

## CCRC written response to research by Dr Lucy Welsh et al, Sussex University

The Criminal Cases Review Commission ('CCRC') welcomes the publication of the research paper "Applicant Experience of the Criminal Cases Review Commission (CCRC)" by the University of Sussex, which was funded by the Nuffield Foundation [www.nuffieldfoundation.org](http://www.nuffieldfoundation.org).

The CCRC recognises the importance of independent scrutiny of the CCRC's performance and of the way that it discharges its vital public function. We are grateful to the time that Dr Welsh and her team have taken to engage with both previous applicants to the CCRC and potential applicants in order to present the applicants' perspective of the CCRC.

This project is the last stage of a much bigger project using CCRC data carried out by Sussex University on legal aid and legal representatives and the CCRC, which began in 2021. The CCRC encouraged Sussex University to complete the project with a final research paper seeking the views of applicants. We note the central importance this research places on the issue of legal representation and the continued decline in the number of legally represented applicants to the CCRC during the last decade. The CCRC agrees that this serves as a major barrier to legal knowledge and understanding of the CCRC for many applicants.

The CCRC is grateful for the detailed consideration given to the applicant perspective in this report. Many of the findings provide independent support for issues also identified by the CCRC's Outreach Team which they seek to address in their work with potential, current and past applicants. The report underlines the importance of the CCRC continuing to engage with potential applicants in prison both in person and using a variety of communication methods including information videos and prison newspaper articles. It also highlights the importance of the CCRC's work seeking feedback from current and former applicants with a view to improving the experience of CCRC applicants in the future.

Both the report and the work of the CCRC's Outreach Team provide clear evidence that there is more to be done. We acknowledge that many of those applicants who have had their cases turned down are disappointed and have shared negative views of their experiences of the CCRC. The CCRC is committed to improving the experience of applicants and the service it provides whilst carrying out its core function of finding miscarriages of justice.

The report makes recommendations in relation to four areas of the criminal justice system on which the CCRC has commented below.

1. The Wider Justice System:

- The CCRC agrees that it is important to engage with other bodies within the criminal justice system and in particular the appeal system. It has recently assisted the Court of Appeal in designing an accessible booklet for prison staff to explain the appeal process and loss of time orders which they can use to advise prisoners with questions about how to appeal their convictions and/or sentences.
- The CCRC would very much support the possibility of access to trial information for those who consider they have been wrongly convicted and who want to appeal. In particular it would support research into the possibility of the provision of digital recordings of trials to lawyers and their clients for those wishing to appeal their convictions and/or sentences.
- The CCRC will continue to review and improve on the provision of materials to organisations working with potential applicants to the CCRC including its work with the Miscarriages of Justice Support Service based at the Royal Courts of Justice.

2. Legal Representation:

- As observed above, the CCRC is fully committed to any initiatives to increase the number of legally represented applicants to the CCRC. It will continue to provide guidance to criminal lawyers considering supporting an application to the CCRC with suggestions on how best to make effective submissions.

3. The Prison System:

- The CCRC was pleased to see independent evidence to suggest that materials it sends on a regular basis to prisons in England, Wales and Northern Ireland including posters, leaflets and videos provide a key source of information for many prisoners about the work of the CCRC.
- The CCRC would welcome other organisations' telephone details being approved for prisoner use in addition to its own freephone number.
- The CCRC will continue to train prison staff about the work of the CCRC and to provide them with information about the application and review process.

4. The CCRC:

- The CCRC welcomes the call for additional funding to assist its core function of finding miscarriages of justice in a timely and thorough manner.

- The CCRC will consider the workability of holding prison surgeries not only for potential applicants but also those with applications at the CCRC.
- The CCRC recognises the need for its communications with both potential and current applicants with varying needs and requirements, to be both accessible and comprehensive. To this end, it has made changes to its decision documents since the Westminster Commission recommendations on this same subject (in February 2021). It has increased the amount of information provided and the way in which it is presented. The CCRC will continue to review the way in which it communicates with applicants and in particular those with specific vulnerabilities and will review the evidence presented within the report on this issue. It notes in particular the problems reported with phone calls to staff during reviews. The CCRC does provide a general “helpline” for callers to the CCRC operated by Case Review Managers and will review the possibility of applicants being transferred to the helpline where specific staff are unavailable. The CCRC will also consider whether there is a need for “easy-read” decision documents in particular cases of vulnerability where an applicant is not legally represented.
- The CCRC is committed to visiting as many vulnerable applicants in person as possible and in particular those with possible vulnerabilities by virtue of their age, sex, health, language barriers or lack of legal representation. It visits young applicants as a matter of course and arranges visits to applicants who by reason of their vulnerability are either struggling to understand the CCRC’s processes or the CCRC is struggling to understand their application. The CCRC also funds the translation of communications into an applicant’s preferred language where reasonable. As recommended, the CCRC will continue to review communications with vulnerable applicants where resources allow.
- The CCRC agrees that as much information about the CCRC’s legal remit for making referrals should be provided as possible to applicants. In addition to its website for applicants at liberty, it has developed information leaflets and videos for prisoners on a wide variety of topics including case studies, new evidence, the CCRC’s statutory test and the CCRC’s processes. For those with access to the CCRC’s website, there is now a comprehensive webpage of case studies with information about every referral made by the CCRC to date and the nature of the new evidence, argument or information in each case.
- The CCRC notes the recommendations made in respect of its referral rate, the percentage of successful appeals and its statutory test and the calls for reform in this area. The CCRC is fully supportive of independent review of these aspects of its work including the current work of the Law Commission on its statutory test and will submit a comprehensive response to the Law Commission on this issue. Additionally, the figures on the success rate of appeals are more nuanced than stated. In the last four years the success rate of referrals to the Court of Appeal only (taking appeals heard in the Crown Court out of the picture) was *less than half* of those referred (47%). The overall success rate appears much

higher due to the success rate of appeals of Magistrates' Court convictions to the Crown Court.

- The CCRC would observe that this project obtained data from a small number of CCRC applicants (49) and involved no assessment of the decisions made in their cases. In those circumstances we consider that the evidence base does not allow recommendations to be safely made in respect of issues beyond those of applicant engagement and communication. By way of context, in the last business year, the CCRC received in excess of 1500 applications and reached decisions in almost 1300 cases.
- The CCRC will continue to ensure that it provides all applicants with a Statement of Reasons which explains clearly the nature of any investigations carried out and the reasons for its decision and will continue to respond to further submissions made by applicants in respect of those decisions.
- The CCRC is committed to ensuring consistency in case management across staff and that wherever operational reasons demand a change of personnel dealing with a case, that it provides clear and timely information to applicants and their representatives.
- The CCRC provides a comprehensive toolkit for potential applicants via its website for those at liberty and within prisons via material developed by the Outreach Team and regular prison surgeries within prisons. However, the Outreach Team will continue to seek feedback to ensure that sufficient information is made available to all those who consider they have been wrongly convicted or sentenced and who wish to apply to the CCRC.

CCRC Research Committee 6<sup>th</sup> June 2025