioner	4/5		
S. Persaud	Commissioner	4/5		
H. Pitcher	Commissioner	3/3*	1 ‡	
J. Portway	Commissioner	4/8		
A. Rennison	Commissioner	4/7	2/4 ‡	
D. J Smith	Commissioner	5/5		
R. Ward	Commissioner	8/8		
J. Baume	Non-Executive	4/8	4/4	
C. Corby	Non-Executive	8/8	3/4	10/10*
A. Katz	Non-Executive	8/8	4/4*	
S. Berlin	Director	8/8	4/4 ‡	9/10
I. Brooks	Director	6/8	4/4 ‡	
K. Kneller	Chief Executive	8/8	3/4 ‡	5/10

* = Chairman, ‡ = in attendance

HM Treasury's Corporate Governance Code

The Commission aims to ensure that its governance arrangements follow best practice, and follow HM Treasury's 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 for 2018/19:

- 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, compared to that recommended by the Code, particularly given the CCRC has fewer (three) than the recommended four independent Non-executive Directors. Whilst we have not designated a senior independent before, in 2019/20 there will be such a designation.
- 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 Board has historically not had a nominations and governance committee, but going forward into

2019/20 will establish a nominations committee as part of a governance refresh.

These exceptions to compliance with the Code were, in part, addressed by the recommendations in the Tailored Review, and, as explained elsewhere in the report, arrangements are being made to address them in 2019/20.

Risk Management

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

The Commission's risk management framework is illustrated below:

Risk Management Framework



Risks are assessed in the light of their impact and likelihood using a scale which reflects the CCRC's appetite for risk. Risk appetite is determined by reference to the CCRC's objectives, the degree to which it is able to absorb financial shock and its need to maintain its reputation in order to continue to command respect and support amongst its stakeholders. The overall risk tolerance set by the Board is low, particularly with respect

to ensuring that we deliver timely, high quality casework decisions; we protect the information in our possession; and we are, and are seen to be, independent from the MoJ and the courts in our decision making. The Board's approach towards risk management is to implement measures that will reduce the likelihood of any key risk occurring to unlikely and to reduce the potential impacts to acceptable levels.

In 2018/19 five internal audits were undertaken resulting in an overall moderate rating for the Commission.

Two of the internal audits, Financial Controls (Payroll) and Business Continuity Planning were given a limited assurance rating. All the recommendations agreed in relation to the Financial Controls (Payroll) audit have been completed to the satisfaction of the ARAC and we are planning to complete the recommendations in the Business Continuity Planning audit in 2019/20.

Responsibility to manage risks is assigned to named individuals, and risks are reviewed on a systematic and regular basis. Each review is endorsed by the ARAC and a report is made annually by ARAC to the Board. For example, an annual review is carried out concerning the CCRC's exposure to financial risks including fraud and error. In recent years ARAC has accepted that this risk is low. During the year an internal review of staff paying into the partnership pension scheme highlighted a programme error by Capita, the result of which was a few staff underpaying income tax. The total underpayment has been estimated at between £5,000-10,000, but is still subject to final agreement by HMRC, and a provision made in the accounts for the Commission, as employer, to pay the liability. The commission will then seek repayment from the individuals affected, following procedures outlined in Managing Public Money and agreed with MoJ.

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. Self-evaluation of the Commission's compliance with the mandatory requirements of the Security Policy Framework relating to information assurance was positive. Security management is supported by a regular sequence of audits. All staff were briefed on the Commission's policy on reporting security incidents as part of the programme of security awareness training and the Commission takes seriously its obligations pursuant to the General Data Protection Regulations (GDPR) 2018. 17 incidents and near misses were reported by staff during the year relating to information misdirected in the post, lost or damaged. All the incidents were reviewed by the Management Information Security Forum and assessed as low risk. Two were notified to the ICO who accepted our proposed actions.

Major risks

As part of the Corporate and Business Planning processes for 2018/19 and beyond, 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.

Major risks included:

CASEWORK PERFORMANCE	INFORMATION	RESOURCES	SKILLS	SAFETY
Casework performance which includes factors such as the length of time to complete various stages of our reviews. This can be heavily influenced by the number and complexity of the cases we are asked to review.	The security of the information we obtain in order to perform our work, set against the requirements of GDPR and increasing quantum of information requests.	Obtaining sufficient resource and capital funding to maintain the level of casework personnel and improve the IT environment.	Maintaining and motivating a highly qualified workforce of staff and Commissioners with sufficient skills and manageable workload in a demand led organisation.	Ensuring the safety and wellbeing of our staff while performing their roles, particularly on activities away from the office.

Through our mitigation activity we seek to manage these key risks down to acceptable levels. Based on our assessment of current risk exposure as reflected in the Commission's Risk Register at year end, we consider our top risks as at March 2019 to be:

- People - maintaining and motivating a highly qualified workforce of staff and Commissioners with sufficient skills and manageable workload in a demand led organisation.
- Money - obtaining sufficient resource and capital funding on an on-going basis to maintain the level of casework personnel and to improve the IT environment to facilitate more agile ways of working.
- Reputation – ensuring that we raise awareness of what we do with all of our stakeholders, being increasingly transparent about how we work whilst ensuring the security of information and data.

Assurance

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

1. First line: Management assurance from front-line or business operational areas
2. Second line: oversight of management activity, separate from those responsible for delivery, but not independent of the organisation's management chain
3. Third line: independent and more objective assurance, including the role of internal audit and from external bodies (e.g. accreditation and Gateway reviews)

Assurance activities include coverage over financial and commercial processes, human resources, key business processes, management information, information security, fraud and error, whistle-blowing and occupational health and safety.

Effectiveness of Whistleblowing Policy

The CCRC Whistleblowing Policy was reviewed and revised during 2018/19, and nominates the independent Non-executive Directors as Whistleblowing champions. In 2018/19 there were no occasions when staff raised a concern under the Whistleblowing Policy.

Prescribed body for Whistleblowing

The CCRC is a prescribed body under the legislation dealing with the making of public interest disclosures (whistleblowing). This means that, quite apart from our statutory responsibility to deal with the applications we receive, we are the body to which individuals can report concerns of actual or potential miscarriages of justice. As Chief Executive I am the prescribed person within the meaning of section 43F of the Public Interest Disclosure Act 1998 to whom individuals with such concerns can make protected disclosures.

The Prescribed Persons (Reports on Disclosures of Information) Regulations 2017 require the Commission to report annually on any such disclosures made to us, on how they were handled and what actions were taken. During 2018/19 we received only one relevant report (during 2017/18 we received none). The report received in the current reporting period came close to the end of March 2019 and at the time of writing this report the matter was still being investigated. If appropriate, the outcome will be discussed in our next Annual Report and Accounts.

Accounting Officer

In their annual report, our internal auditors have given a moderate assurance opinion as some improvements are required to enhance the adequacy and effectiveness of the framework of governance, risk management and control. I have been advised on the implications of the result of my review by the Board and the ARAC. I am satisfied that a plan to address weaknesses in the system of internal control and ensure continuous improvement of the system is in place. I am also satisfied that all material risks have been identified, and that those risks are being properly managed.



