



CCRC

Criminal Cases Review Commission

Annual Report and Accounts

2017/2018

HC 1083

Criminal Cases Review Commission Annual Report and Accounts 2017/18

Report presented to Parliament pursuant to paragraph 8(3)
of Schedule 1 to the Criminal Appeal Act 1995.
Accounts presented to Parliament pursuant to paragraph 9(4)
of Schedule 1 to the Criminal Appeal Act 1995.

A copy of the Annual Report and Accounts is presented to the Northern Ireland
Assembly pursuant to paragraph 8(4) of Schedule 1 to the Criminal Appeal Act 1995.
Ordered by the House of Commons to be printed on 5 July 2018.



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ISBN 978-1-5286-0303-4
CCS0418398856 07/18

Printed on paper containing 75% recycled fibre content minimum

Printed in the UK by the APS Group on behalf of the Controller of Her Majesty's Stationery Office

Our vision and purpose:

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

Our overall aims:

- to investigate cases as efficiently and effectively as possible with thoroughness and care
- to work constructively with our stakeholders and to the highest standards of quality
- to treat applicants, and anyone affected by our work, with courtesy, respect and consideration
- to promote public understanding of the Commission's role

Our values:

- independence
- integrity
- impartiality
- professionalism
- accountability
- transparency
- timeliness





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Section One

Performance Report

The performance report has two parts. The first contains a foreword from our Chair and an introduction from our Chief Executive as well as an overview of the Commission'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 look further into this report unless they want to find further or specific details.

The second part provides detailed analysis of how the Commission has performed in the last year in specific areas such as casework function, finance and other areas of its work.

Overview

Chair's Foreword

In my foreword to our 2016 report I identified disclosure failings as the biggest single cause of miscarriages of justice. I said I had raised the matter with the Law Officers, DPPs here and in Northern Ireland and with the police. Subsequently a joint Inspectorate report found likewise and I am pleased to learn that a remedial training and education programme is now underway. This is an important step forward which I welcome. However, the issue at the heart of this is not training in process and procedure but ensuring investigators approach investigations with the right attitude and culture.

At the core of our approach to justice, and those of any other fair trial jurisdiction, is that those accused of any crime are innocent until proven guilty. Police and prosecutors are, or should be, under no doubt about their obligation to treat all parties – accusers and accused alike – even-handedly, fairly and in accordance with the law. Allegations of criminal conduct are just that – allegations. It is one thing to treat someone who is or claims to be a victim of crime, and who may show obvious signs of injury or distress, sensitively and courteously and to investigate their allegations vigorously and promptly. It is another entirely to proceed as if the sole purpose of the investigation is to see if a credible case can be built against the accused. Thinking of the kind, “We know they did it, how can we prove it” is precisely what led us to some of the worst miscarriages of justice in our history. Sadly, recent experience suggests that thinking of this kind is still too prevalent in our justice system. Not every alleged victim is telling the truth and it is not for nothing that all civilisations since their earliest times have had the strongest injunctions against bearing “false witness” against one's neighbour.

A complainant's allegations must be treated with the utmost seriousness and investigated accordingly. But justice must also be even handed. The prosecution team is under every bit as much of a duty to pursue sensible lines of enquiry which might exculpate the accused as it is to pursue lines of enquiry to build the case against them. Failure to do so is a failure to act professionally, impartially and in the interests of justice. For someone to be the subject of an unnecessarily lengthy investigation, with or without the glare of publicity, which might have been brought to an end much sooner had appropriate enquiries been made

promptly is a miscarriage of justice too. Police or prosecutors who are guilty of such professional shortcomings should expect to face commensurate professional consequences.

During my time as Chair, arrangements for compensating miscarriage of justice victims have changed. The old ex gratia scheme was, controversially, replaced with the current system which seems to have all but stopped compensation payments. The operation of this new scheme is currently before the Supreme Court.

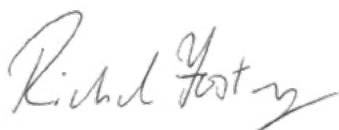
An important part of the Commission's role is to help maintain or improve confidence in the criminal justice system and one way of doing this is to ensure that where mistakes occur, we learn appropriate lessons. The issue of compensation is usually seen from the perspective of the individual seeking compensation. This is entirely understandable. But equally important is that the State, and its agents, reflect on errors that they have made particularly where these could and should have been avoided such as disclosure failures or poor investigative processes. So perhaps those concerned with designing and administering compensation arrangements could usefully focus not just on whether the victim ought to be compensated but also on whether, if a wrongful conviction occurred through clear failure on the part of the State, the State ought to be expected to pay. Not just for the purpose of individual recompense but also to focus minds on failures of the State and its agents in a particular case and accordingly to stop mistakes recurring.

I have been Chair of the CCRC for ten years and have been impressed throughout by the skill, dedication and professionalism of all who work here so tirelessly, current and previous staff and Commissioners alike. My thanks to all of them. Most of the cases reviewed turn out to be safe convictions and we should be grateful for that. After all our system is designed precisely not to convict unless guilt is assured. But even one wrongful conviction is one too many. This Commission has referred on average roughly one potentially unsafe conviction every working fortnight. And the consequences for the individual of a wrongful conviction can be every bit as devastating as those for the victim who sees their offender go unpunished.

The inscription over the Old Bailey reads, "Defend the children of the poor and punish the wrongdoer". It is natural to see that in terms of protecting victims and pursuing offenders. As we should. Our criminal justice system should always defend children, the vulnerable and all who are victims of crime. Those guilty as charged should face punishment commensurate with their criminality. But until guilt is established those accused of crimes, however heinous, must be treated as innocent and entitled to the same protections and treatment as you or I would wish for if we were in their shoes. This is as easy to state as a principle as it can be difficult to adhere to in practice. Faced with a complainant who is clearly in some distress, making an accusation against someone whose previous character and conduct make it look all too probable that the accusations are true it is understandable if investigators have a natural desire to accept the complainant's version of events and seek to build a case against the accused accordingly. Understandable, entirely human, but wrong. For if the words, "Presumed innocent until proven otherwise" are to have any meaning at all, then the investigation team must always start from, "What I am being told may or may not be true", proceed to "How can I test fairly whether it is the truth or not?", I and ensure throughout, "That I am actually fair and even handed to all parties and not taking sides".

An omniscient deity may know everything and therefore be certain of the truth. For those of us who are human, care, caution and our best professional effort to be fair and thorough are the most we can offer. If my ten years as Chair have taught me anything it is that we can and we will all get it wrong sometimes. Something that everyone involved in criminal justice does well to remember.

My thanks to all those who have assisted me, and this Commission, in learning from our own mistakes and those of others over that time. I also extend my thanks and those of everyone at the CCRC to Ranjit Sondhi, whose term as Commissioner came to an end after five years in November 2017 and to Dr Maggie Semple, who left her position as our longest serving Non-executive Director and Chair of Audit and Risk assurance Committee after eight years. We shall miss their wisdom and counsel.



Richard Foster CBE, Chair.

Introduction from the Chief Executive

It has been a challenging year as we continue to experience high levels of demand. To address that, three years ago we set ourselves the target of cutting to a practical minimum the time applicants were required to wait between making their application and having our review of their case begin. By the end of the reporting year 2017/18 we had achieved that goal. What this means is that applicants whose cases require a detailed review can expect us to start work on their case within two or three months of receiving their application; the time needed to obtain information and material, usually from public bodies, before we can carry out the initial assessment and start the detailed review.

This means that as we enter the first year of our new three-year corporate plan period, we start from the strong position of not having queues. This is a significant achievement and very much to the benefit of our applicants as it means we can spend more time directly focused on reviews rather than on managing a queue. We have achieved this without extra money through the determination and sheer hard work of everyone at the Commission to find new ways of working.

In eliminating queues, some of our review cases have taken longer to review than we would like, primarily because of the number of cases each case review manager has in his or her portfolio. Outside of the Commission people tend to focus on the number of referrals that we make or, even more narrowly, on a tiny handful of high profile cases. Inside the Commission we know that for the majority of our applicants who are unrepresented, the most important thing is the time taken to work on their case and the time we take to complete it. With that in mind, reducing the time it takes to properly review cases will be our focus in the coming year although I am pleased that we have made progress already. For example, we have seen a reduction in our longer running cases with the number of cases which have been under review for 3 years or more falling from 49 cases in March 2015 to 13 in March 2018. That, combined with doing away with queues, is a very real achievement.

Last year we referred 12 cases, the lowest number referred. I reported in last year's annual report that whilst we were keen to understand the reasons for this, when referrals are particularly high or particularly low the reasons are not entirely clear. This year we made 19 referrals.

We have given a great deal of consideration to the fall in the number of referrals and we need to ensure that we don't make incorrect assumptions about what may be going on. We do know from experience that a single issue or theme can lead to a high number of referrals. We have seen that to a limited extent in this year's 19 referrals. We continue to talk to stakeholders and criminal practitioners in particular about this to ensure we stay alive to contemporary miscarriages of justice. We are only too well aware that miscarriages of justice will always be with us; the recent disclosure failures discussed by the Chair in his foreword is clear evidence of that.

The Commission has been on a journey which has included significant changes to how we work. We have seen the arrival of new Commissioners with more new ones to come, and the imminent arrival of a new Chair in light of the retirement of Richard Foster in October 2018. At the time of preparing this annual report, we are also undergoing a tailored review which is looking at governance and performance. This means that we will continue to see change.

People who work here are proud to work here and are passionate about what the Commission does. Because of that, we tend to keep casework staff for a long time. Although we don't routinely comment in the annual report on people who leave during the year, I would like to mention the retirement of one of our longest serving members of staff. We said goodbye this year to Phil Pledger, one of our most experienced and highly respected case review managers now retired after 14 years of service. Not only did Phil manage the review of some of our most complex cases, he was an experienced mentor providing advice and support to his casework colleagues. He is already missed by all of his colleagues at the Commission.

Things have not been easy in recent years; money has been tighter even with standstill budgets and workloads higher than we would have liked. In spite of this our staff, both casework and support staff, and Commissioners have responded admirably to the very considerable demands made of them. But what nobody here forgets is that we are here to provide the very best service we can to applicants who need us, including discovering and acting on miscarriages of justice. And it's the people at the Commission who do that.

A handwritten signature in black ink, reading 'Karen Kneller'. The signature is fluid and cursive, with the first name 'Karen' and last name 'Kneller' clearly distinguishable.

Karen Kneller, Chief Executive.

The Criminal Cases Review Commission in 2017/18

The Commission reached its 20th anniversary during 2017/18 having started work in 1997 as the first body of its kind in the world – an independent and publicly funded investigative body dedicated to looking into alleged miscarriages of justice. Since then it has referred more than 650 cases to the appeal courts.

The Criminal Cases Review Commission (CCRC) was created on the recommendation of the 1994 Royal Commission on Criminal Justice. The Royal Commission was established in response to a series of shocking miscarriages of justice that came to light in the 1980s and 1990s and which included the Guildford Four and the Birmingham Six. These and other cases featured a mixture of non-disclosure, false confessions, police misconduct and issues about the reliability of expert forensic testimony.

Parliament passed the Criminal Appeal Act 1995 with cross-party support and created the CCRC to independently investigate alleged miscarriages of justice in England, Wales and Northern Ireland¹ and gave it the unique power to send cases back to the courts for a fresh appeal to be heard.

Since starting work the CCRC has looked into almost 23,000² applications and referred around one in every 35 for appeal at an average rate of 33 cases a year; some 67% of the resulting appeals have been successful.

More than 90% of our referrals have related to Crown Court cases and many to the most serious types of offending.

More than 90% of our referrals have related to Crown Court cases and many to the most serious types of offending including rape and other crimes of violence; murder alone accounts for 23% of CCRC referrals.

While CCRC cases have included many of the most significant and high profile miscarriage of justice cases of recent decades, the overwhelming majority of CCRC referrals have come in cases with no public profile or media interest or involvement of miscarriage of justice campaigners or support groups.

The CCRC is obliged to consider every eligible application we receive and we do not require an applicant to be legally represented. Historically, 68% of people applying to the CCRC have done so without the help of a lawyer; more recently we have seen that proportion approaching 80%.

The vast majority of applications to the CCRC come from the people convicted of the offences in question, or from someone representing them. Most choose to use our Easy Read application form which is specially designed to be easy to use.

During 2017/18 we received 1,439 applications; in the previous year it was 1,397.

The Commission was designed as a post appeal organisation. Our core role has always been to consider cases where someone convicted of an offence, having exhausted conventional rights of appeal, maintains that they were wrongly convicted or incorrectly sentenced.

