



Criminal Cases Review Commission

## CASEWORK POLICY

Policy Title: **Selection and Instruction of Experts**

Reference: **CW-POL-20**

Version: **2.0**

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### The CCRC's Quality Statement

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

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

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

### Introduction

This policy outlines the procedure the CCRC uses when selecting and instructing an expert to undertake work on a case review.

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## Key Points

- 1) An expert is defined as “a person who is required to give or prepare expert evidence for the purpose of criminal proceedings....”
- 2) Instructions will be confirmed in writing using ‘CW-F-10 Expert Instructions and Contract’.
- 3) Part 19 of the Criminal Procedure Rules sets out the duty of an expert to the court and the content of an expert’s report.
- 4) The CCRC decides whether or not the services of an expert are required for the review of a case.
- 5) The CCRC will instruct the expert who appears to the CCRC to be best suited for the task.
- 6) Any expert report which the CCRC has obtained is usually disclosed with the CCRC’s Statement of Reasons.
- 7) The CCRC will inform the relevant expert when his/her report is disclosed.

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## Definitions

None

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### 1 General Information

- 1.1 An expert is defined as “a person who is required to give or prepare expert evidence for the purpose of criminal proceedings....”<sup>1</sup>
- 1.2 The CCRC regularly instructs a variety of experts during the case review process. Some will be familiar with the CCRC’s role and others will not. Instructions will be confirmed in writing using ‘CW-F-10 Expert Instructions and Contract’ letter and will include:
  - a) A clear explanation of what the CCRC is asking the expert to do
  - b) Agreed fees
  - c) Agreed timescale
  - d) Terms and conditions
  - e) Relevant Criminal Procedure Rules and Criminal Practice Direction.

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<sup>1</sup> Part 19.1(2) Criminal Procedure Rules 2015

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- 1.3 Part 19 of the Criminal Procedure Rules sets out the duty of an expert to the court and the content of an expert's report. It is relevant for the CCRC (and experts instructed by the CCRC) to have regard to those rules and to the relevant directions on expert evidence under Part 19 of the Criminal Practice Directions.

## 2 Selecting an Expert

- 2.1 The CCRC decides whether or not the services of an expert are required for the review of a case.
- 2.2 The CCRC will instruct the expert who appears to the CCRC to be best suited for the task. The CCRC will generally make enquiries about the expert's qualifications, experience, and membership of any relevant professional body.
- 2.3 Scientific or other expert advice will be obtained in writing, including advice that testing/expert analysis is not possible.
- 2.4 Experts instructed at the time of trial and/or appeal  
Where the CCRC considers that issues (potentially) arise in respect of expert opinion gathered for the purpose of the trial and/or appeal, it will consider during the review process whether it is necessary and appropriate to obtain an updated opinion from the original expert(s).
- 2.5 Criticised expert witnesses, lawyers, or other professionals
- 2.5.1 An application to the CCRC may include an assertion that the expert opinions or evidence at the time of the original trial were flawed. If so, the CCRC may contact the expert(s) at trial and invite a response to any such criticism.
- 2.5.2 In order to assist in assessing the validity and strength of any such criticism, the CCRC may obtain a report from a new expert. If so, the trial expert(s) may be invited to comment on any such report.
- 2.6 Appeal  
The question of whether an application is made to call an expert (from the original trial or a new expert instructed by the CCRC) at any appeal following a referral is a matter for the parties to the appeal.

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## 2.7 Time and cost estimates for experts' services

- 2.7.1 When instructing experts, the CCRC will seek a firm date by which the expert will be able to complete the work. Time is of the essence in the CCRC's contracts with experts.
- 2.7.2 In addition, the CCRC will obtain a quote, or failing that a firm estimate, of the financial cost for the completion of the relevant piece of work by the expert.

## 3 **Disclosure**

- 3.1 Any expert report which the CCRC has obtained is usually disclosed with the CCRC's Statement of Reasons, unless there are particular circumstances that dictate earlier disclosure or (exceptionally) non-disclosure.
- 3.2 The CCRC will inform the relevant expert when his/her report is disclosed.
- 3.3 Where the expert's address and telephone number on the report appear to be personal, the expert will be consulted before that information is disclosed. That information may be redacted as appropriate.
- 3.4 For further information see 'CW-POL-19 Disclosure by the CCRC'.

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## Appendices

None

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### Relevant CCRC Documents

Q-MAN-01	CCRC Quality Manual
Q-POL-01	CCRC Quality Policy
CW-POL-19	Disclosure by the CCRC
CW-F-10	Expert Instructions and Contract

### Legal Documents (available for free from [www.justice.gov.uk](http://www.justice.gov.uk))

Criminal Procedure Rules 2015

Criminal Practice Directions 2015

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### Document Control

Document author: Head of Quality

Issue authorised by: Director of Casework Operations

### Version History

Date Issued	Version	Brief Details of Change	DCR
15/07/2021	1.0	First Issue	21/04
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