Karen Kneller

Chief Executive and Accounting Officer
9 July 2019

Remuneration and Staff Report

Remuneration policy

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

Terms and conditions for Commissioners have over the years been the subject of review particularly at the point of recruitment campaigns. In 2017/18, the terms for Commissioners seeking appointment (or re-appointment) was changed from a salary basis to a daily fee paid approach. In 2018/19, a similar change was made in respect of the Chairman. Commissioners appointed after 2012/13 but before 2017/18 are paid salaries at an equivalent full time rate of £93,796 per annum, with no entitlement to a pension. The full-time rate for the Chairman until replacement in 2018/19 was £104,800 per annum (2017/18 - £104,800), but the new Chairman was recruited at £500 per day. Commissioners are appointed on a variety of time commitments. From 2017/18, Commissioners are appointed for a set minimum number of days per annum, with a daily fee of £358 per day, also without pension entitlements. For temporary periods, additional days may be worked above the minimum subject to business need and approval in advance by the Chief Executive.

Non-executive Directors are paid a daily fee which is reviewed annually. For Non-executive Directors appointed prior to 2017/18 the daily fee is £450. For appointments made since 2017/18, the daily fee is £300.

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. Subject to the comments in the previous section, appointments may be full-time or part-time, and are for a fixed period of not longer than five years. In the recent campaigns, the term of appointment has more typically been for three years. Retiring Commissioners can seek re-appointment, on the terms prevailing for new appointments, provided that no person may hold office for a continuous period which is longer than ten years. Arrangements for appointment and re-appointment are set out in the "Governance Code for Public Appointments" published in December 2016.

Non-executive Directors are office holders appointed for a fixed term of up to 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 the Normal State Retirement Age for members of Nuvos and Alpha (or 65 if higher). Further details of the pension schemes are provided later in this report and in note four 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.

	2018/19				2017/18			
	Salary £000	Benefits- in-kind (to nearest £100) £000	Pension benefits (to nearest £000) £000	Total £000	Salary £000	Benefits- in-kind (to nearest £100) £000	Pension benefits (to nearest £000) £000	Total £000
Commissioners								
Mr Richard Foster [until 31/10/18]	30-35	-	-	30-35	50-55	-	-	50-55
Mrs Helen Pitcher [Chairman from 01/11/18]	35-40	-	-	35-40	-	-	-	-
Mrs Liz Calderbank [until 01/01/19]	30-35	-	-	30-35	35-40	-	-	35-40
Miss Rachel Ellis [from 28/10/17]	20-25	-	-	20-25	10-15	2.1	-	10-15
Mrs Jill Gramann [from 29/09/17]	35-40	-	-	35-40	15-20	0.1	-	15-20
Ms Celia Hughes	60-65	-	-	60-65	55-60	-	-	55-60
Mr Stephen Leach	45-50	20.8	-	65-70	45-50	25.5	-	70-75
Mrs Linda Lee [from 20/11/17]	25-30	1.5	-	25-30	5-10	3.1	-	10-15
Ms Alexandra Marks [until 27/10/18]	20-25	-	-	20-25	35-40	-	-	35-40
Dr Sharon Persaud [until 27/10/18]	40-45	-	-	40-45	75-80	-	-	75-80
Ms Jennifer Portway [from 29/09/17]	20-25	-	-	20-25	5-10	1.3	-	10-15
Mr Andrew Rennison [until 02/03/19]	35-40	-	-	35-40	55-60	-	-	55-60
Mr David James Smith [until 27/10/18]	55-60	-	-	55-60	90-95	-	-	90-95
Mr Robert Ward [from 29/09/17]	30-35	-	-	30-35	10-15	1.1	-	10-15
Ranjit Sondhi [until 11/11/17]	-	-	-	-	30-35	-	-	30-35
Non-executive Directors								
Mr Jonathan Baume	0-5	0.7	-	0-5	0-5	1.7	-	5-10
Mrs Caroline Corby	5-10	2.6	-	5-10	5-10	3.2	-	10-15
Mr Andre Katz	0-5	2.1	-	5-10	0-5	0.8	-	0-5
Directors								
Miss Karen Kneller	90-95	-	3	95-100	90-95	-	5	95-100
Mrs Sally Berlin	70-75	-	26	95-100	70-75	-	25	95-100
Mr Ian Brooks	70-75	-	30	100-105	70-75	-	28	95-100

'Salary' includes gross salary or remuneration.

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 & 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. In addition, those Commissioners appointed during 2017/18 were exceptionally reimbursed for travel expenses to attend their induction sessions and in one case as a reasonable adjustment for a declared disability. These costs are reimbursed to Commissioners and the Non-executive Directors or incurred on their behalf free of tax and national insurance. The amounts disclosed above include the income tax and national insurance contributions which are paid by the Commission. The total net costs actually incurred on behalf of the Commissioners and the Non-executive Directors or reimbursed to them in the year was £14,627 (2017/18 - £20,449).

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.

	2018/19	2017/18
	[£000]	[£000]
Band of highest paid Board member's total annualised remuneration	90-95	100-105
Median total remuneration	£37,626	£38,020
Ratio	2.5	2.7

Actual remuneration ranged from £2,000 to £94,000 (2017/18 £5,400 - £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. There are no longer any active Commissioners in the scheme.

Commissioners' pension arrangements are unfunded, and the CCRC 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 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 PCSPS has four sections: three providing benefits on a final salary basis (classic, premium or classic plus) with a normal pension age of 60; and one providing benefits on a whole career basis (nuvos) with a normal pension age of 65.

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

Employee contributions are salary-related and range between 4.6% and 8.05% of pensionable earnings for members of classic (and members of alpha who were members of classic immediately before joining alpha) and 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 1 October 2002 calculated broadly per classic and benefits for service from October 2002 worked out as in premium. In nuvos a member builds up a pension based on his or her pensionable earnings during their period of scheme membership. At the end of the scheme year (31 March) the member's earned pension account is credited with 2.3% of their pensionable earnings in that scheme year and the accrued pension is uprated in

line with Pensions Increase legislation. Benefits in alpha build up in a similar way to nuvos, except that the accrual rate is 2.32%. In all cases members may opt to give up (commute) pension for a lump sum up to the limits set by the Finance Act 2004.

The partnership pension account is a stakeholder pension agreement. The employer makes a basic contribution of between 8% and 14.75% (depending on the age of the member) into 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 0.5% of pensionable salary to cover the cost of centrally-provided risk benefit cover (death in service and ill health retirement).

The accrued pension quoted is the pension 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

This reflects the increase in CETV that is funded by the employer. It does not include the increase in accrued pension due to inflation, contributions paid by the employee (including the value of any benefits transferred from another pension scheme or arrangement) and uses common market valuation factors for the start and end of the period.

Pension benefits

These details have been subject to audit.

	Accrued pension at normal retirement age at 31/3/19 and related lump sum £000	Real increase in pension and related lump sum at normal retirement age £000	CETV at 31/3/19 £000	CETV at 31/3/18 £000	Real increase/ (decrease) in CETV £000
Miss Karen Kneller – <i>Chief Executive</i>	35-40 plus a lump sum of 105-110	0-2.5 plus a lump sum of 0-2.5	779	696	2
Mrs Sally Berlin – <i>Director of Casework Operations</i>	25-30 plus a lump sum of 5-10	0-2.5 plus a lump sum of 0	383	319	11
Mr Ian Brooks – <i>Director of Finance and Corporate Services</i>	5-10	0-2.5	81	50	18

Notes

- 1 Mr Richard Foster was entitled to a pension but did not opt-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 31/3/18 shown in the table above may differ from the CETV at 31/3/18 as disclosed in the 2017/18 remuneration report.