The Act of Parliament that created the Commission specifies that we cannot refer a case for appeal if the applicant has their conventional appeal rights remaining, unless there are “exceptional circumstances” that mean we should do so.

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

² The CCRC website www.ccrc.gov.uk displays regularly updated casework statistics.

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.

The evidence or argument usually needs to be new in the sense that it was not available at the time of the conviction or the appeal. If the evidence in question was unused in spite of having been available to the defence 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, we are obliged to apply a threshold test. Section 13 of the Criminal Appeal Act 1995 sets out what is known as the “real possibility test”. It says that the Commission can only refer a case where it is satisfied there is a real possibility that the conviction would be quashed (or in the case of a sentence referral, that the sentence would be changed) if the referral were made.

Every decision about whether or not a case can be referred is taken by CCRC Commissioners. For a case to be referred, it must be considered by at least three Commissioners sitting as a committee. A single Commissioner can decide not to refer a case. Our Commissioners are chosen for their professional experience and ability to take significant decisions in complicated matters. They are appointed by the Queen on the recommendation of the Prime Minister. (see page 40 of the Directors’ Report for details of CCRC Commissioner during the year).

The Commission looks carefully at every application it receives; what we do in individual cases 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 Commission is a post-appeal body and that they can and should try to appeal in the normal way through the courts.

The Commission has always received a high proportion of these “no appeal” cases. Indeed, 35-40% of all our applications have related to “no appeal” cases (see page 16).



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.

The Criminal Appeal Act 1995 requires that the Commission refers “no appeal” applications only where there are “exceptional circumstances” that mean we can do so in spite of the fact that the applicant still has the right to appeal in the normal way.

During 2017/18 some 532 applications related to no appeal cases (that is 36% of all applications received in the year compared with 38% in the previous year). We accepted 82 such cases for review (compared to 99 in 2016/17) where we identified potential exceptional circumstances.

We also receive each year a number of applications that are “ineligible” because the cases are not within our jurisdiction and we cannot review those cases. In others, applications arrive that simply do not present any issues that we can review or investigate. For instance, it is not unusual for applications, or re-applications, to only restate points that were made, unsuccessfully, at trial or at appeal or in an earlier CCRC review. In such cases, if we cannot see in the case any potential new issues that we can work on, we will explain the position to the applicant and close the case.

Almost half of all the applications we receive relate to cases that are either ineligible or are no appeal cases where there are no exceptional circumstances.

The rest of the applications – i.e. those that are eligible and at least potentially raise something that requires further scrutiny – are allocated to one of our Case Review Managers 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; 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. In some complex cases a Commissioner will be assigned at an early stage of the review to oversee the inquiry and make investigative decisions.

Towards the end of the investigative stages of a review, the time comes to consider whether we have identified any new evidence or argument 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 decides that there is a real possibility the appeal court will quash the conviction (or in the case of a sentence referral, amend the sentence), the committee will normally refer the case thereby causing an appeal to be heard at the appropriate appeal court³.

If a committee, or a single Commissioner, decides that there is no prospect of a referral, a document explaining the position, and the reasons for it, will be sent to the applicant. Where necessary the 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.

³ 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.

Our performance in 2017/18

The casework section of this report at pages 16 to 27 sets out in detail how the Commission has performed in its core task as a caseworking organisation during the reporting year. It explains how we have performed against a range of targets such as how long it takes us to review applicants' cases.

It shows that we have achieved the very ambitious target of reducing to a practical minimum the amount of time that applicants have to wait between making an application to us and having our review of their case begin.

This target was first set out in the Commission's Corporate Plan for 2014 to 2017. Its achievement effectively means that when we decide, following an initial look, that a case requires a more detailed review, the case 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 is a significant change because, for most of the life of the Commission, there has been a delay, and sometimes an unacceptably long delay, between the decision to review and the start of the review process.

The casework section of this report sets out various casework factors including the fact that we referred 19 cases for appeal during 2017/18, compared with the 12 referrals made in 2016/17 which was the lowest ever number of referrals in a reporting year.

Our Powers and Investigations

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

Since the creation of the Commission 20 years ago, our section 17 powers have given us the ability to obtain any material we believe necessary for our work from any public body. It includes everything from casework materials in the possession of the police and the Crown Prosecution Service (CPS) to the secret products of covert human intelligence sources, government papers and material held by any other public entity.

In 2016 that power was enhanced by the addition to the Criminal Appeal Act 1995 of section 18A. Section 18A provides us with an additional power to obtain material in private hands. Section 18A differs from section 17 in that it can only be exercised with the agreement of a Crown Court Judge. The use to which section 18A has been put since its insertion into the Criminal Appeal Act 1995 is set out on page 20.

Section 19 of the Criminal Appeal Act 1995 gives the Commission the power, where we consider it necessary, to require a police force to appoint an investigating officer to carry out investigations on our behalf and under our direction.

Such powers allow our investigations, through section 19, to benefit from the use of police powers such as conducting interviews under caution. We usually, but not always, require the appointment of a section 19 investigating officer from a force other than the one involved in the case which is the subject of our review. The power is used sparingly and usually only when we think there may be an advantage in using police powers or where an investigation is simply too large for a body of our size.

As well as our main function of looking into the cases of individuals who apply to us, 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 on matters related to ongoing appeals 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. During 2017/18 we have been involved in one such investigation for the Court (see page 21).

Our aims and the threats to them

The Commission sets itself a number of goals that it wants to achieve. Each year those goals are set out in current Business Plan which can be seen in the publications section of our website at www.ccrcc.gov.uk.

The Business Plan for 2017/18 sets out organisational aims including: continued improvements in effectiveness and efficiency of casework processes; increased engagement with stakeholders and improved accessibility of the CCRC for applicants and their representatives, particularly for hard to reach groups

We consider the major threats to our organisational aims to include the securing of sufficient resources from Government, ensuring we recruit and retain staff with the skills and capabilities to perform our work effectively and the security of information we obtain from others to perform our role.

We seek to manage risks to the organisation 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 45).

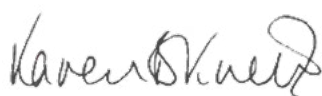
The Commission as a going concern

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 2017/18 our delegated cash budget was £5.45 million, including a £0.2 million capital allocation. This compares with a budget cash of £5.43 million and £0.31 million capital allocation in 2016/17.

The Statement of Financial Position at 31st March 2018 (on page 64) shows a negative total taxpayers' equity of £6.128 million. This reflects the inclusion of liabilities falling due in future years which, to the extent that they are not to be met from the Commission's other sources of income, may only be met by future Grants in Aid from the Commission's sponsoring department, the Ministry of Justice. This is because, under the normal conventions applying to parliamentary control over income and expenditure, such grants may not be issued in advance of need.

Grant in Aid for 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 Ministry of Justice overall estimates for the year and has been approved by Parliament. There 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
27 June 2018

Performance Analysis

Casework

During 2017/18, we received 1,439 applications. Over the last four to five years, this level of applications has become the norm. Over the same period, we completed our consideration of 1,538 cases.

Waiting time to the start of our review

Almost since the CCRC first started work in 1997, applicants have had to wait in 'queues' before a review could be started. We had, however, begun to make significant progress in reducing those queues when intake soared and the queues grew again. In our 2015/18 Corporate Plan we committed to eliminating those queues. Over that period we made major changes to the manner in which we carry out our casework and engaged in consolidation of those alterations, focussing most latterly on the quality of our case planning and on our longer-running cases. At the heart of all of those changes is our commitment to the quality and timeliness of our reviews.

We are delighted to report that we have achieved that very challenging objective. During 2017/18 we reduced the waiting time for a substantive review to commence (from application to allocation) from 48 weeks for liberty cases and from 22 weeks for those in custody to a maximum of 13 weeks for all cases.

Outcomes

During 2017/18 we focussed harder than ever on resolving some of our most complex and longer- running reviews. Coupled with our staff managing demanding case loads, that means that this year, we have managed to complete 1,538 case reviews. That compares with 1,563 in 2016/17; 1,797 in 2015/16; 1,632 in 2014/15; and 1,131 in 2013/14. Nineteen of those cases were referred to the appeal court.

During 2017/18, six appeals were heard in relation to CCRC referrals; four convictions were quashed and one conviction and one sentence were upheld.

Casework resources

Once again, we were granted what was virtually a 'stand still' budget for 2017/18. During the course of 2017/18, we were pleased to welcome five new Commissioners. We invested substantial time in their induction to enable them to add value to our casework as quickly as possible. The level of Case Review Manager and Casework Administrator resource declined within the year and we are recruiting to supplement those roles. In addition, in February, we welcomed an Associate Professor with a research background in joint enterprise liability, from the University of Reading, as a temporary addition to our Case Review Manager team. Our specialist support resource has increased by one temporary addition to our Legal Team, to enhance the availability of specialist legal advice for case review. Our complement of interns has been lower than we would have liked and has fluctuated between one and four over the course of 2017/18, due to their high success rate in obtaining pupillage.

This year, we also introduced a new case management system, and necessarily that has required substantive input from all types of casework staff and Commissioners to create a system which properly reflects our casework processes.

No appeal cases

Applications to the CCRC should not be seen, or used, as a mechanism by which applicants can by-pass conventional appeal processes.

Around 35 to 40% of all new applications received are “no appeal” cases. These are applications where there has been no previous appeal or application for leave to appeal.

In no appeal cases, we can refer the case for appeal only if, in addition to the test that applies to every case, we find that there are exceptional circumstances for doing so. Where no exceptional circumstances are suggested by the applicant, and where none are apparent to us, the applicant is advised to seek an appeal in the conventional way.

We deal with these cases to determine whether there are potential exceptional circumstances as effectively and efficiently as possible so that we can inform applicants quickly if their most appropriate route to appeal is to approach the relevant court directly. That also enables us to focus a greater proportion of our resources on cases where the applicant has no alternative avenue, which is our core purpose.

Although we have taken steps to try to minimise the number of inappropriate “no appeal” applications to us, the continued high proportion remains a concern as it detracts from our ability to deal more quickly with those who have no other route to appeal.

Casework

From March 2017 to March 2018 we have managed to reduce maximum waiting times to allocation:

- From five months for custody cases
- From 11 months for liberty cases
- To a maximum of 13 weeks for all review cases – the minimum time we need, on average, to carry out our initial assessment of the case and to obtain key information from other public bodies to enable us to meaningfully commence our case review.

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. 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 2017/18, bringing additional scrutiny and improved practices to strategic case planning and timeliness in cases that take us more than two years to review. The activity of the Long Running Cases Committee has been supplemented by a formal case scrutiny process after 12 months, to enhance our ability to manage and appropriately resource those complex reviews, and by the introduction of a quality assurance process sampling case plans.

The Commission’s casework performance is monitored using a set of Key Performance Indicators, or KPIs. The KPIs are reported below and are set out on pages 84 to 87 of this report.

Time from receipt to allocation

We appreciate how important it is for applicants to know how quickly we are commencing our review of their case. KPI 1 monitors the average time taken for an

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application to be allocated to a Case Review Manager (CRM) so that a case review can begin. During 2017/18, 70% of applications which merited a review were from people in custody and 30% from people at liberty.

Our target for KPI 1 in 2017/18 was to allocate cases on average within less than 13 weeks by the end of March 2018. By the end of March 2018, the maximum waiting time to allocation for any applicant was 13 weeks.

Duration of review – time to decision from allocation

We aim to review cases with both speed and thoroughness. KPI 2A monitors the average time taken for an application to be reviewed. In 2017/18, the time taken for review cases to reach the point where an initial decision was issued was 32.56 weeks, against our KPI 2A target of less than 28 weeks after being allocated to a CRM. Therefore, we did not meet our target. We have, however, made real progress here, from an average of 40 weeks in 2016/17, and it is a good basis on which to build.

Duration of review – cases closed within 12 months from application

For applicants the key issue is not the time taken at different stages but how long the Commission take from receipt of their application to completion of their case. So KPI 2B measures the proportion of cases closed within 12 months of the application being made. Our target is 70%.

For 2017/18 we actually achieved 75.32%.

Long Running Cases

KPI 3 records the number of applicants whose cases are over two years since the case was allocated for review. Our target was to reduce to 30 the number of applicants whose cases have been under review for more than two years. At the end of March 2018, the actual number of applicants was 72, so we did not meet our target. One of the reasons we have a high number is that most of the Post Office 'Horizon Computer' cases, i.e. 30, (see page 20), which are linked via a complex overarching issue, are included on the list of long running cases. However, significant progress has been made in reducing the number of oldest cases. The number of applicants whose cases have been under review for more than 3 years reduced from 49 in March 2015 to 13 in March 2018.