Staff Report

Our staff numbers have remained relatively stable during 2018/19, but recruitment activity has increased compared to the previous year following a higher level of staff turnover. As at 31st March 2019, there were 82 (79 in 2017/18) permanent members of staff making up an average Full Time Equivalent (FTE) of 76.15 (77.12 in 2017/18). Within the staff cohort, the Chief Executive and two Directors are evaluated at Senior Civil Service staff band equivalent of SCS2 and SCS1 respectively. At the end of 2018/19 there were eight Commissioners (an average FTE 4.34) including the Chairman (13 and FTE 5.73 2017/18). These details have been subject to audit.

Staff Composition

At the 31 March 2019, the Commission had 48 female and 34 male staff, two male and six female Commissioners and one female and two male Non-executive Directors.

Staff Costs

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

	2018/19 £000	2017/18 £000
Commissioners		
Salaries and Emoluments	528	592
Social Security Contributions	56	66
Total Commissioners' Costs	584	658
Non-executive Directors		
Salaries and Emoluments	18	25
Total Non-executive Directors' Costs	18	25
Staff		
- Staff with permanent employment contracts		
Salaries and Emoluments	2,765	2,698
Social Security Contributions	277	244
Pension Costs	549	530
- Other staff (contract, agency/temporary)		
Salaries and Emoluments	3	23
Total Staff Cost	3,594	3,495
Total	4,196	4,178

Sickness Absence Data

We aim for sickness absence in the Commission to be less than 7.5 days per person (FTE) per year (see Key Performance Indicator on page 80). The actual average in 2018/19 was 9.6 (7.4 in 2017/18). Because the Commission has relatively few staff, even a few long term absences can have a significant impact on our sickness average.

Staff Policies

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

- Dignity at Work
- Equality and Diversity
- Fair recruitment including a Guaranteed Interview Scheme for applicants who identify as disabled
- Sickness and absence management
- Performance and Appraisal
- Training and development including capability
- Flexitime 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.

Other Employee Matters

The CCRC last ran its bi-annual survey of staff engagement in 2016/17 when the positive engagement score was 83%.

We had planned to run another survey in 2018/19. However, we took the decision to postpone that survey on the basis that it would be more constructive to run it later when a new Chairman had been in post for some time rather than when the outgoing Chairman was in the process of leaving the organisation. We now plan to conduct the survey during 2019/20.

As part of our commitment to diversity issues, we hold a quarterly diversity and inclusion meeting with a group of staff, and have run sessions to raise awareness of specific gender and mental health topics. We also hold regular meetings with union representatives informing them of a full range of HR matters.

We are proud of our record of offering internships, including those in partnership with the Kalisher Trust, and apprenticeships. For those interns subsequently obtaining pupillage, around 75% of those that apply have been successful, far higher than the wider average, and we have managed to recruit several apprentices into permanent positions.

Expenditure on Consultancy

The Commission has incurred £26,000 consultancy expenditure in 2018/19 relating to the support for the implementation of the Assure casework management system, capitalised as part of the delivery and implementation costs and £5,000 capitalised consultancy expenditure relating to the network switch upgrade. This compares to a total of £63,000 spent on consultancy in 2017/18.

Off Payroll Contractors

During the current period, the CCRC has reviewed the process of how it verifies the tax arrangements of its' off-payroll appointments. All contractors within the scope of this exercise must now provide evidence of tax compliance before their contract starts. Further details of off-payroll engagements can be found in the Ministry of Justice consolidated accounts.

Payments to Past Directors

There were no payments to past directors.

These details have been subject to audit.

Compensation for loss of office

None of the Commissioners, Non-executive Directors or senior management received any compensation for loss of office in the year.

These details have been subject to audit.

Exit Packages

There have been no exit packages in 2018/19 (£0 in 2017/18).

These details have been subject to audit.

CCRC Staff and Union Activity

Trade Union (Facility Time Publication Requirements) Regulations 2017 implements the requirement provided by the Trade Union Act 2016 for specified public-sector employers, including the CCRC, to report annually on paid time off provided to trade union representatives for trade union duties and activities (this is known as union facility time). It requires that we publish a report on our website by 31st July 2019 and that we include the details in this annual report and accounts.

In 2018/19, three Commission employees (FTE 2.81) were relevant union officials during the reporting period.

One employee spent between 1% and 50% of their time on facility time and two employees spent between 0 and 0.99% of their time on facility time. The percentage of the total pay bill spent on facility time was 0.05%. One hundred per cent of paid facility time hours were spent on paid union activities.

Parliamentary Accountability and Audit Report

Regularity of Expenditure

The Criminal Cases Review Commission (CCRC) 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. 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.

This has been subject to audit.

Remote Contingent Liabilities

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

This has been subject to audit.

Losses and Special Payments

The CCRC has not incurred any losses or made any special payments in the year 2018/19.

This has been subject to audit.

Gifts

The CCRC has neither received nor given any gifts above a trivial value during 2018/19.

This has been subject to audit.

Fees and Charges

The CCRC does not levy any fees or charges.

This has been subject to audit.

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 to 2020/21. The CCRC works with the Ministry of Justice to agree its budgets on an annual basis.



Karen Kneller

Chief Executive and Accounting Officer
9 July 2019

THE CERTIFICATE AND REPORT OF THE COMPTROLLER AND AUDITOR GENERAL TO THE HOUSES OF PARLIAMENT

Opinion on financial statements

I certify that I have audited the financial statements of the Criminal Cases Review Commission for the year ended 31 March 2019 under the Criminal Appeal Act 1995. The financial statements comprise: the Statements of Comprehensive Net Expenditure, Financial Position, Cash Flows, Changes in Taxpayers' Equity; and the related notes, including the significant accounting policies. These financial statements have been prepared under the accounting policies set out within them. I have also audited the information in the Accountability Report that is described in that report as having been audited.

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 2019 and of its net expenditure for the year then ended; and
- the financial statements have been properly prepared in accordance with the Criminal Appeal Act 1995 and Secretary of State directions issued thereunder.

Opinion on regularity

In my opinion, in all material respects the income and expenditure recorded in the financial statements have been applied to the purposes intended by Parliament and the financial transactions recorded in the financial statements conform to the authorities which govern them.

Basis of opinions

I conducted my audit in accordance with International Standards on Auditing (ISAs) (UK) and Practice Note 10 'Audit of Financial Statements of Public Sector Entities in the United Kingdom'. My responsibilities under those standards are further described in the Auditor's responsibilities for the audit of the financial statements section of my certificate. Those standards require me and my staff to comply with the Financial Reporting Council's Revised Ethical Standard 2016. I am independent of the Criminal Cases Review Commission in accordance with the ethical requirements that are relevant to my audit and the financial statements in the UK. My staff and I have fulfilled our other ethical responsibilities in accordance with these requirements. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

Conclusions relating to going concern

I am required to conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Criminal

Cases Review Commission's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to the date of my auditor's report. However, future events or conditions may cause the entity to cease to continue as a going concern. I have nothing to report in these respects.