The Long Running Cases Committee (see page 45) exists to track and scrutinise all cases where the review has not been completed within two years of us beginning the review. Despite the work of the Committee, the number of cases which have taken us more than two years to review has not yet decreased sufficiently. The number of cases went up during the course of the year, but is now slowly decreasing. The longest review time, however, has again decreased substantially this year. There are two main factors which have led to this outcome: the sheer quantity of review work being managed and the transformation of our approach to case review necessarily taking time to have maximum effect.

Referrals

In 2017/18 the Commission referred 19 cases to the appeal courts. This means that we referred 1.24% of the cases concluded this year. In the previous year the referral rate was 0.77%; 1.8% in 2015/16 and in 2014/15 it was 2.2%. The Commission's long-term referral rate stands at 2.9%.

We have carried out some analysis this year as to what reasons might lie behind the recent proportion of referrals. We think the following factors are relevant, including:

1. **Lack of a major new theme:** themes impact on our referral numbers considerably, with one issue leading to multiple cases being referred. Over the years, themes have included, for example:
 - Sex offences involving changed understanding of the significance of medical findings

- Shaken baby and SIDS cases
- Operation Brandfield (HMRC controlled deliveries of drugs) cases
- West Midlands Police Serious Crime Squad cases
- Flying Squad Rigg Approach cases
- Northern Ireland Youth Confession cases
- Asylum-seekers and refugees convicted for immigration offences, when they had a defence available to them

Whilst themes will, no doubt, continue to ebb and flow over time, at the moment there is no clear theme of this type.

2. **Reduction in legal representation of applicants:** one third of our applicants had legal representation in the past. Now it is a quarter. We know, from a research project carried out by the University of Warwick (Hodgson and Horne) that legal representation can be a significant factor in identifying a wrongful conviction. Cases which have legal representation have a better chance of referral, and those which were attached with legal firms which submitted to the CCRC most frequently further increased the chances of referral. All of that needs to be interpreted through an understanding of the role of a legal representative – especially in filtering out unmeritorious cases before they ever get to us. Good legal representatives undoubtedly have a very important role in CCRC applications. We are concerned that the position with criminal Legal Aid is having an impact on the willingness of individuals and firms to do pro bono work in potential miscarriage of justice cases. We question whether the current conditions are acting as barriers to new representatives securing funding post-conviction, in which the trial representatives' advice on appeal (which may or may not be good quality) is a key factor.
3. **Change in approach by investigators and prosecutor:** prioritisation of resources potentially leading to fewer 'borderline' cases being pursued through the courts, leaving less room for doubt in the safety of any convictions that are pursued, absent any fundamental new evidence.
4. **Impact of a low 'success rate'⁴ for more recent referrals:** whilst the 'success rate' of our referrals is not directly relevant to the 'referral rate', a low 'success rate' may well cause an adjustment in our assessment of 'real possibility' in individual cases. From 2006/07 to 2014/15 inclusive, the 'success rate' of our referrals ranged between 61% and 77%. In 2015/16, it fell to 53% and fell again to 46% in 2016/17. During the current reporting year, only six CCRC referrals were considered by the appeal courts. Four appeals were allowed and two were dismissed. This gives a 'success rate' for 2017/18 of 66.7%.

We continue to endeavour to find new and effective ways of making ourselves and our remit known to those who might need us. We also continue to analyse our own approach and to keep abreast of changes in the criminal justice system to ensure that we understand the causes of contemporary miscarriages of justice.

The Commission has always reported its referral rate as a percentage of the total number of cases closed. However, it is perhaps worth providing here some context for that calculation. The total number of cases closed includes every application received regardless of whether it comes under the statutory remit defined for the Commission by the Criminal Appeal Act 1995. This means that the total cases figure includes applications relating to civil matters or other proceedings outside of our jurisdiction, cases where applicants have appeals pending and No Appeal cases where there are no exceptional circumstances (noted above) that the Commission could not refer in any event. If cases of this type were removed from the calculation, along with reapplications that raise no

⁴ The term 'success' is used here to describe a referred case which resulted in the conviction being quashed or the sentence being amended

new grounds, the Commission's long-term referral rate would stand at something approaching seven per cent.

Joint Enterprise

Since the Supreme Court's decision in *R v Jogee and others* [2016] UKSC 8 (18 February 2016), we have received around 103 applications featuring arguments about the directions to the jury about joint enterprise. In addition, we have considered that issue in a further 104 cases, which were already with us before the Supreme Court's decision. A tight framework of assessment for these cases was established by the Supreme Court and Court of Appeal. 2017/18 saw our first referral on this topic. We continue to consider other cases.

Radox

Towards the end of 2016/17 an issue came to light regarding data integrity issues affecting some of the results of drug tests on blood samples. In 2017/18, we have continued to liaise with the CPS and the Forensic Science Regulator in relation to our interest in detecting any convictions that might be unsafe. We are dealing with a case where this issue is central and we have, so far, cross-referenced our current and closed cases with those on the CPS list involving an individual who remains in custody to enable us to take proactive steps, where necessary.

Special Demonstration Squad

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

In 2016/17, the CPS completed its review of cases where the safety of convictions might be affected by the practices adopted by the Special Demonstration Squad. The CPS provided the outcome of that review to us at the end of February 2017. We have now completed our own consideration of that group of cases (19 'cases', involving 84 convicted individuals). One case (involving multiple defendants convicted at the magistrates' court) gives rise to concern, but the single defendant whom we have been able to trace has chosen not to proceed in an application with us.

Post Office 'Horizon Computer' cases

We continue to deal with the overarching issues in 30 applications from former Postmasters/mistresses convicted of offences such as theft and false accounting, having been prosecuted by the Post Office. The theme relevant to those applications is a suggestion that difficulties with the 'Horizon' computer system and/or with the training and support provided in using the system were the cause of the facts that led to the convictions.

A new power under section 18A of the Criminal Appeal Act 1995

As reported in detail in last year's Annual Report and Accounts, section 18A of the Criminal Appeal Act 1995 (as inserted into the Criminal Appeal Act by the Criminal Cases Review Commission (Information) Act 2016), came into force in July 2016. This provision enables us to apply to the Crown Court for an order compelling a private body or individual to give the Commission access to documents or materials in their possession.

Our reviews have continued to benefit from that new power and the access it gives us to material in private hands. Indeed, section 18A has been operating as we hoped it would and its existence has been encouraging private bodies to agree to assist the Commission by providing material in which we have reasons to be interested without the need for court proceedings. We have now seen a number of instances, such as in our dealing with a banking institution and a pharmaceutical industry entity, where negotiations have been resolved more quickly and more satisfactorily than might have been the case before 18A.

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.

During 2017/18 we received directions in one such case, asking us to investigate matters relating to alleged juror bias.

Cases referred to the appeal courts in 2017/18

Laura Mitchell

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 provided the Commission with much food for thought, not least in the definition of “substantial injustice” which would be necessary for the Commission to find a real possibility that the appellate courts would quash a conviction.

It is clear that this is an extremely high threshold, and it will be crossed in only the rarest of circumstances. The Commission’s test is a predictive one, and the power to refer only exists when a real possibility is present. It is not an option to ‘test the water’ with the Court, or to refer simply to provide an applicant with an opportunity of rearguing the validity of the concept of substantial injustice at court.

However, the Commission has referred a case this year, that of Laura Mitchell, which it believes crosses that substantial injustice threshold, and gives rise to a real possibility that the Court of Appeal will quash the conviction.

The incident that gave rise to the conviction unfolded in three phases:

First, an initial brawl outside the pub in which violence was directed against Mr A and members of his party. Laura Mitchell was centrally involved in this phase.

The violence stopped abruptly and there was a short lull when Mr Holmes and others – but not Ms Mitchell – walked a short distance to a nearby house where they obtained reinforcements and weapons.

There was then a chase and further episodes of violence in the car park outside the pub, directed against Mr A and members of his party. It was during this phase that Mr Holmes inflicted the fatal injuries on Mr A.

Mr Holmes pleaded guilty to murder as principal. Laura Mitchell, Michael Hall, B, and F pleaded not guilty and were tried as secondary parties to murder and for violent disorder.

In September 2007 Ms Mitchell, B and Mr Hall were convicted. They were sentenced to life imprisonment with a minimum term of 13½ years. Mr Holmes was sentenced to life imprisonment, also with a minimum term of 13½ years, reflecting his guilty plea.

The Court of Appeal found that there was evidence of spontaneous violence in which Ms Mitchell played a leading role. It was therefore open to the jury to infer that she foresaw within the scope of the enterprise that one of the others might kill with the intention of killing or causing really serious bodily injury and that the actions of Mr Holmes, the killer, were not outside that scope. On the evidence, it was also open to the jury to find that the enterprise which she had joined still continued, and that she was still in it and had not withdrawn. The jury had been given correct directions and were entitled to find Ms Mitchell guilty of murder on the basis of participation in the joint enterprise.

...this is the Commission's first referral arising out of the Jogee and Johnson cases, we await the outcome with interest.

On 18 February 2016, in *Jogee*, the Supreme Court changed the law of joint enterprise. In *R v Johnson* 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* 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.

As this is the Commission's first referral arising out of the *Jogee* and *Johnson* cases, we await the outcome with interest.

Case of Z

The recent joint inspection report by HM Crown Prosecution Service Inspectorate and HM Inspectorate of Constabulary on disclosure within criminal investigations and proceedings has attracted much attention. The Commission has raised the issue in previous annual reports, and this year has again made referrals on the basis of significant non-disclosure of material likely to assist the defence or undermine the prosecution case. An example is the case of Z.

Following a trial at Lewes Crown Court, Z was convicted by 10 to 2 majority verdicts of numerous counts of causing a child to watch a sexual act and of sexual activity with a child, Y. He was sentenced to 4 years' imprisonment, a Sexual Offences Prevention Order and to sign the Sex Offenders' Register.

Prior to Z's trial, the defence made an application for disclosure of any material potentially relevant to the complainant Y from public bodies, including of her making allegations which appeared to have been unfounded/not pursued, her being prone to attention seeking behaviour, psychiatric problems giving rise to concerns for her credibility and sexually inappropriate behaviour.

Although the trial judge ordered that the Social Services file be reviewed and that any relevant material be disclosed to the defence, the Commission's enquiries indicated that if prosecution counsel did conduct this review, she made no disclosures to defence counsel.

Having conducted a detailed analysis of the file, the CCRC has identified material relating to a number of relevant matters that it believes should have been disclosed to the defence at that stage, if not earlier in the process, including Y's first account of her 'relationship' with Z that is inconsistent with her account in interview and in evidence.

Defence counsel confirmed to the CCRC that she received no disclosure of Social Services material from prosecution Counsel and would have sought to raise these matters in order to challenge Y in cross-examination. The CCRC concluded that there is a real possibility that the Court of Appeal will quash Z's convictions and has referred them to the Court.

Case of A

An interesting referral of a summary conviction back to the Crown Court for a rehearing was the malicious communications conviction of A.

Mr A was convicted at magistrates court in 2014 of sending a communication conveying false information with the intent to cause distress, contrary to section 1 (1)(a) of the Malicious Communications Act 1988, ("MCA 1988"). He was sentenced to four months' imprisonment.

Mr A appealed against his conviction but lost his appeal. He applied to the CCRC at the end of 2014. He was unrepresented.

Having considered the case in detail, the CCRC decided to refer Mr A's case to the Crown Court because it considers that there is a real possibility that his conviction will not be upheld.

The referral is based on a new legal argument that A's action of posting a blog on the internet did not amount to "sending... to another person" as required by section 1 of the Malicious Communications Act 1988.

The CCRC's reasoning can be summarised as follows:

On the issue of whether posting information on a web post could be regarded as "sending...to another person" within the meaning of the section, the CCRC concludes that:

- (a) the law on this issue is genuinely unsettled;
- (b) there is a degree of academic consensus in favour of a construction in which posting information on a web post does not amount to "sending ..to another person".

Accordingly, on this construction, Mr A would not have committed the *actus reus* of "sending... to a person," as required by the section.

This legal argument was not raised during the proceedings in this case, and is therefore a new argument that has not been raised at trial or appeal.

Mr A was not legally represented in his application to the Commission, and serves as an example that you do not need a lawyer in order for the Commission to refer your case.

Travel document referrals

The Commission has referred a number of cases to the appropriate appellate courts in recent years in relation to incorrect advice given to defendants in relation to travel documents and immigration offences. This pattern has continued, with a further 7 cases being referred this year.

All seven were convicted of entering the UK with either false passports, or with no passports at all. All sought to claim asylum in the UK after their arrival. Following the trend of previous referrals, all were incorrectly advised by solicitors in the magistrates' court to plead guilty, and each received a custodial sentence.