Responsibilities of the Accounting Officer for the financial statements

As explained more fully in the Statement of Accounting Officer's Responsibilities, the Accounting Officer is responsible for the preparation of the financial statements and for being satisfied that they give a true and fair view.

Auditor's responsibilities for the audit of the financial statements

My responsibility is to audit, certify and report on the financial statements in accordance with the Criminal Appeal Act 1995.

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. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with ISAs (UK) will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

As part of an audit in accordance with ISAs (UK), I exercise professional judgment and maintain professional scepticism throughout the audit. I also:

- identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.

- obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Criminal Cases Review Commission's internal control.
- evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

I communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.

In addition, I am required to obtain evidence sufficient to give reasonable assurance that the income and expenditure reported in the financial statements have been applied to the purposes intended by Parliament and the financial transactions conform to the authorities which govern them.

Other Information

The Accounting Officer is responsible for the other information. The other information comprises information included in the annual report, other than the parts of the Accountability Report described in that report as having been audited, the financial statements and my auditor's report thereon. My opinion on the financial statements does not cover the other information and I do not express any form of assurance conclusion thereon. In connection with my audit of the financial statements, my responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or my knowledge obtained in the audit or otherwise appears to be materially misstated. If, based on the work I have performed, I conclude that there is a material misstatement of this other information, I am required to report that fact. I have nothing to report in this regard.

Opinion on other matters

In my opinion:

- the parts of the Accountability Report to be audited have been properly prepared in accordance with Secretary of State directions made under the Criminal Appeal Act 1995;
- in the light of the knowledge and understanding of the entity and its environment obtained in the course of the audit, I have not identified any material misstatements in the Performance Report or the Accountability Report; 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 Accountability Report to be audited are not in agreement with the accounting records and returns; or
- I have not received all of the information and explanations I require for my audit; or
- the governance statement does not reflect compliance with HM Treasury's guidance.

Report

I have no observations to make on these financial statements.

Gareth Davies

Comptroller and Auditor General

10 July 2019

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





Financial Statements

Section 3: Financial Statements

This section presents the Commission's audited accounts for the period 1st April 2018 to 31st March 2019 in Financial Statements and Notes to the Accounts.

Financial Statements as at 31 March 2019

Statement of Comprehensive Net Expenditure

for the year ended 31 March 2019

	Note	2018-19 £000	2017-18 £000
Expenditure			
Staff Costs	3	4,196	4,178
Depreciation & Amortisation	9, 10	191	132
Other Expenditure	5	1,803	1,638
Total Operating Expenditure		6,190	5,948
Income			
Income from Activities	7	(4)	0
Net Operating Expenditure		6,186	5,948
Finance Expense	6	156	186
Net Expenditure for the year		6,342	6,134
Other Comprehensive Net Expenditure			
Item which will not be reclassified to Net Operating Expenditure:			
Pensions: actuarial gains	4	(103)	(304)
Comprehensive Net Expenditure for the year		6,239	5,830

The notes on pages 59 to 73 form part of these accounts.

Statement of Financial Position

for the year ended 31 March 2019

	Note	31 March 2019 £000	31 March 2018 £000
Non-current assets			
Property, plant & equipment	9	188	189
Intangible assets	10	357	422
Trade & other receivables	11	0	1
Total non-current assets		545	612
Current assets			
Trade & other receivables	11	180	192
Cash and cash equivalents	12	149	53
Total current assets		329	245
Total assets		874	857
Current liabilities			
Trade payables & other current liabilities	13	382	295
Provisions	14	170	0
Total assets less current liabilities		322	562
Non-current liabilities			
Provisions	14	151	158
Pension liabilities	4	6,307	6,532
Total non-current liabilities		6,458	6,690
Total assets less total liabilities		(6,136)	(6,128)
Taxpayers' equity			
General reserve		(6,136)	(6,128)
Total taxpayers' equity		(6,136)	(6,128)

The notes on pages 59 to 73 form part of these accounts.

The financial statements on pages 55 to 73 were approved by the Board on 18 June 2019 and were signed on behalf of the Criminal Cases Review Commission by:



Karen Kneller

Chief Executive and Accounting Officer

9 July 2019

Statement of Cash Flows

for the year ended 31 March 2019

	Note	2018-19 £000	2017-18 £000
Cash flows from operating activities			
Net cash outflow from operating activities	15	5,259	(5,398)
Cash flows from investing activities			
Purchase of property, plant and equipment	9,13	(64)	(94)
Purchase of intangible assets	10	(60)	(133)
Total cash outflow from investing activities		124	(227)
Cash flows from financing activities			
Capital Grant in Aid	2	125	123
Revenue Grant in Aid	2	5,354	5,504
Total financing		5,479	5,627
Net increase in cash and cash equivalents	12	96	2
Cash and cash equivalents at beginning of year	12	53	51
Cash and cash equivalents at end of year	12	149	53

The notes on pages 59 to 73 form part of these accounts.

Statement of Changes in Taxpayers' Equity

for the year ended 31 March 2019

	Note	General Reserve £000	Total Reserve £000
Balance at 1 April 2017		(6,634)	(6,634)
Changes in taxpayers' equity for 2017-18			
Comprehensive net expenditure for 2017-18		(5,830)	(5,830)
Grant from sponsor department	2	5,627	5,627
Reversal of notional transactions:	18	709	709
Balance at 31 March 2018		(6,128)	(6,128)
Changes in taxpayers' equity for 2018-19			
Comprehensive net expenditure for 2018-19		(6,239)	(6,239)
Grant from sponsor department	2	5,479	5,479
Reversal of notional transactions:	18	752	752
Balance at 31 March 2019		(6,136)	(6,136)

The notes on pages 59 to 73 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 2018/19 Government Financial Reporting Manual (FReM) issued by HM Treasury. The accounting policies contained in the FReM apply International Financial Reporting Standards (IFRS) as adapted or interpreted for the public sector context. Where the FReM permits a choice of accounting policy, the accounting policy which is judged to be most appropriate to the particular circumstances of the Commission for the purpose of giving a true and fair view has been selected. The particular policies adopted by the Commission are described below. They have been applied consistently in dealing with items that are considered material to the accounts.

These Accounts have been prepared on an accruals basis under the historical cost convention, modified to account for the revaluation of non-current assets, where material.

Changes in Accounting Policy and Disclosures

There have been no changes in accounting policies during the period ended 31st March 2019.

Going Concern

The Statement of Financial Position at 31 March 2019 shows negative total taxpayers' equity of £6,136,000. 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 2018/19, 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 recent Tailored Review published by the Ministry of Justice in February 2019 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 current value in existing use of all non-current assets due to short lives and/or low values.