Following an investigation into each case, the referrals are made on the basis that the applicants could not have made an informed choice as to plea because the legal advice they each received was incorrect. They should have been advised that they were entitled to rely on the statutory defence available under section 2(4)(c) of the Asylum and Immigration (Treatment of Claimants) etc. Act 2004; namely that they had a reasonable excuse for not having a valid travel document.

The Commission therefore considers there is a real possibility that the relevant Crown Court will in each case conclude that, in all the circumstances, it should allow the applicants to vacate their guilty pleas on the basis that they were deprived of a defence that was likely to have succeeded.

In reaching its decisions, the Commission has considered the case of *R v Mehmet Ordu* [2017] EWCA Crim 4 because it is possible that the court may find that defence advice in these cases was wrong only because of a subsequent change of law.

In any event the Commission has taken the view that, even if the appeal court finds the defence advice was not wrong at the time, substantial injustice may still be considered. This is because, while these may be considered as relatively minor convictions, their longer-term implications for the applicants are arguably significant.

These cases are among a number involving asylum seekers and refugees that the Commission has referred to the appeal courts in recent months. Several other cases raising similar issues are currently being investigated by the Commission.

On the one hand, the Commission is committed to establishing where a miscarriage of this nature has occurred and referring it to the courts, on the other, we are keen to stop them from occurring in the first place.

The Commission has engaged with the Law Society and the Solicitors Regulation Authority to produce guidance for solicitors who may find themselves at court dealing with these asylum and immigration issues. This should, result in a reduction of the number of applications of this nature made to the Commission, and we expect the number of referrals of this type to drop in future years.

Sentencing referral

Aiden Maund

Mr Maund pleaded guilty to conspiracy to rob. This offence involved three robberies of dwellings when the occupants were home. The occupants were threatened with violence and valuables were stolen. Mr Maund received an Imprisonment for Public Protection (IPP) with a minimum term of eight years.

Mr Maund applied to the CCRC on the basis that on 21 December 2012, in *R v Murray & Ors* [2012] EWCA Crim 2823, the Court of Appeal reduced the sentences of two of his co-accused, Jason Murray and Craig Clarke, from an IPP to a determinate term. The Court found that there was insufficient evidence to justify a finding of dangerousness.

The Court of Appeal observed that the sentencing Judge did not correctly apply the requirements for imposing an IPP, commenting:

We are concerned that, when sentencing the applicant, the Judge may well have considered the defendants as a group, assessing their dangerousness by reference to the nature of the robberies rather than considering them individually in the light of their different roles

The CCRC has referred Mr Maund's sentence on the basis that there is a real possibility the Court of Appeal will take the same view of the finding of dangerousness in his case.

As Mr Maund had already appealed his sentence, albeit on different grounds, an application to the Commission with this new legal argument represented his only opportunity to have his case heard again.

Commission referrals decided in the appeal courts

(A table listing Commission cases heard in 2017/18 appears on page 83)

Stephen Simmons

This was a case that attracted much publicity when the Commission referred it to the Court of Appeal. It is of some age, and whilst Mr Simmons always believed that he was innocent, it was only when he called into a radio programme featuring a criminal barrister, and subsequently googled the name of the officer in the case, that he became aware that there was a potential explanation for what had happened.

Quashing the conviction, the Lord Chief Justice, Lord Burnett of Maldon commended the Commission's "careful and measured Reference".

Stephen Simmons (born 12 August 1955) was tried jointly with two others in relation to the theft of goods in transit specifically, mailbags and contents – from a stationary train at Clapham Goods Yard.

On 23 April 1976, after a trial at Inner London Crown Court, all three defendants were found guilty. Mr Simmons and one co defendant were sentenced to borstal training, and the other co defendant was sentenced to 12 months' imprisonment.

Following Mr Simmons' application, the CCRC made extensive enquiries to obtain information about the case. Unsurprisingly, given its age, few documents had survived. However, fresh evidence emerged in relation to the late DS Derek Ridgewell, who was both the officer in charge of the case and the primary witness.

The fresh evidence had three aspects:

- the fact and details of DS Ridgewell's own subsequent conviction for conspiracy to steal goods in transit
- acquittals and judicial observations about unreliable police evidence and fabricated confessions in two earlier cases in which DS Ridgewell was the lead officer
- the circumstances surrounding the exclusion of another confession obtained by DS Ridgewell in another case of theft of goods in transit.

The Court of Appeal heard the case on the 17 January 2018. Quashing the conviction, the Lord Chief Justice, Lord Burnett of Maldon commended the Commission's "careful and measured Reference". He noted that "it was the judgment of the Commission that to get to the bottom of what happened in a case of this antiquity it would be necessary for them to conduct extensive investigations and use their powers to extract material from various official bodies. That is precisely what they did".

Judicial Reviews 2017/2018

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 Commission is successfully judicially reviewed, the Administrative Court can require us to revisit the decision in question.

During the year 2017/18 the Commission was the subject of a total of 38 challenges; four more than in the previous financial year.

In 29 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. One application was withdrawn by the Claimant after issuing proceedings.

Out of the 24 cases that issued proceedings during the year, seven have now concluded.

In the remaining challenges, either the applicant chose not to issue proceedings following the pre-action correspondence with the Commission, or the Administrative Court refused permission to judicially review a decision made by the Commission. Three were considered by the Court as being "totally without merit."

None of the applications for judicial review were conceded by the Commission during 2017/18.

Complaints to the Commission

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.ccrcc.gov.uk sets out the process in detail.

During 2017/18 we received a total of 63 complaints. This represents a 14.5% increase on the previous year when 55 complaints were received. The 63 complaints in 2017/18 came from 60 individual complainants.

As in previous years, the complaints in 2017/18 spanned a range of offences varying in seriousness from murder to motoring offences and to applications in relation to both conviction and sentence.

We aim to acknowledge receipt of a complaint within ten working days. In 2017/18 we acknowledged receipt in an average of four working days.

Our target is to provide each complainant with a substantive response within 25 working days. During 2017/18 we actually achieved a response time of ten working days. That is a substantial improvement on 2016/17 when the average time was 18 working days and builds upon steady improvement in recent years.

No complaints moved onto the second and final stage of the complaints process in 2017/18. This is the first time that this has happened and it was something of a surprise because during the year we took additional steps to ensure that complainants were aware of the final stage through the provision of a copy of our formal complaints policy with their complaint acknowledgement letter. For comparison, seven complaints (12.5% of the total) moved to the final stage of the process in 2016/17 and 16 (25%) did so in 2015/16.

A complaint is upheld if any aspect of the Commission's conduct of the case complained about is found to have been deficient, regardless of whether that deficiency affected the outcome of the case.

During 2017/18, the Complaints Manager upheld a total of five complaints (8%). This represents an increase on the previous year where three complaints (5.4%) were upheld.

In 2017/18, no cases have been re-opened as a result of a complaint being upheld. The position was the same in 2016/17 whereas in 2015/16 two cases were re-opened following complaints.

In 2017/18, as in previous years, a majority of the complaints we received were made by applicants on their own behalf. However during the year, one complaint was submitted by a legal representative, one was submitted by non-legal representative and one complaint was made by a family member.

Unusually one complaint in 2017/18 was submitted by the victim of a crime in relation to which the Commission was considering an application; that complaint was prioritised and was in fact upheld and an apology made. The circumstances of the case meant that we had decided to inform the individual that a review had begun. However we failed to inform them that the case had been closed without a referral having been made. An apology was made and in light of this we have tightened our procedures around victim notifications in cases that are not referred.

Three of the other complaints upheld related to shortcomings in the way in which the Commission communicated with applicants. In each case redress was by way of an apology. We also sought to improve our processes and, where possible, our systems in order to eradicate similar errors.

In the remaining upheld complaint, we apologised after a procedural error meant that the complainant's case was not worked on for a number of weeks. The case management system has since been up-dated so that similar errors during case reviews should not go unnoticed

Nine (14%) of the complaints received this year raised issues relating to equality and discrimination. This compares with 9% in 2016/17. No complaint had to be upheld on grounds of this kind in either year.

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.

During 2017/18 the Commission received three applications relating to cases of a military origin. These cases bring to 13 the total number of applications received by the Commission in relation to military cases. So far, only one military conviction has been referred for appeal; it was the high profile case of Alexander Blackman which was reported in detail in last year's annual report.

Section 15 Investigations for the Court of Appeal

Our main role is to look into the cases of the people who apply to us in relation to their own convictions after they have exhausted their normal rights to appeal. However, the Commission can also be asked by the Court of Appeal Criminal Division (under section 15 of the Criminal Appeal Act 1995 (and section 23A of the Criminal Appeal Act 1968)) to investigate and report to it on matters relating to ongoing appeal proceedings. During 2017/18 we were asked to conduct one such investigation. As has been the case with the majority of section 15 matters, the issues related to questions about the conduct or status of jurors. We also dealt with a single section 15 investigation in 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 2017/18.

Resources

Human Resources

During 2017/18, the Commission recruited externally for five Case Review Managers (three on permanent, and two on fixed term contracts). The posts became vacant as a result of internal promotion and of staff departures.

We recruited a new Head of HR, a new lawyer position and an accountant on a fixed term contract to cover maternity leave. During the year we also recruited a new HR Officer and Business Administration Assistant, both of whom started work in April 2018.

Other positions arising during the year were filled via internal promotions following an application and interview process; these included one Group Leader and one Business Administrator.

We continued in 2017/18 to work closely with the Kalisher Trust to provide a number of paid internships. This relationship with the Kalisher Trust began in 2011 and since then we have consistently been impressed with the calibre of the applications for the internships and with the interns that have worked with us. The scheme has been highly beneficial both for the Commission and for the interns who have worked with us.

As a result of that success, we launched our own separate Commission internship programme in 2016/17. Once again we have been impressed with the calibre of applicants and interns and have continued and expanded that programme and during 2017/18 we appointed three interns for between six and 12 months. Recruitment for next year's interns began in March 2018.

The Commission has continued to operate its Apprentice Scheme and during 2017/18 recruited two apprentices; one to the Business Administration Team and one to the Records Management Team. In March 2018, following a review of the scheme, recruitment started for two further roles in the Casework Teams and one for the Records Management Team.

During 2017/18, one Commissioner left the Commission having completed their fixed term appointment and one other Commissioner completed a first five-year appointment and was reappointed for a second term.

Five new Commissioners were also appointed during the year. One Non Executive Director left at the end of their fixed term appointment and was replaced during the year. Full details of the position regarding Commissioners and Non Executive Directors can be seen in the Director's Report on page 40 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 99.9% system availability over the course of the reporting period.

The main work during 2017/18 consisted, following a great deal of development work in the previous years, of the implementation of a replacement for the Commission's crucial Case Management System and a desktop hardware refresh which included the removal of unsupported operating systems (WinXP).

These upgrades offer the CCRC the opportunity to refresh its longer term IT strategy, and to consider how recent developments in IT technology and digital security might facilitate further improvements. This work that commenced during 2017/18.

our ability to obtain case related material and manage the flow of documents and information is central to our effectiveness

Records Management

The Commission is fundamentally a caseworking organisation and our ability to obtain case related material and manage the flow of documents and information is central to our effectiveness.

The way we deal with material is subject to legislation including the Public Records Acts of 1958 and 1967, the Data Protection Act 1998 (replaced in May 2018 by the Data Protection Act 2018) and the Freedom of Information Act 2000. We act in accordance with the requirements of those Acts, and in consultation with the National Archives, in the way we create, manage and retain or destroy records. We operate a retention and disposal schedule which sets out how we will manage the electronic and paper records in our possession.

During 2017/18 the Records Management Team has consolidated its position after last year changing the supplier of the Commission's main secure off-site storage services.

Applicants' advice line

The Commission has for a number of years operated a telephone helpline whereby applicants, potential applicants, their lawyers or supporters, can call the Commission and speak to one of our Case Review Managers about matters relating to an application they have made or are thinking of making.

In 2017/18 we dealt with 449 such calls. They came from applicants and potential applicants who were in custody as well as those at liberty and also from a range of other concerned parties such as family members, supporters and legal representatives. The subject matter of the calls was, as it has been in previous years, very diverse and in 2017/18 included a number of joint enterprise murder convictions, fraud, Court Martial cases, violent assault, rape and other sexual offences.

The number compares to 742 calls to the advice line last year and to an average of around 750 per year in recent years. There are two likely contributory factors that may explain the change. One is that Commission staff who initially deal with incoming calls, most notably in cases where those calls were from people who have yet to appeal, have been more proactive in assisting callers with information relevant to their particular situation. The second is that the recent decreases in the amount of time applicants have had to wait for their reviews to begin (see page 16) has had an effect. Shorter waiting times may have meant that some applicants who would previously have called the advice line while waiting have been able to contact the people reviewing their cases.