Depreciation and Amortisation

Depreciation or amortisation is provided on all non-current assets on a straight-line basis to write off the cost or valuation evenly over the asset's estimated useful life as follows:

IT hardware / development	four years
Software systems and licences	four years
Furniture and fittings	10 years
Office equipment	10 years
Refurbishment costs	over the remaining term of the lease
Assets under development	no depreciation as assets are not yet in use

Impairment

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

Employee Benefits

Employee Leave Accrual

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

Pensions

(i) Staff pensions

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

(ii) Commissioners' pensions

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

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

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

Provisions are recognised when the Commission has a present legal or constructive obligation, as a result of past events, for which it is probable that an outflow of economic benefits will be required to settle the obligation, and for which a reliable estimate can be made for the amount of the obligation.

Provision is made for the estimated costs of returning the office premises occupied under a Memorandum of Terms of Occupation (MOTO) to an appropriate condition. The estimated amount is adjusted to take account of actual inflation to date when the cash flow is expected to occur (i.e. the end of the period of occupation), and then discounted to the present value.

The rates used are the short and medium term official inflation and nominal discount rates for general provisions advised by HM Treasury.

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

Taxation

The Commission is not registered for VAT and all costs are shown inclusive of VAT. The Commission is registered with HM Revenue & Customs for corporation tax. There was no taxable income in the year ended 31 March 2019.

New and amended standards adopted

IFRS 9 Financial Instruments and IFRS 15 Revenue from Contracts with Customers came into effect for the financial year beginning 1 April 2018. Neither of these standards have any impact on the Commission.

New standards, amendments and interpretations issued but not effective for the financial year beginning 1 April 2018 and not early adopted

IFRS 16: Leases will change the way the Commission recognises, measures, presents and discloses leases that it holds. The standard provides a single lessee accounting model, requiring lessees to recognise assets and liabilities for all leases unless the lease term is short term (less than 12 months) or the underlying asset has a low value. The full impact of IFRS 16: Leases on the Commission has not yet been assessed. See Note 17 for details of operating leases. Effective from 2020-21.

2 GRANT IN AID

	2018/19 £000	2017/18 £000
Received for revenue expenditure	5,354	5,504
Received for capital expenditure	125	123
Total	5,479	5,627

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

	2018/19 £000	2017/18 £000
Commissioners		
Salaries and emoluments	528	592
Social security contributions	56	66
Total Commissioners cost	584	658
Non-Executive Directors		
Salaries and emoluments	18	25
Total Non-Executive Directors cost	18	25
Staff		
– Staff with permanent employment contracts		
Salaries and emoluments	2,765	2,698
Social security contributions	277	244
Pension costs	549	530
– Other staff (contract, agency/temporary)		
Salaries and emoluments	3	23
Total Staff cost	3,594	3,495
TOTAL	4,196	4,178

There were no exit packages in 2018/19 (2017/18 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 2018/19, employers' contributions of £511,000 (2017/18 £494,000) were payable to the PCSPS at one of four rates in the range 20% to 24.5% (2017/18 20% to 24.5%) 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 2018/19 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 £37,000 (2017/18 £35,000) were paid to one or more of the panel of two appointed stakeholder pension providers. Employer contributions are age-related and ranged from 8% to 14.75% from 1 October 2015. Employers also match employee contributions up to 3% of pensionable pay. In addition, employers also contribute a further 0.5% of pensionable salary from 1 October 2015 to cover the cost of centrally-provided risk benefit cover (death in service and ill health retirement) amounting to contributions of £1,000 (2017/18 £1,000).

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 were paid by Commissioners at the rate of 7.35% of pensionable earnings.

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

	2018/19	2017/18	2016/17	2015/16	2014/15
	£000	£000	£000	£000	£000
Liability in respect of					
Active members	0	0	0	1,022	707
Deferred pensioners	620	615	626	519	522
Current pensioners	5,687	5,917	6,300	5,070	5,387
Total present value of scheme liabilities	6,307	6,532	6,926	6,611	6,616

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

	2018/19	2017/18	2016/17	2015/16	2014/15
	£000	£000	£000	£000	£000
Discount rate	2.90%	2.55%	2.80%	3.60%	3.55%
Rate of increase in salaries	0.00%	0.00%	0.00%	0.00%	0.00%
Price inflation	2.60%	2.45%	2.55%	2.20%	2.20%
Rate of increase in pensions (deferred and in payment)ities	2.60%	2.45%	2.55%	2.20%	2.20%

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

	31 March 2019		31 March 2018	
	Men	Women	Men	Women
Current pensioners				
At age 60	27.6	29.3	27.5	29.2
At age 65	22.7	24.3	22.6	24.2
Future pensioners				
At age 60	29.6	31.2	29.5	31.2
At age 65	25.1	26.7	25.0	26.6

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

An increase of 0.5% in the discount rate would decrease the present value of the scheme liability by approximately 6.5% or £407,000.

An increase of 0.5% in the rate of increase in CPI would increase the scheme liability by approximately 6.5% or £422,000.

An increase of one year in the life expectancies would increase the present value of the scheme liability by approximately 3% or £183,000.

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

	2018/19	2017/18
	£000	£000
Past service cost	2	–
Total charge to Staff Costs	2	–
Interest on pension scheme liabilities	163	191
Total charge to Finance Expense	163	191

The estimated current service cost for the next year is £0, following the retirement from the Commission of the final three Commissioners entitled to pension benefits during 2016/17.

The movement in scheme liabilities is analysed as follows

	2018/19	2017/18
	£000	£000
Present value of scheme liabilities at start of year	6,532	6,926
Past service cost	2	–
Interest cost	163	191
Actuarial gains	(103)	(304)
Benefits paid	(287)	(281)
Present value of scheme liabilities at end of year	6,307	6,532

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

	2018/19	2017/18
	£000	£000
Loss at start of year	2,212	2,516
Net actuarial gains recognised in the year	(103)	(304)
Loss at end of year	2,109	2,212

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:

		2018/19	2017/18	2016/17	2015/16	2014/15
Experience (gains)/losses on pension liabilities	£000	56	(4)	(734)	106	41
		-0.9%	0.1%	10.6%	1.6%	0.6%
Changes in demographic and financial assumptions	£000	(159)	(300)	1,084	(201)	414
		2.5%	4.6%	15.7%	-3.0%	6.3%
Net actuarial losses/ (gains)	£000	(103)	(304)	350	(95)	455

5 OTHER EXPENDITURE

	2018/19 £000	2017/18 £000
Accommodation – operating lease	752	709
IT costs	219	292
Travel, subsistence and external case-related costs	162	195
Legal and professional costs	281	122
Office supplies	90	96
Information and publications	61	54
Training and other HR	58	31
Recruitment	28	9
Office services	27	20
Audit fee – external	26	25
Telephones	25	23
Audit fee – internal	25	7
Payroll and pension costs	19	18
Case storage	15	17
Library and reference materials	10	9
Equipment rental under operating lease	5	7
Loss on disposal of non-current assets	–	4
Total	1,803	1,638

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

6 FINANCE EXPENSE

	2018/19 £000	2017/18 £000
Interest on pension scheme liabilities	163	191
Unwinding of discount on dilapidations provision	(7)	(5)
Total	156	186