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

For 2017/18, the Commission received a delegated Resource DEL budget, excluding notional costs, of £5.244M and a CDEL budget of £205,000. The Commission has received a firm budget for 2018/19. The table below shows a comparison of budget figures for the current year, the previous year and the following year.

	2016/17	2017/18	2018/19
	£000	£000	£000
Fiscal RDEL	5,119	5,244	5,083
Non-cash RDEL	219	150	150
RDEL total	5,338	5,394	5,233
RAME	258	258	258
CDEL	310	205	125
TOTAL	5,906	5,857	5,616

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 £53,000 (2016/17 £51,000).

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 more than 2.5%.

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

Excluding notional costs:

	2017/18			2016/17		
	Actual £k	Budget £k	Variance £k	Actual £k	Budget £k	Variance £k
Fiscal DEL	5,104	5,244	(140)	5,067	5,119	(52)
Non-cash	135	150	(15)	287	219	68
RDEL	5,239	5,394	(155)	5,354	5,338	16
RAME	186	258	(72)	343	258	85
CDEL	123	205	(82)	248	310	(62)
Total	5,548	5,857	(309)	5,945	5,906	39

See footnote⁵

In 2017/18, the Commission's actual expenditure against the RDEL total was £5.239M and 2.9% less than the budget allocation. The under spend was slightly greater than our target range of no more than 2.5% and 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 a reduction of 2.1% compared to the previous year, which is explained by the lower non cash depreciation charge in 2017/18, the previous year having been affected by additional charges associated with a change in accounting estimates of the useful life of IT equipment and software.

During the year, the Commission managed to spend only 60% of its capital allocation. Most of the reduction resulted from postponing investments, which follow on from and were dependent on, the implementation of our new casework management software. Because that implementation went ahead 2-3 months later than planned and required more support than expected, there was less

⁵ The Statement of Comprehensive Net Expenditure shows Net Expenditure for the year as £6,134M after including notional costs and excluding capital investments. This is explained further in the table on page 31.

opportunity and capacity for other investment projects budgeted for the year. We anticipate delivering them in 2018/19.

The decrease in RAME resulted from two factors. In 2016/17, we re-assessed the potential liabilities arising from dilapidations and reinstatements that may fall due to the Commission at the end of its current period of contractual occupation of the offices. On completing the appraisal, the provision was increased by £110,000. This was a once only adjustment not repeated in 2017/18. The second factor was that the interest rate used to discount future pension liabilities was reduced, thereby reducing the interest charged (increase to provisions) to the provision for pension liabilities. The reduction in interest rates also explains the under spend to the budget.

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 decrease in notional costs from £740,000 to £709,000 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 2016/17 that caused the apparent decrease in 2017/18.

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 1 and 18 to the accounts. The table below reconciles to net expenditure after interest as shown in the statement of comprehensive net expenditure on page 63 as follows:

	2017/18 £000	2016/17 £000
Resource DEL	5,239	5,345
Resource AME	186	343
Total resource expenditure	5,425	5,697
Notional expenditure <i>Note 18</i>	709	740
Net expenditure after interest	6,134	6,437

The accounts for the year ended 31 March 2018 are set out on pages 63 to 81.

The Statement of Comprehensive Net Expenditure on page 63 shows total comprehensive expenditure for the year of £5.83m (2016/17 – £6.79m). Staff costs have decreased by £159,000 compared with the previous year. Other expenditure also decreased slightly from £1.67m in 2016/17 to £1.63m in the current year. However, the largest contributor to the reduction in expenditure year on year was the movement due to actuarial revaluation of pension provisions, which resulted in a positive swing of £654,000.

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 2017/18 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 £304,000 (loss in 2016/17 of £350,000) following a change to mortality assumptions. Overall, the liability decreased by £394,000 in the current year.

The Statement of Financial Position on page 64 now shows overall net liabilities of £6.128M (2016/17 £6.634M). 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 pages 67 to 69.

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:

	2017/18		2016/17	
	£000	Number	£000	Number
Total invoices paid in year	1,548	1,002	1,478	1,027
Total invoices paid within year	1,522	992	1,461	1,031
Percentage of invoices paid within target	98.3%	99.0%	98.8%	98.6%

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

Corporate

Our wider contribution

The Commission is first and foremost a caseworking organisation and our principal focus is always on dealing with the cases of the women and men who apply to us and on reaching the right conclusion in their cases in a fair and timely manner.

Alleged miscarriages of justice have always attracted a great deal of interest from various quarters and our work brings us into contact with a wide range of stakeholders including applicants, potential applicants and their representatives, miscarriage of justice campaigners, legal academics and students, lawyers, criminal justice bodies, law officers and members of the judiciary. We believe we benefit from lively relationships with many stakeholders and we try always to engage with them in a constructive way through a varied programme of activities and events.

Our work in this area is intended to raise awareness and increase understanding of our work and to share our knowledge and experience with those interested, and with the wider criminal justice system. Various activities and initiatives are reported below.

CCRC, prisons and prisoners

It has always been the case that most people who apply to the CCRC for a review of their case have done so from prison. Historically, around 68% of our applicants had applied to us from custody. It follows that a good deal of our stakeholder activity relates to reaching people in prison with information to help potential applicants make a well informed decision about whether or not to make an application to us.

As well as supplying prisons with traditional paper copies of relevant CCRC forms and information, and encouraging prisons to discharge their obligations⁶ to inform prisoners about the CCRC, we have in recent years been exploring and using other methods and media to provide information to prisoners.

National Prison Radio

Nearly every prisoner in England and Wales has access to National Prison Radio (NPR), which is a digital radio station only accessible to prisoners. The Prison Radio Association run National Prison Radio from HMP Brixton and it is a popular and trusted source of information among prisoners. During 2017/18 we worked with the Prison Radio Association to create an hour-long radio programme on the role of the CCRC. This pre-recorded programme was called “On the Case” and was designed to appeal to a range of groups within the prison system; as well as involving prisoners from HMP Brixton which is home to NPR, it benefited from contributions from female prisoners at HMP Styal and young prisoners from HMP YOI Isis. The hour-long programme was repeated several times over a three-month period and a shorter trailer introducing the CCRC and promoting On the Case ran daily within those three months.

Our aim for the programme was to provide balanced and candid information about the CCRC in a medium other than print, to a large proportion of the prison population. We answered prisoners’ questions and were careful to stress certain factors such as the need to have exhausted the normal appeals process before applying, of the need for us to identify new evidence and the fact that a relatively low proportion of applications result in referral for appeal.

Our aim for the programme was to provide balanced and candid information about the CCRC in a medium other than print, to a large proportion of the prison population.

⁶ Chapter 3 of Prison Service Order 4400, sets a duty on prisons to ensure that prisoners are informed about the role of the CCRC. We endeavour to make sure that we send every prison what it needs to do so.

Analysis of our case intake from the period and research conducted by NPR suggest that the programme was well received among prisoners and that the key messages, such as the need to have appealed before applying had been communicated. The programmes did not create a significant spike in applications, but we were pleased to note that the proportion of no appeal applications fell, and the number of applications from young people increased.

On the Case is running again on NPR over spring and summer of 2018.

The second is the production by NPR of a short film aimed at prisoners and featuring Michael O'Brien, an applicant whose case was referred, talking candidly about being imprisoned, having his case referred by us and winning his appeal. This film is discussed further below.

Digital in Prison

The Commission has also been exploring potential avenues for communicating with applicants and potential applicants using emerging digital services in the prison estate.

Having consulted Dr Victoria Knight of De Montfort University who is a leading expert in the field, we made a number of contacts including with the Ministry of Justice's Justice Digital & Technology working on the digital "hub".

As a result, during 2017/18, we provided information and material for a CCRC section in the digital content being created for prisoners. This included the new CCRC film mentioned above. It is called "Miscarriage of Justice – a Survivor's Story" and features Michael O'Brien who spent 11 years and 43 days in prison after being wrongly convicted for murder. Michael was convicted in 1988. Having lost an earlier appeal, he applied to the CCRC when it opened in 1997. We referred the case for appeal and Mr O'Brien and his two co-defendants had their convictions quashed at the Court of Appeal in 1999.

The Commission is very grateful to Michael O'Brien for agreeing to take part in the film and for giving his time so generously to help make it.

Our main purpose for the film is to make it available, along with other CCRC information, to serving prisoners via online services in prisons where they exist. Digital services are being piloted in HMPs Berwyn and Wayland where the film is available and we will be evaluating prisoner attitudes towards the film and other digital CCRC content. Notwithstanding uncertainty about the timing of a wider roll out of digital services in UK prisons, we are working towards being early adopters of the technology and being ready with a tested and high quality offering wherever and whenever the service is made available.

Prison visits

Each year we aim for Commission staff to visit selected prisons in England Wales and Northern Ireland. These visits are above and beyond those we may make in relation to cases under investigation and are intended to raise informed awareness about the CCRC and its work among prisoners and staff.

For instance, during 2017, a team led by the Customer Service Manager visited HMP Oakwood in Wolverhampton, the largest prison in the UK, where we met and dealt with enquiries from around 45 prisoners. We also made contact with the YCG (Your Consultation Group) in which prisoners with some legal knowledge/experience and/or qualifications, help other prisoners to ensure they are sufficiently aware of the Commission and its role.

Prison visits tend to be informative for the Commission as we are able to hear at first hand about areas of particular concern for prisoners. Issues of note in 2017/18 included joint enterprise, fear of loss of time directions and the inability to find a lawyer willing to assist and as well as other practical matters such as delays in receiving post and, in some prisons, difficulties getting access to information relating to appeals, and to the CCRC.

The CCRC 20th Anniversary Conference

On 2 November 2017 we hosted a major conference to mark the 20th Anniversary of the Commission.

More than a year in the planning, the event featured a keynote address from the then recently appointed Lord Chief Justice of England and Wales, Lord Burnett of Maldon, and speeches from our own Chair, Richard Foster as well as from David Ormerod QC of the Law Commission and renowned forensic scientist Professor Angela Gallop.

Lively panel discussions followed thanks to excellent panellists and contributions from the 120 strong audience drawn from a wide range of our stakeholders from the criminal justice system, from academia and from miscarriage of justice campaigners and organisations. The event was chaired by journalist Reeta Chakrabarti.

Presentations and panel discussions covered three broad issues: whether our justice system is better today at delivering safe convictions than it was 20 years ago; the current state of play in the justice system as regards sources of injustice and miscarriages of justice; and the future of the criminal justice system and the CCRC's role within it.

Feedback received on the day and subsequently suggested that the event was a considerable success and was appreciated by delegates and contributors alike.

We were extremely grateful to Linklaters LLP who allowed the Commission to use, *gratis*, the conference facilities at their London headquarters and who supported the event in a number of other crucial ways. We were pleased that Sir Christopher Bellamy, Chair of Competition Practice at Linklaters, was able to say a few words at the start of the event.

Tripartite meeting

We took the opportunity of having all parties present in London for the anniversary conference to host a tripartite meeting with our counterparts in Norway and Scotland on November 1. This was the first meeting with Siv Halgren, the new Chair of the Norwegian CCRC, and the three commissions enjoyed a relatively informal, but constructive meeting.

Other visits and events

At the University of Law in London, we gave a lecture and case study for students involved in the City of London Appeals Clinic which is a project involving five London-based academic institutions including Queen Mary's, LSE and UCL and University of Law.

We hosted a fact-finding visit for a group of eight Japanese academics and lawyers led by Professor Kana Sasakura of Konan University who is a lecturer in criminal justice and Deputy Director for the Innocence Project Japan.

In July 2017, the Director of Casework Operations provided a presentation on forensic science and miscarriages of justice and took part in a question and answer session at the International Association of Forensics Sciences in Toronto, Canada. Also in July 2017, a planned visit of students and lecturers from an American university was cancelled at short notice because of visitors' security concerns following the terrorist attack in Westminster. A group of students from Birmingham Law School took their place.

In October, for the third year running, a Commissioner and a member of Commission staff took part in United Against Injustice conference in Liverpool. We also gave a practical casework focussed presentation at the conference of the Criminal Appeal Lawyers Association in London in November.

Two members of staff and a Commissioner gave a detailed casework presentation and case study as part of the National Miscarriage of Justice Training Conference for university based pro bono projects at Manchester University in February

We were pleased to learn in October 2017 that the newly elected coalition government in New Zealand had made a commitment to create a CCRC type body in that jurisdiction.

2018. In March, a member of staff delivered a lecture to final year LLB students at the University of Nottingham's Law School as part of a module on appeals. A Commissioner also took part in the miscarriage of justice symposium at University of Greenwich.

The Commission is routinely represented at meetings of the Criminal Procedure Rules Committee.

During the year Commissioner Andrew Rennison, who was formerly the Forensic Science Regulator (FSR), became Chairman of the FSR's Quality Standards Specialist Group. Mr Rennison also represented the Commission on 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 were pleased to learn in October 2017 that the newly elected coalition government in New Zealand had made a commitment to create a CCRC type body in that jurisdiction.

Mr Andrew Little MP, who became the coalition justice minister following the formation of the coalition government, had visited the CCRC in 2013 on a fact-finding mission⁷.

Following the announcement, we volunteered to provide any assistance we sensibly could. In January, at the request of the New Zealand Government, we completed a lengthy consultation document. In February we hosted a visit by Andrew Goddard, a Senior Policy Advisor with the New Zealand Ministry of Justice, and in March were pleased to be visited by Jeff Orr, Chief Legal Counsel at the Office of Legal Counsel, New Zealand Ministry of Justice.

The Commission was pleased to see another jurisdiction move towards creating a Criminal Cases Review Commission and remains committed to helping in whatever way we can.

Schools Teaching Project

During 2017/18 we have developed an open source teaching resource pack for teachers from the materials we produced to teach a Criminal Justice Day in a Tamworth school last year (as we reported in last year's Annual Report and Accounts). We have worked with educationalists to develop a resource pack which we plan to make available online for free and to promote to the teaching profession in summer 2018.

Publications

We have continued in the last year to produce an article every second month for the prison newspaper Inside Time. Our 1,000 word articles aim to deal with questions sent to us, usually by serving prisoners, and issues we know to be of interest relating to the appeals and to the work of the Commission. We know from feedback received from applicants and from general interaction with prisoners that Inside Time is an important source of information for much of the prison population.

⁷ Worthy of note is the fact that in 2012 Dr Malcolm Birdling published a PHD thesis comparing mechanisms in use in New Zealand and in England and Wales for correcting miscarriages of justice. The research can be seen on the Commission's research web pages at: <https://ccrc.gov.uk/research-at-the-ccrc/published-research-on-the-ccrc/>

A lengthy two-part article written by the Commission appeared in CiLEX Magazine produced by the Chartered Institute of Legal Executives. The article explained the origins of the Commission, our role and powers and looked in some detail at a number of referrals and at the causes of miscarriages of justice. It was published in October and November 2017.

In January 2018 we provided a second article for the Barnado's newsletter that goes to everyone aged 18 or under who is in custody or in secure training⁸. In March 2018 (and again in May) we provided an article for the newsletter produced by SAFARI (Supporting All Falsely Accused with Reference Information).

CCRC Stakeholder Forum and Lecture Series

During the year, and following the successful conference in November 2017, we introduced two significant new stakeholder initiatives. These were the new CCRC lecture series and a Stakeholder Forum.

We are grateful to University College London's Judicial Institute and to Professor Cheryl Thomas in particular, for their support and for agreeing to host both the inaugural lecture and the first meeting of the forum. Both took place at UCL's Bentham House in London on 25 April 2018.

The aim of the lecture series is to stimulate wider debate about important issues facing the CCRC and the criminal justice system more widely. The inaugural CCRC lecture was delivered by Sir Brian Leveson, Head of Criminal Justice in England and Wales, and President of the Queen's Bench Division. His lecture was titled *The Pursuit of Criminal Justice*. The second CCRC lecture is planned for 12 July 2018 when Felicity Gerry QC will deliver an address called "Joint Enterprise Appeals – have the Courts of England & Wales lost sight of justice?"

The stakeholder forum made an encouraging start. While we recognise that our most important stakeholders are our applicants, and that the majority of those are in custody and clearly cannot take part, we intend the forum to improve the transparency of the Commission and to be an opportunity for candid discussion for other stakeholders, including experienced applicant representatives, who have the interests of applicants at heart.

The CCRC lecture series and forum will be reported in more detail in next year's annual report.

Feedback and data capture

We reported last year that we expected the arrival of a new casework system would lead to significant improvements in our ability to capture a wider range of casework data from our cases.

Our aim in this is, over time, to create a large detailed data set that can be investigated to provide information potentially of use to the Commission and to the wider criminal justice system.

The new casework system became operational in August 2017 and a period of bedding in has followed. This, and the fact that the anticipated gains from improved data capture should accrue over the longer term, mean that currently it is too early to report any progress in this area.

⁸ Barnado's are current holders of the Government contract to provide advocacy services for young people detained in Young Offenders Institutions and Secure Training Centres. Last year the Commission provided training for Barnado's advocacy staff and produced an article for the newsletter.

Academic Research

The Commission's Research Committee continued its work in 2017/18 developing and managing prospective and ongoing research projects and exploring the further provision of access to Commission casework data for independent research into matters relevant to miscarriages of justice and the wider criminal justice system.

A number of ongoing projects have continued to make progress. One is from a team at the University of Sussex including Professor Richard Vogler, Dr Lucy Welsh, Dr Liz McDonnell and Dr Susann Wiedlitzka. They received funding for and completed a scoping project and are now seeking funding for their full project exploring the impact of changes to Legal Aid on the levels of legal representation in CCRC cases, the quality of applications to the CCRC and the use of evidence in such applications. The Commission has been providing what support it can in that process.

Towards the end of the reporting period, the Commission received the draft report generated by a Warwick University project led by Professor Jacqueline Hodgson. Having collected and analysed relevant CCRC data, the research explores the high number of "no appeal" cases (applications from people who applied to the Commission in spite of the fact that they had not exhausted their conventional appeal rights). We expect the final report to appear during 2018/19 on the research pages of www.ccrcc.gov.uk which contain details of research activity and guidance for those interested in proposing new research.

A new piece of research agreed during 2017/18 and due to begin in early 2018/19 will be led by Dr Yewa Holiday, of Queen Mary University of London. The project on "the criminalisation of refugees" aims, following the Court of Appeal's judgment in the Commission referrals cases of YY and Nori, to examine a number of cases of refugees who have appealed directly to the Court and/or applied to the CCRC. It will investigate whether refugees are appealing direct to the Court, consider the outcomes of those cases and evaluate the Court's approach.

We look forward in 2018/19 to the publication by Oxford University Press of a book based on extensive research conducted at the Commission by Professor Carolyn Hoyle of the University of the Oxford Centre for Criminology, and Dr Mai Sato of the University of Reading (who at the time of the research was a fellow at the Centre for Criminology at University of Oxford).

The book (working title: Last Resorts for Wrongful Convictions: Decision-Making at the Criminal Cases Review Commission) will be based on a four-year study of decision-making at the Commission which aimed to identify variables correlated with the decision that a case warranted detailed review and the factors that lead the Commission to refer a case.

Training and Knowledge Management

Keeping skills and knowledge up to date is crucial for the Commission and each year we run a considerable programme of in-house and external training for staff.

During 2017/18 there were 120 formal training sessions relating mainly to casework issues. The topics covered included convictions on the basis of joint enterprise, the HOLMES system version 16, the Sentencing Council, autism in the criminal justice system, dealing with people with mental impairment, conversations with vulnerable people, diversity awareness and transgender awareness. In light of developments during the year, there was a particular focus on disclosure in the criminal cases and as well as internal training on disclosure matters, we received a presentation from the authors of the *Making it Fair* report published jointly by HM Inspectorate of Constabulary and Inspectorate of Crown Prosecution Service.

Our Knowledge Manager has continued to help the Commission to make the best use of the knowledge and experience of its staff and of the information held in IT and other systems. We have further developed our intranet as a tool for capturing and sharing knowledge and information within the organisation.

The Miscarriage of Justice Support Service

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

For the first time the MJSS, due to its own broadening remit, was able to become directly involved in finding appropriate legal representation for a CCRC applicant whose case was referred for appeal. It is not appropriate for the Commission to recommend the services of any particular legal professional or firm to represent them when a referral is made. The majority of CCRC applicants (80% in 2017/18) are not legally represented when they apply to us. It has also always been the case that quite a number of referral cases involve applicants who do not have legal representation when we refer their cases for appeal. We were able to suggest to more than one applicant whose case was referred in 2017/18 that the MJSS may be able to help them find appropriate representation. This was a welcome development.

Sustainability

The Commission has fewer than 100 staff and occupies office space less than 1000m². As a result the Commission is exempt from the requirements to prepare a sustainability report pursuant to the Government commitment to “greening” the public sector. Due to the fact that we occupy a part of a multiple occupancy building where power and water usage and waste are not measured separately, it is impossible for us to produce meaningful sustainability statistics. However, the Commission does 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 service users and staff are discussed at regular Equality and Diversity meetings.

Human Rights

The Commission is 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 a supplier and authorise purchases. Contractual terms reinforce anti-corruption and anti-bribery measures.



Karen Kneller

Chief Executive and Accounting Officer
27 June 2018

Section Two

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 is appointed for a period of up to five years. Commissioners can be re-appointed but can serve for a maximum of ten years.

During 2017/18 we announced the appointment of five new Commissioners, Jill Gramann JP, Jennifer Portway, Robert Ward CBE QC, Rachel Ellis and Linda Lee.

Celia Hughes was also re-appointed for a second five-year term in December 2017.

Ranjit Sondhi left the Commission having completed a period of five years' service. This means that at the end of March 2018 there were 13 Commissioners in post including the Chair, Mr Richard Foster CBE.

During 2017/18 the Commissioners were:

Mr Richard Foster CBE (Chair)
Mrs Elizabeth Calderbank
Ms Celia Hughes (re-appointed 12/12/17)
Mr Stephen Leach CB
Ms Alexandra Marks CBE
Dr Sharon Persaud
Mr Andrew Rennison
Mr David James Smith
Mr Ranjit Sondhi CBE (until 11/11/17)
Mrs Jill Gramann JP (from 29/9/17)
Ms Jennifer Portway (from 29/9/17)
Mr Robert Ward CBE QC (from 29/9/17)
Miss Rachel Ellis (from 28/10/17)
Mrs Linda Lee (from 20/11/17)

The Chief Executive and Directors

During 2017/18, 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 make up the Senior Management Team.

Non-executive Directors

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

Dr Maggie Semple OBE, FCGI left on 31 December 2017 and was replaced by Andre Katz, who was appointed from 1 February 2018.

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.ccrc.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. For most of the year the committee was chaired Dr Maggie Semple. Dr Semple left her role as Non-executive Director at the Commission at the end of December 2017. She was replaced as Chair of the Audit and Risk Assurance Committee by Mr Andre Katz.

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 2017/18 the forum considered ten data related incidents, the majority of which did not involve any actual data loss.

Five incidents related to internal handling issues such as a failure to follow the appropriate procedures for the classification, storage or destruction of data. There were two incidents where material was sent to an incorrect address, but recovered. There were two incidents where some material was found to be missing when we came to return files to the relevant public bodies, and one incident where an applicant's papers could not be located at the close of the case.

MISF investigated each of these incidents and tried to identify and implement measures to avoid similar situations arising in the future. The incidents during 2017/18 were considered to be of relatively low risk and none were reported to the Information Commissioner.

MISF also considered a number of “near miss” incidents and discussed possible measures to avoid repeat incidents.

Expenses of the Commission's Chair and Chief Executive

The total expenses claimed in 2017/18 by the Chair was £84.77. The total claimed by the Chief Executive was £389.20.

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; and
- prepare the accounts on a going concern basis.

The Accounting Officer of the Ministry of Justice has designated the Chief Executive as Accounting Officer of the Criminal Cases Review Commission. The responsibilities of an Accounting Officer, including responsibility for the propriety and regularity of the public finances for which the Accounting Officer is answerable, for keeping proper records and for safeguarding the Commission's assets, are set out in *Managing Public Money* published by the HM Treasury.

As Accounting Officer I confirm that:

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



Karen Kneller

Chief Executive and Accounting Officer
27 June 2018

Governance Statement 2017/18

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 for identifying risks to the CCRC, putting in place a system of internal control to mitigate the likelihood and impact of those risks, and preparing 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.

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 we relate 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.

The 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 make up of the Board has been altered from time to time but the principle established in 2007 remains unchanged.

The legislation also establishes that the Commission must have a minimum of 11 Commissioners. At the beginning of 2017/18, following the retirements of three Commissioners during 2016/17, the number of commissioners in post was nine. A recruitment process was already underway and during the year five new Commissioners were appointed, one Commissioner came to the end of his term and did not seek re-appointment, and one Commissioner was re-appointed for a second term of five years. At the end of the year the CCRC had therefore 13 Commissioners.

In December 2017, the MoJ also began the process of a Tailored Review of the CCRC. Government policy is to perform such reviews of all of its Arms Length Bodies, at least once in the lifetime of a Parliament (i.e. normally at least once every 5 years). The CCRC and I, in particular, 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 recommendations from the Tailored Review were not finalised until after the end of this reporting period.