7 INCOME FROM ACTIVITIES

	2018/19 £000	2017/18 £000
Kalisher Trust Internships	4	–
Total	4	–

8 ANALYSIS OF NET EXPENDITURE BY PROGRAMME & ADMINISTRATION BUDGET

	2018/19			2017/18		
	Programme £000	Administration £000	Total £000	Programme £000	Administration £000	Total £000
Expenditure						
Staff costs	3,704	492	4,196	3,676	502	4,178
Depreciation & amortisation	191	–	191	132	–	132
Accommodation – operating lease	752	–	752	709	–	709
Other expenditure	870	181	1,051	810	119	929
Total Expenditure	5,517	673	6,190	5,327	621	5,948
Income						
Income from activities	(4)	–	(4)	–	–	–
Net Expenditure	5,513	673	6,186	5,327	621	5,948
Finance Expense	156	–	156	186	–	186
Net Expenditure after Interest	5,669	673	6,342	5,513	621	6,134

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 2018	110	101	137	505	853
Additions	–	–	–	65	65
Disposals	–	(24)	(1)	(88)	(113)
Cost/valuation at 31 March 2019	110	77	136	482	805
Depreciation at 1 April 2018	77	85	98	404	664
Charged during the year	12	4	11	39	66
Depreciation on disposals	–	(24)	(1)	(88)	(113)
Depreciation at 31 March 2019	89	65	108	355	617
Carrying amount at 31 March 2019	21	12	28	127	188
Carrying amount at 31 March 2018	33	16	39	101	189
Cost/valuation at 1 April 2017	110	107	130	505	852
Additions	–	–	7	–	7
Disposals	–	(6)	–	–	(6)
Cost/valuation at 31 March 2018	110	101	137	505	853
Depreciation at 1 April 2017	65	84	87	365	601
Charged during the year	12	4	11	39	66
Depreciation on disposals	–	(3)	–	–	(3)
Depreciation at 31 March 2018	77	85	98	404	664
Carrying amount at 31 March 2018	33	16	39	101	189
Carrying amount at 31 March 2017	45	23	43	140	251

All assets are owned by the Commission.

10 INTANGIBLE ASSETS

	Assets Under Development	Software Licences	Total
	£000	£000	£000
Cost/valuation at 1 April 2018	22	1,005	1,027
Additions	–	60	60
Disposals	–	(315)	(315)
Reclassification	(22)	22	–
Cost/valuation at 31 March 2019	–	772	772
Amortisation at 1 April 2018	–	605	605
Charged during the year	–	125	125
Amortisation on disposals	–	(315)	(315)
Amortisation at 31 March 2019	–	415	415
Carrying amount at 31 March 2019	–	357	357
Carrying amount at 31 March 2018	22	400	422
Cost/valuation at 1 April 2017	337	572	909
Additions	(1)	120	119
Disposals	–	(1)	(1)
Reclassification	(314)	314	–
Cost/valuation at 31 March 2018	22	1,005	1,027
Amortisation at 1 April 2017	–	539	539
Charged during the year	–	66	66
Amortisation at 31 March 2018	–	605	605
Carrying amount at 31 March 2018	22	400	422
Carrying amount at 31 March 2017	337	33	370

All assets are owned by the Commission

11 OTHER RECEIVABLES

	31 March 2019 £000	31 March 2018 £000
Amounts falling due within one year		
Travel loans to staff	22	21
Prepayments	158	171
Total	180	192
Amounts falling due after more than one year		
Prepayments	-	1
Total	-	1

12 CASH & CASH EQUIVALENTS

	31 March 2019 £000	31 March 2018 £000
Balance at 1 April	53	51
Net change in cash balances	96	2
Balance at 31 March	149	53
The following balances at 31 March 2019 were held at:	-	1
Government Banking Service	149	53
Balance at 31 March	149	53

No cash equivalents were held at any time.

There are no liabilities arising from financing activities in the current year or prior year.

13 TRADE PAYABLES & OTHER LIABILITIES

	31 March 2019 £000	31 March 2018 £000
Amounts falling due within one year		
Intra-government balances:		
UK taxation & social security	95	92
Total	95	92
Trade payables	45	18
Capital payables	4	3
Accruals	238	182
Total	382	295

14 PROVISIONS

The movements in the provisions are analysed as follows:

	2018/19 Professional Fees £000	2018/19 Dilapidations £000	2018/19 Total £000	2017/18 Total £000
Balance at 1 April	-	158	158	163
Provided in the year	170	-	170	-
Unwinding of discount	-	(7)	(7)	(5)
Balance at 31 March	170	151	321	158

The expected timing of discounted cash flows is as follows:

	31 March 2019 £000	31 March 2018 £000
Professional fees		
Not later than one year	170	-
Dilapidations:		
Later than one year and not later than five years	151	158
Balance at 31 March	321	158

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

	Note	2018/19 £000	2017/18 £000
Net expenditure		(6,342)	(6,134)
Finance Expense	6	156	186
Depreciation and amortisation	9,10	191	132
Loss on disposal of non-current assets	5	-	4
(Increase)/decrease in receivables	11	13	(34)
Increase in payables	13	86	20
Increase in provision	14	170	-
Pension provision:			
Current service cost	4	2	-
Benefits paid	4	(287)	(281)
Notional expenditure	18	752	709
Net cash outflow from operating activities		(5,259)	(5,398)

16 CAPITAL COMMITMENTS

Capital commitments contracted for at 31 March 2019 were £nil (2018 £nil).

17 COMMITMENTS UNDER OPERATING LEASES

At 31 March 2019 the Commission had the following total future minimum lease payments under non-cancellable operating leases for each of the following periods:

	31 March 2019	31 March 2018
	£000	£000
Buildings:		
Not later than one year	741	714
Later than one year and not later than five years	556	1,250
Total buildings	1,297	1,964
Equipment		
Not later than one year	4	6
Later than one year and not later than five years	2	4
Total equipment	6	10
Total commitments under operating leases	1,303	1,974

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

	2018/19	2017/18
	£000	£000
Notional expenditure		
Other expenditure – incurred by MoJ:		
Accommodation – operating lease	752	709
Total notional other expenditure	752	709
Total notional expenditure	752	709

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 2018 to 31 March 2019, 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 2018 to 31 March 2019, none of the Commissioners, key managerial staff or other related parties undertook any related party transactions.

20 FINANCIAL INSTRUMENTS

IFRS 7 (Financial Instruments: Disclosures) requires disclosure of the significance of financial instruments for the entity's financial position and performance, and the nature and extent of risks arising from financial instruments to which the entity is exposed, and how the entity manages those risks. Because of the largely non-trading nature of its activities and the way it is financed, the Commission is not exposed to the degree of financial risk faced by business entities. Moreover, financial instruments play a much more limited role in creating or changing risk than would be typical of the listed companies to which IAS 32 (Financial Instruments: Presentation) and IFRS 9 (Financial Instruments), which replaced IAS39, and IFRS 7 mainly apply. The Commission has limited powers to borrow or invest funds and financial assets and liabilities are generated by day-to-day operational activities and are not held to change the risks facing the Commission in undertaking its activities.

The Commission is not therefore exposed to significant liquidity risks, interest rate risk or foreign currency risk.

21 EVENTS AFTER THE REPORTING PERIODS

In accordance with the requirements of IAS 10 (Events After the Reporting Period), events after the reporting period are considered up to the date the accounts are authorised for issue. This is interpreted as the date of the audit certificate of the Comptroller and Auditor General.

4

Tables & Appendices

Table 1: Commission referrals to the appeal courts during 2018/19

Name	Ref	Referral date	Offence	Sentence Only
TOWERS, Jordan	1045/15	03-Jul-18	Murder	
DALEY, Kyrone	1379/15	16-Jul-18	Murder	
F*	754/17	21-Aug-18	Entering the UK without a passport	
SECKER, Neil	640/17	26-Oct-18	Assault by penetration (x2) and sexual assault	
PARK, Gordon	565/10	26-Oct-18	Murder	
HAWKES, Tony	913/17	30-Oct-18	Murder	●
SHWAISH, Sleman	203/17	14-Nov-18	Failure to produce a satisfactory immigration document contrary to section 2(1) Asylum and Immigration (Treatment of Claimants, etc.) Act 2004	
JOHNSON-HAYNES, Andre	341/16	14-Jan-19	Murder	
ABDURAHMAN, Ismail	91/17	06-Feb-19	Assisted an offender with intent to impede his apprehension or prosecution Failed to disclose information about acts of terrorism (4 counts)	
SMITH, William	353/15	06-Feb-19	Driving with excess alcohol	
GB	1306/17	28-Feb-19	Possession of False Documents with intent	
E	1268/17	25-Mar-19	Failure to produce an immigration document pursuant to sections 2(1) and 2(9) of the Asylum and Immigration (Treatment of Claimants) Act 2004.	
RODDIS, Nicholas	421/14	25-Mar-19	Placing a hoax bomb with intent Engaging in the preparation of an act of terrorism	

* The CCRC uses letters to anonymise referred cases where there is a legal basis or some other compelling reason to do so.

Table 2: Commission referrals decided by appeal courts during 2018/19

Name	Referral Date	Offence	Sentence Only	Outcome	Appeal Decision
A	29-Feb-18	Offence contrary to section 1(1)(a) Malicious Communications Act 1988		Q	28-Apr-18
GOODALL, James	20-May-15	NI - Causing an explosion, Unlawful possession of a firearm		U	05-Jun-18
Y	21-Feb-17	Rape, Sexual assault		Q	06-Jul-18
MAUND, Aiden	28-Nov-17	Conspiracy to rob	●	Q	25-May-18
Z	12-Dec-17	Count 1: Causing a child to watch a sexual act, contrary to section 12(1) of the Sexual Offences Act 2003. Count 4: Sexual activity with a child, contrary to section 9(1) and (2) of the Sexual Offences Act 2003.		U	24-Oct-18
MITCHELL, Laura	16-Mar-18	Murder & Violent disorder		U	14-Nov-18
B	27-Mar-18	Failure to produce an immigration document pursuant to section 2(1) and (9) of the Asylum and Immigration (Treatment of Claimants) Act 2004		Q	01-May-18
C	27-Mar-18	Failure to produce an immigration document pursuant to section 2(1) and (9) of the Asylum and Immigration (Treatment of Claimants) Act 2004		Q	20-Jun-18
D	27-Mar-18	Failure to produce a satisfactory immigration document contrary to section 2(1) Asylum and Immigration (Treatment of Claimants, etc.) Act 2004		Q	05-Jun-18
E	27-Mar-18	Failure to produce a satisfactory immigration document contrary to section 2(1) Asylum and Immigration (Treatment of Claimants, etc.) Act 2004		Q	16-Jul-18
F	27-Mar-18	Failure to produce a satisfactory immigration document contrary to section 2(1) Asylum and Immigration (Treatment of Claimants, etc.) Act 2004		Q	05-Jun-18
BHEBE, Elvis	27-Mar-18	Failure to produce a satisfactory immigration document contrary to section 2(1) Asylum and Immigration (Treatment of Claimants, etc.) Act 2004		Q	16-Jul-18
G	28-Mar-18	Failure to produce a satisfactory immigration document contrary to section 2(1) Asylum and Immigration (Treatment of Claimants, etc.) Act 2004		U	15-Mar-19
KHAN, Wassab	29-Mar-18	Conspiracy to murder		Q	22-May-18
SARAJ, Faisal	29-Mar-18	Conspiracy to murder		Q	22-May-18

Name	Referral Date	Offence	Sentence Only	Outcome	Appeal Decision
JABBAR, Abdul	29-Mar-18	Conspiracy to murder		Q	22-May-18
MAROOF, Abdul	29-Mar-18	Conspiracy to murder		Q	22-May-18
RASHID, Omran	29-Mar-18	Conspiracy to murder		Q	22-May-18
TOWERS, Jordan	03-Jul-18	Murder		U	20-Feb-19
F	21-Aug-18	Failure to produce a satisfactory immigration document contrary to section 2(1) Asylum and Immigration (Treatment of Claimants, etc.) Act 2004		Q	31-Oct-18
HAWKES, Tony	30-Oct-18	Murder	●	Q	20-Feb-19
SHWAISH, Sleman	14-Nov-18	Failure to produce a satisfactory immigration document contrary to section 2(1) Asylum and Immigration (Treatment of Claimants, etc.) Act 2004		Q	22-Mar-19

Q = quashed U = upheld

Key Performance Indicators

KPI 1 – The % of cases closed within 12 months

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

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

Calculation - Taking the cases closed within the past 12 months, record the number completed within 12 months as a percentage of the total number of cases completed.

Frequency – Monthly

Data Source – Casework Statistics

Target – 80%

Percent of cases closed within 12 months of application:

Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
75.8	76.8	77.4	78.1	79.0	79.1	79.2	80.1	79.8	80.1	80.2	79.6

KPI 2 – The average time for a Review From Allocation to Decision (Provisional Statement of Reasons where one is issued)

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

Definition - 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 - Taking the cases closed within the past 12 months record the average time taken to complete the review from allocation to a Case Review Manager to issuing a decision.

Frequency – Monthly

Data Source – Casework Statistics

Target – less than 30 weeks

Actual monthly average time for review cases (weeks):

Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
28.1	32.5	33.3	33.9	39.9	33.5	45.6	29.5	29.7	31.5	32.4	36.4

Rolling 12 months average time for review cases: 33.7 weeks.

KPI 3 – The % of cases under review for 2 years or more

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

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

Calculation - Taking the cases under review, to identify those 2 years or more since allocation to a Case Review Manager. To calculate that figure as a % by dividing by the total number of applications in the period of 12 months, ending 2 years prior to the reporting month.

Frequency – Monthly

Data Source – Casework Statistics

Target – Fewer than 3%

Percent of cases under review for 2 years or more:

Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
4.9	4.7	5.0	5.3	5.0	4.8	4.8	5.0	4.6	4.7	4.7	4.6

KPI 4 Service User Feedback / Satisfaction

Purpose – A measure of the service quality provided by the CCRC.

Definition – The applicant survey includes 7 questions pertaining to service provided by the CCRC. Responses that are “Very Well” or “OK” are considered positive replies.

Calculation – The number of “Very Well” or “OK” responses, expressed as a percentage of all responses.

Frequency – Quarterly

Data Source – Applicant Survey Forms

Target – No target. New measure for 2018/19

Responses for 2018/19: Overall 70.1% positive

	Very Satisfied	Satisfied	Not Satisfied
Q1	36.6%	35.8%	27.6%
Q2	22.4%	46.7%	30.9%
Q3	19.8%	47.3%	33.0%
Q4	34.1%	36.5%	29.4%
2018/19 Total	29.9%	40.2%	29.9%

KPI 5 – The quality of our reviews

Purpose – The measure provides an indication of the quality of our reviews as measured by the CCRC internal quality assurance system.