Governance Framework



Board Performance

The Board meets monthly, except in August, 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 regular appraisal by the Chair.

Meeting agendas and papers are made available to members electronically and as paper copies one week before Board meetings. Papers provide sufficient information and evidence for sound decision-making. 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.

The Board routinely carries out self-evaluation of its performance, using a questionnaire published by the National Audit Office, which compares how the Board operates with the recommendations in the Cabinet Office Corporate Governance Code.

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. From 2017/18 membership of ARAC was entirely made up by the three non-executive directors, aligning with recommended best practice. During the year, the Chair of ARAC reached the end of her term as a non-executive director and a recruitment campaign was completed resulting in a new Chair being appointed from 1 February. The CCRC took this opportunity to revisit the balance of skills and experience, appointing a qualified accountant with significant risk management experience. The meetings are attended by a Commissioner, the Chief Executive and Directors, the internal auditor (TIAA Ltd), the external auditor and the Government Internal Audit Agency. 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 is looking at our major risks both individually and thematically. A programme of internal audit reviews is agreed each year and each of the reports produced is considered in detail by ARAC. Members of ARAC undertook an annual review of effectiveness in March 2018, discussed at the ARAC meeting in April 2018.

Long Running Cases Review Committee

The Long Running Cases Review Committee, introduced in 2016/17 and chaired by a non-executive director has been very 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, in part a legacy of the significant increase in the number of applications received by the CCRC over the past few years. Notwithstanding that, applicants expect progress of their cases and it is our ambition to deliver good quality reviews in 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 Committee is chaired by one of the Non-executive Directors, and normally meets annually or as required.

In addition to the Board sub-committees there are a number of other committees and groups that contribute to the wider governance of the Commission. These include the Research Committee, Internal Communications Group, the Management Information Security Forum, the Equality & Diversity Group and various *ad hoc* groups formed to discharge specific functions.

Details of the post holders are given overleaf on page 46.

Membership of the main committees and the attendance record of members are shown in the table. One Board meeting, in March, was postponed, and reorganised at short notice, which had a slightly detrimental affect on the attendance record.

Attendance Record

Attendance at eligible meetings

Member*	Role	Board	Audit & Risk	Rem. Com.	Long Running Cases
L. Calderbank	Commissioner	9/11			
R. Ellis	Commissioner	4/6			
R. Foster	Commissioner	9/11*		1/1	
J. Gramann	Commissioner	6/6			
C. Hughes	Commissioner	10/11			
S. Leach	Commissioner	9/11			
L. Lee	Commissioner	4/5			
A. Marks	Commissioner	10/11			
A. Persaud	Commissioner	11/11			
J. Portway	Commissioner	3/6			
A. Rennison	Commissioner	9/11	4/4 ‡	1/1	
D. J. Smith	Commissioner	10/11			
R. Sondhi	Commissioner	5/6		0/1	
R. Ward	Commissioner	4/6			
J. Baume	Non-Executive	7/11	2/4	1/1	
C. Corby	Non-Executive	10/11	4/4	0/1	10/10*
A. Katz	Non-Executive	2/2	1/1*		
M. Semple	Non-Executive	7/8	3/3*	0/1*	
S. Berlin	Director	11/11	4/4 ‡		9/10
I. Brooks	Director	10/11	4/4 ‡	1/1 ‡	
K. Kneller	Chief Executive	9/11	4/4 ‡		9/10

* = Chair, ‡ = in attendance

Compliance with the Cabinet Office Corporate Governance Code

The Commission aims to ensure that its governance arrangements follow best practice, and follow the Corporate Governance Code to the extent that it is relevant and meaningful. The Board has identified the following material departures from the provisions of the Code:

- 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 non-executive directors. It is not considered necessary to designate one of them as the lead non-executive director.
- The Long Running Cases Committee and the Remuneration Committee are chaired by Non-Executive Directors.
- 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 no nominations and governance committee, as it is considered that the size of the organisation does not warrant it.

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

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

Risks are assessed in the light of their impact and likelihood using a scale which reflects the 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 is to implement measures that will reduce the likelihood of any key risk occurring and to reduce the potential impacts should the risk occur.

Responsibility to manage risks is assigned to named individuals, and risks are reviewed on a systematic and regular basis. Each review is endorsed by 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. In addition, the assessment and monitoring of risk is embedded in the CCRC's project management processes.

TIAA Ltd. was awarded a three-year contract to provide internal audit services to 31 March 2018 following competitive tender in 2014/15. This contract was extended until 30 June 2018, to ensure TIAA could complete their work and reports relating to 2017/18. The annual programme of work includes elements of

compliance and operational reviews. Details of the audits performed in 2017/18 are provided below in the section on Assurance. 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. In April 2018, internal audit performed a review of the preparations and readiness for the implementation of the General Data Protection Regulations (GDPR) providing reasonable assurance.

All reports of lost information are investigated by MISF as reported on page 41.

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.

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

Key Risks

Casework Performance	<ul style="list-style-type: none"> Factors such as the time taken during stages of review, the referral rate and the perceived quality of our decisions.
Information	<ul style="list-style-type: none"> The security of the information we obtain in order to perform our work, set against the requirements of GPR and increasing quantum of information requests.
Resources	<ul style="list-style-type: none"> Finalising the recruitment and induction of new commissioners, and sufficient skilled case working staff and adapting ways of working as required.
Stakeholders	<ul style="list-style-type: none"> Securing the Commissioner's reputation for high quality referrals and decisions.
Safety	<ul style="list-style-type: none"> Ensuring the safety and wellbeing of our staff while performing their roles. Particularly on activities away from the office.

Assurance

The framework within the Commission that provides assurance is based on HM Treasury's 3 "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 cover financial and commercial processes, human resources, key business processes, management information, information security, fraud and error, whistle-blowing and occupational health and safety. By way of examples of how this has operates within the Commission for certain key business processes:

Strategic Objective	First Line Assurance	Second Line Assurance	Third Line Assurance
To improve the case flow balance and to reduce waiting times	Group leaders (GL) manage their group portfolios, screening and allocating cases to Case Review Managers (CRM). GL are provided with reports by their group on applications assigned to them and the length of time they have been waiting. GLs scrutinise case progress for cases reaching 12 months.	Director of Casework Operations, Senior Management Team and the Board receive and interrogate case working statistics on a monthly basis. The Long Running Cases Committee, chaired by a NED, scrutinises all cases in review over 2 years and seeks to establish firm plans for completion.	Internal audit performs an assessment that the scrutiny processes are working as intended and makes recommendations for improvement.
Achieving reduced times whilst maintaining quality	GLs review some Preliminary Statement of Reasons with the CRMs. Commissioners finalise the Statement of Reasons (SOR). The Customer Services Manager operates the complaints procedure. There is also feedback from the legal advisor on Judicial Reviews (JRs).	A sample of case SOR, and all that are being referred, are reviewed for quality and consistency by the Director of Casework Operations and the Chief Executive. Senior Management Team (SMT) review the quarterly report on complaints and JRs received.	Complaints received regarding the complaints process are handled by a NED.

To further reinforce our focus on reviews lasting over two years, TIAA performed a follow-up audit in 2017/18 demonstrating a significant improvement in adherence to our policy to review case plans once a case had been under review for 12 months. However the largest proportion of TIAA's time was spent performing two audits that followed the implementation of our new case management software. The audits considered two aspects. The first explored the reliability of procedures to record casework activity and included the effectiveness of training, reviewed completeness of transfer of cases by users to the new check- and task lists and, since implementation, aspects of consistency of use of the system. The second review sought to provide assurance that the processes for reporting those activities were providing complete and accurate information for publication in KPIs and management reports. Reasonable and Substantial assurance ratings were obtained respectively. Nevertheless, as might be expected with any new system implementation, there were also recommendations for improvement and we have made significant headway towards achieving them. An Internal Audit review was also completed with respect to our starters and leavers processes, and adherence to pension enrolment policies, providing substantial assurance. TIAA completed

their annual audit plan in April with reviews of our preparation and plans for the implementation of GDPR and compliance with the Statement of Applicability, ISO27001. Both of these received Reasonable Assurance ratings.

TIAA provided an annual opinion that for the areas reviewed during the year the CCRC has reasonable and effective risk management, control and governance processes in place. This opinion is based solely on the matters that came to the attention of TIAA during the course of the internal audit reviews carried out during the year, and is not an opinion on all elements of CCRC's risk management, control and governance processes or ongoing viability.

In addition, over the course of 2017/18 management has:

- Undertaken detailed internal review of the factors influencing the referral rate of cases to the appeal courts.
- Prepared a detailed closure and lessons learned report for the Assure case work application implemented in August, and established a new forum of caseworkers and IT Analysts to improve the initial implementation to better meet user needs.
- Worked closely with the MoJ to prepare for the implementation of the General Data Protection Regulations (GDPR) and Law Enforcement Directive in 2018/19.
- Established new procedures to accommodate new Commissioners appointed on daily fee paid terms and conditions.

Effectiveness of Whistleblowing Policy

The CCRC Whistleblowing Policy was last revised during 2016/17, and nominates one of the Commissioners as Whistleblowing champion. The policy is reviewed on a bi-annual cycle. In 2017/18 there were no occasions when staff raised a concern under the whistleblowing policy.

Accounting Officer

In their annual report, our internal auditors have given an overall assurance that the Commission has adequate and effective management and governance processes. I have been advised on the implications of the result of my review by the Board and ARAC. I am satisfied that a plan to address any weaknesses in the system of internal control and ensure continuous improvement of the system is in place. I am also satisfied that all material risks have been identified, and that those risks are being properly managed. The budget we have received for 2018/19 includes a small decrease and we will continue to strive for the twin goals of improved performance and greater efficiency.



Karen Kneller

Chief Executive and Accounting Officer
27 June 2018

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. 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 Chair is £104,800 per annum (2016/17 – £104,800). 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. In February 2018, a recruitment campaign was launched to replace the current Chair, at a daily rate of £500 per day (£358 per day as Chair designate during any handover period).

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 in 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. 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 Nuvo and Alpha (or 65 if higher). Further details of the pension schemes are provided later in this report and in note 4 to the accounts. Early termination, other than for misconduct, would result in the individual receiving compensation as set out in the Civil Service Compensation Scheme.

Remuneration (salary, benefits in kind and pensions)

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

	2017/18				2016/17			
	Salary £000	Benefits- in-kind (to nearest £100) £000	Pension benefits (to nearest £1000) £000	Total £000	Salary £000	Benefits- in-kind (to nearest £100) £000	Pension benefits (to nearest £1000) £000	Total £000
Commissioners								
Mr Richard Foster CBE	50-55*	-	-	50-55	50-55	-	-	50-55
Mrs Liz Calderbank	35-40	-	-	35-40	35-40	-	-	35-40
Miss Rachel Ellis [from 28.10.17]	10-15	2.1	-	10-15	-	-	-	-
Mr James England [until 31.08.16]	-	-	-	-	40-45	-	14	55-60
Miss Julie Goulding [until 31.12.16]	-	-	-	-	35-40	-	13	50-55
Mrs Jill Gramann [from 29.09.17]	15-20	0.1	-	15-20	-	-	-	-
Ms Celia Hughes	55-60	-	-	55-60	60-65	-	-	60-65
Mr Stephen Leach	45-50	25.5	-	70-75	45-50	23.3	-	70-75
Mrs Linda Lee [from 20.11.17]	5-10	3.1	-	10-15	-	-	-	-
Ms Alexandra Marks CBE	35-40	-	-	35-40	40-45	-	-	40-45
Dr Sharon Persaud	75-80	-	-	75-80	75-80	-	-	75-80
Ms Jennifer Portway [from 29.09.17]	5-10	1.3	-	10-15	-	-	-	-
Mr Andrew Rennison	55-60	-	-	55-60	55-60	-	-	55-60
Mr David James Smith	90-95	-	-	90-95	90-95	-	-	90-95
Mr Ewen Smith [until 31.10.16]	-	-	-	-	40-45	-	13	50-55
Mr Ranjit Sondhi [until 11.11.17]	30-35	-	-	30-35	55-60	-	-	55-60
Mr Robert Ward [from 29.09.17]	10-15	1.1	-	10-15	-	-	-	-
Non-executive directors								
Mr Jonathan Baume	0-5	1.7	-	5-10	0-5	1.5	-	5-10
Mrs Caroline Corby	5-10	3.2	-	10-15	5-10	2.7	-	10-15
Mr Andre Katz [from 01.02.2018]	0-5	0.8	-	0-5	-	-	-	-
Dr Margaret Semple [until 31.12.17]	0-5	0	-	0-5	0-5	0	-	0-5
Directors								
Miss Karen Kneller	90-95	-	5	95-100	90-95	-	20	110-115
Mrs Sally Berlin	70-75	-	25	95-100	70-75	-	59	130-135
Mr Ian Brooks	70-75	-	28	95-100	70-75	-	28	95-100

*100 -105 Full-time Equivalent

'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 £20,449 (2016/17 – £14,445).