Definition – The number of cases examined in the QA sample for which additional work is required expressed as a percentage of all cases examined.

Calculation – Quarterly and for the previous 12 months

Frequency – Quarterly

Data Source – Management Review

Target – Fewer than 4% of cases sampled require additional work.

Actual: 0.9% over the last 12 months.

KPI 6 – Complaints and Judicial reviews

Purpose – The measure provides an indication of the quality of our reviews as measured by the number of complaints and judicial reviews.

Definition – (i) The number of cases re-opened as a proportion of complaints and pre-action protocol letters resolved and judicial reviews heard, (ii) the proportion of complaints otherwise upheld as a proportion of complaints resolved.

Calculation – Recorded for the current quarter and for the previous 12 months

Frequency – Quarterly

Data Source – Records of official complaints held by the customer services manager and of judicial reviews held by the legal advisor.

	Target	Actual	Target rate	Actual rate
Cases re-opened	<3	2	<4%	2.2%
Other	<7	13	<9.5%	22.4%

KPI 7 – Media reach

Purpose – The measure provides an indication of how many people are informed through the media about the existence, work and role of the CCRC. The metrics here are standard measures supplied by the Newspaper Licencing Agency and by Twitter via the Commission's media monitoring provider.)

Definition – a) the reach and advertising equivalent value of mentions of the CCRC in the mainstream media and b) the social media reach of "tweets" relating to the CCRC.

Calculation – a) total news reach and total news value (£M) and b) the total Twitter reach.

Frequency – Quarterly

Data Source – Analytics package provided as part of the CCRC's media monitoring service.

Target – New measure for 2018/19. No overall target, but within the figure to increase the number of Twitter followers to 2000.

Number of Twitter followers (@ccrcupdate) at end of March 2019 is 2,106.

	News Reach	News Value	Twitter Reach
Q1 18/19	19,270,000	£1,300,000	441,270
Q2 18/19	22,990,000	£1,560,000	329,940
Q3 18/19	17,990,000	£1,650,000	570,260
Q4 18/19	22,730,000	£1,390,000	597,730
Total 18/19	82,980,000	£5,900,000	1,939,200

KPI 8 Staff absence

Purpose: The measure provides an indication of the lost productivity due to sickness absence.

Definition: Average working days lost.

Calculation: Taking the total number of working days absence due to sickness divided by the average total staff FTE.

Frequency: Monthly.

Data source: HR Statistics

Plan: Less than an average of 7.5 days sickness absence per FTE.

Actual: Sickness absence: 9.58 days per annum per FTE.

KPI 9 Expenditure against budget

Purpose: The measure provides an indication of the effective use of our financial resources over the financial year.

Definition: Forecast annual expenditure less the allocated budget, measured separately for resource and capital, expressed as a percentage of budget

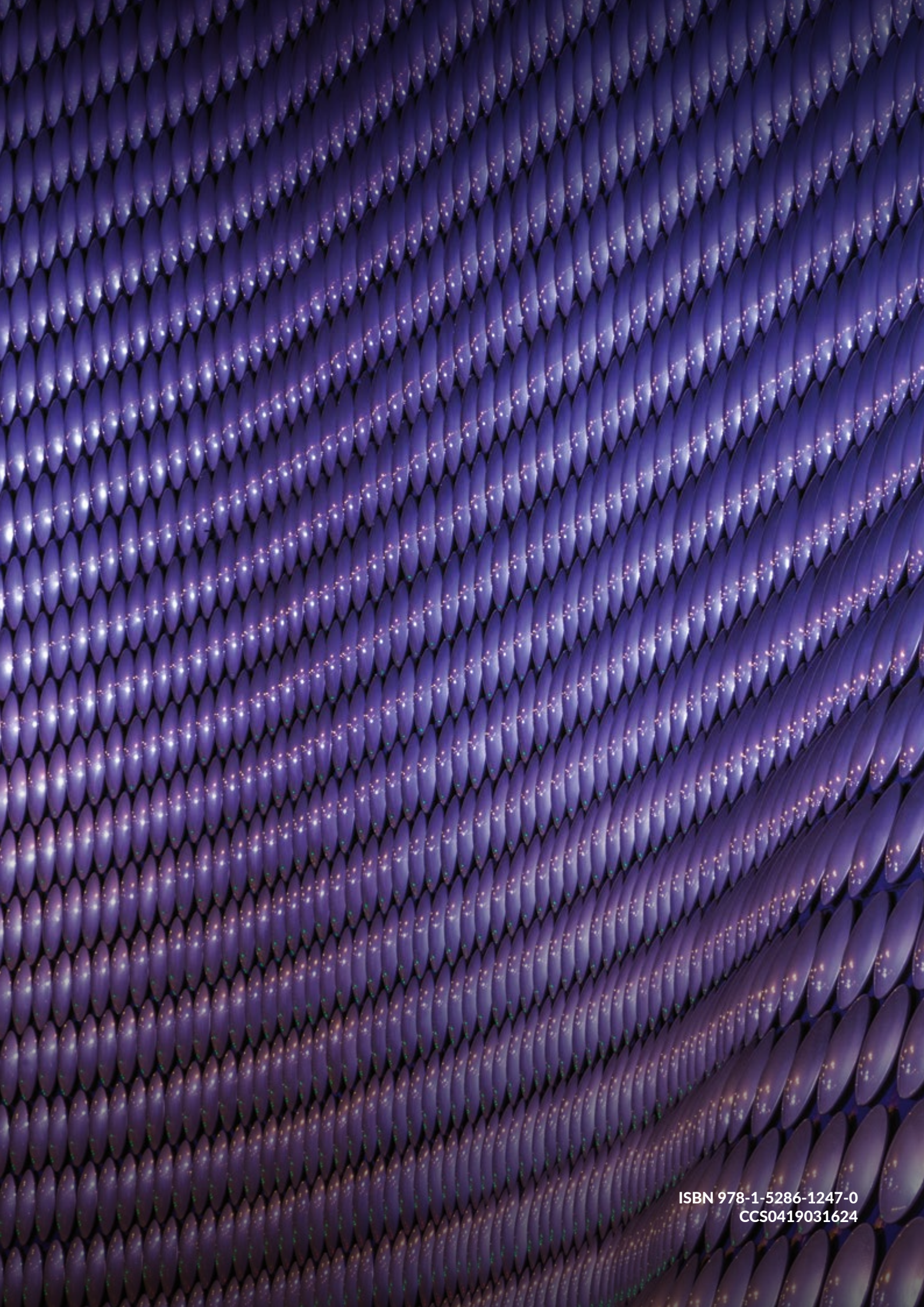
Calculation: Forecast for the year.

Frequency: Monthly.

Data source: Management accounts.

Plan and performance:

	Target Budget %		Actual Budget %
	<	>	
Resource (RDEL)	0%	-2.5%	-0.45% (subject to adjustment post audit)
Capital (CDEL)	0%	-12.5%	0.00% (subject to adjustment post audit)



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