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.

	2017/18	2016/17
Band of highest paid Board member's total annualised remuneration [£000]	100-105	100-105
Median total remuneration	£38,020	£36,697
Ratio	2.7	2.8

Remuneration ranged from £5,400 to £94,000 (2016/17 £3,000 – £94,000).

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

These details have been subject to audit.

Pension arrangements

Commissioners appointed prior to 2012/13, are entitled to a pension and may choose pension arrangements broadly by analogy with the Principal Civil Service Pension Schemes. They are entitled to receive such benefits from their date of appointment. There are no longer any active Commissioners in the scheme.

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

Pension benefits for the Chief Executive and Directors are provided through the Civil Service pension arrangements. From 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: 3 providing benefits on a final salary basis (**classic**, **premium** or **classic plus**) with a normal pension age of 60; and one providing benefits on a whole career basis (**nuvos**) with a normal pension age of 65.

These statutory arrangements are unfunded with the cost of benefits met by monies voted by Parliament each year. Pensions payable under **classic**, **premium**, **classic plus**, **nuvos** and **alpha** are increased annually in line with Pensions Increase legislation. Existing members of the PCSPS who were within 10 years of their normal pension age on 1 April 2012 remained in the PCSPS after 1 April 2015. Those who were between 10 and 13 years and 5 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 31/3/18 and related lump sum £000	Real increase in pension and related lump sum at normal retirement age £000	CETV at 31/3/18 £000	CETV at 31/3/17 £000	Real increase/ (decrease) in CETV £000
Miss Karen Kneller – <i>Chief Executive</i>	30-35 plus a lump sum of 100-105	0-2.5 plus a lump sum of 0-2.5	696	649	3
Mrs Sally Berlin – <i>Director of Casework Operations</i>	20-25 plus a lump sum of 5-10	0-2.5 plus a lump sum of 0	319	286	6
Mr Ian Brooks – <i>Director of Finance and Corporate Services</i>	0-5	0-2.5	50	28	16

Notes

- 1 Mr Richard Foster is entitled to a pension but has not opted-in.
- 2 The Non-executive Directors are not entitled to pension benefits.
- 3 Commissioners appointed after 2012/13 are not entitled to pension benefits.
- 4 Total accrued pension may include benefits arising from transfers-in from other schemes, and may also be augmented by additional voluntary contributions paid by the individual.
- 5 CETVs are calculated using common market valuation factors for the start and end of the period, which may be different from the factors used in the previous year. Consequently, the CETV at 31/3/17 shown in the table above may differ from the CETV at 31/3/17 as disclosed in the 2016/17 remuneration report.

Staff Report

Our staff numbers have remained relatively stable during 2017/18, but recruitment activity has increased compared to the previous year, following a higher level of staff turnover. As at 31st March 2018, there were 79 (83 2016/17) permanent members of staff making up an average Full Time Equivalent (FTE) of 74 (78 2016/17). 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 2017/18 there were 13 Commissioners (an average FTE 6) including the Chair (9 and FTE 7 2016/17). These details have been subject to audit.

Staff Composition

At the 31 March 2018, the Commission had 46 female and 33 male staff, five male and eight 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:

	2017/18 £000	2016/17 £000
Commissioners		
Salaries and Emoluments	592	669
Social Security Contributions	66	78
Pension Costs	–	73
Total Commissioners' Costs	658	820
Non-Executive Directors		
Salaries and Emoluments	25	21
Social Security Contributions	–	–
Total Non-Executive Directors' Costs	25	21
Staff		
– Staff with permanent employment contracts		
Salaries and Emoluments	2,698	2,703
Social Security Contributions	244	272
Pension Costs	530	527
– Other staff (contract, agency/temporary)		
Salaries and Emoluments	23	(6)
Total Staff Cost	3,495	3,496
Total	4,178	4,337

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 87). The actual average in 2017/18 was 7.4 (13.3 in 2016/17). 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 shall run another survey in 2018/19.

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, 67% 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 Criminal Cases Review Commission has incurred consultancy expenditure in 2017/18 relating to the support for the implementation of the Assure casework management system, capitalised as part of the delivery and implementation costs, the development of an IT Strategy and the development of a capacity model to assist planning of workflow. £63,000 (£0 2016/17).

Off Payroll Contractors

During the current period, the Criminal Cases Review Commission has reviewed the tax arrangements of all its' off-payroll appointments. All contractors within the scope of this exercise have been required to provide evidence of tax compliance. There have been no instances of non-tax compliant off-payroll engagements as at 31 March 2018. 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 (£0 2016/17).

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 (£0 2016/17).

These details have been subject to audit.

Exit Packages

There have been no exit packages in 2017/18 (£0 2016/17).

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 31 July 2018 and that we include the details in this annual report and accounts.

In 2017/18, 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 0.03%. 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 2017/18 (£0 2016/17).

This has been subject to audit.

Gifts

The CCRC has neither received nor given any gifts above a trivial value during 2017/18 or 2016/17.

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
27 June 2018

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 2018 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 Criminal Cases Review Commission's affairs as at 31 March 2018 and of 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.

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 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.
- 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.
- evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the consolidated 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 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.

Sir Amyas C E Morse

Comptroller and Auditor General
3 July 2018

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

Section Three

Financial Statements

This section presents the Commission's audited accounts for the period 1st April 2017 to 31st March 2018 in Financial Statements and Notes to the Accounts.

Statement of Comprehensive Net Expenditure**for the year ended 31 March 2018**

	Note	2017-18 £000	2016-17 £000
Expenditure			
Staff Costs	3	4,178	4,337
Depreciation, Amortisation & Impairment	9, 10	132	198
Other Expenditure	5	1,633	1,674
Total Operating Expenditure		5,943	6,209
Income			
Income from Activities	7	0	(5)
Net Operating Expenditure		5,943	6,204
Interest Payable	6	191	233
Net Expenditure for the year		6,134	6,437
Other Comprehensive Net Expenditure			
Pensions: actuarial (gains)/losses	4	(304)	350
Comprehensive Net Expenditure for the year		5,830	6,787

The notes on pages 67 to 81 form part of these accounts.

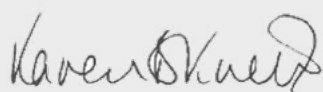
Statement of Financial Position

as at 31 March 2018

	Note	31 March 2018 £000	31 March 2017 £000
Non-current assets			
Property, plant & equipment	9	189	251
Intangible assets	10	422	370
Trade & other receivables	11	1	1
Total non-current assets		612	622
Current assets			
Trade & other receivables	11	192	158
Cash	12	53	51
Total current assets		245	209
Total assets		857	831
Current liabilities			
Trade payables & other current liabilities	13	295	376
Total assets less current liabilities		562	455
Non current liabilities			
Provisions	14	158	163
Pension liabilities	4	6,532	6,926
Total non-current liabilities		6,690	7,089
Total assets less total liabilities		(6,128)	(6,634)
Taxpayers' equity			
General reserve		(6,128)	(6,634)
Total taxpayers' equity		(6,128)	(6,634)

The notes on pages 67 to 81 form part of these accounts.

The financial statements on pages 63 to 66 were approved by the Board on 26 June, and were signed on behalf of the Criminal Cases Review Commission by:



Karen Kneller

Chief Executive and Accounting Officer
27 June 2018

Statement of Cash Flows
for the year ended 31 March 2018

	Note	2017-18 £000	2016-17 £000
Cash flows from operating activities			
Net cash outflow from operating activities	15	(5,398)	(5,565)
Cash flows from investing activities			
Purchase of property, plant and equipment	9	(94)	(67)
Purchase of intangible assets	10, 13	(133)	(78)
Total cash outflow from investing activities		(227)	(145)
Cash flows from financing activities			
Capital Grant in Aid	2	123	145
Revenue Grant in Aid	2	5,504	5,553
Net financing		5,627	5,698
Net increase/(decrease) in cash	12	2	(12)
Cash at beginning of year	12	51	63
Cash at end of year	12	53	51

The notes on pages 67 to 81 form part of these accounts.

Statement of Changes in Taxpayers' Equity
for the year ended 31 March 2018

	Note	General reserve £000	Total reserves £000s
Balance at 1 April 2016		(6,285)	(6,285)
Changes in taxpayers' equity for 2016-17			
Total comprehensive expenditure for 2016-17		(6,787)	(6,787)
Grant from sponsor department	2	5,698	5,698
Reversal of notional transactions: notional expenditure	18	740	740
Balance at 31 March 2017		(6,634)	(6,634)
Changes in taxpayers' equity for 2017-18			
Total comprehensive expenditure for 2017-18		(5,830)	(5,830)
Grant from sponsor department	2	5,627	5,627
Reversal of notional transactions: notional expenditure	18	709	709
Balance at 31 March 2018		(6,128)	(6,128)

The notes on pages 67 to 81 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 Government Financial Reporting Manual (FReM) issued by HM Treasury. The accounting policies contained in the FReM apply International Financial Reporting Standards (IFRS) as adapted or interpreted for the public sector context. Where the FReM permits a choice of accounting policy, the accounting policy which is judged to be most appropriate to the particular circumstances of the Commission for the purpose of giving a true and fair view has been selected. The particular policies adopted by the Commission are described below. They have been applied consistently in dealing with items that are considered material to the accounts.

These financial statements have been prepared under the historical cost convention.

Changes in Accounting Policy and Disclosures

There have been no changes in accounting policies during the period ended 31st March 2018.

Going Concern

The Statement of Financial Position at 31 March 2018 shows negative total taxpayers' equity of £6,128,000. 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 2017/18, taking into account the amounts required to meet the Commission's liabilities falling due in that year, has already been included in the sponsor department's Main Estimates for that year, which have been approved by Parliament, and there is no reason to believe that the department's sponsorship and future parliamentary approval will not be forthcoming.

The triennial review conducted by the Ministry of Justice during 2012/13 confirmed that the functions of the Commission should be retained unchanged, and that the Commission should continue in its current form. It is accordingly considered appropriate to adopt a going concern basis for the preparation of these financial statements.

Grant in Aid

Grant in Aid received is credited direct to the General Reserve in accordance with the FReM.

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 their carrying value of those assets with their recoverable amounts. When an asset's economic carrying value decreases as a result of a permanent diminution in the value of the asset due to clear consumption of economic benefit or service potential, the decrease is charged to net operating costs on the 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 and employers pension contributions.

Pensions

(i) Staff pensions

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

(ii) Commissioners' pensions

Commissioners appointed before 2012/13 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 cost of benefits accruing during the year is charged against staff costs in the Statement of Comprehensive Net Expenditure. The increase in the present value of the schemes' liabilities arising from the passage of time is charged as interest payable to the Statement of Comprehensive Net Expenditure after operating expenditure. Actuarial gains and losses are recognised as Other Comprehensive Expenditure in the Statement of Comprehensive Net Expenditure.

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

Operating Leases

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

Provisions

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

In previous years some small building alterations have been made which gave access to future economic benefits, therefore a non-current asset has also been created corresponding to the amount of the provision, in accordance with IAS 37 (Provisions, Contingent Assets and Contingent Liabilities). This 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 interest payable to the Statement of Comprehensive Net Expenditure.

Taxation

The Commission is not eligible to register for VAT and all costs are shown inclusive of VAT. The Commission is registered with HM Revenue & Customs for corporation tax. There was no taxable income in the year ended 31 March 2018.

Standards in issue but not yet effective

The Commission has reviewed the IFRSs in issue but not yet effective, to determine if it needs to make any disclosures in respect of those new IFRSs that are or will be applicable. References to 'new IFRSs' includes new interpretations and any new amendments to IFRSs and interpretations.

IFRS9 – Financial Instruments

IFRS9 specifies how an entity should classify and measure financial assets, financial liabilities and some contracts to buy or sell non-financial items. It will apply to public sector accounts from 2018/19. The CCRC does not have any such financial instruments and IFRS9 is not expected to have any material impact for the CCRC.

IFRS15 – Revenue from contracts with Customers

IFRS15 specifies how an entity should account for revenues over the life of a contract. It will apply to public sector accounts from 2018/19. The CCRC has no contracts which are relevant to IFRS15 and the standard is not expected to have any material effect on the CCRC.

IFRS16 – Lease Accounting

IFRS16 will change the way in which assets and liabilities associated with leases are presented in the accounts. It will come into force in 2019/20. For the CCRC, the key considerations include the occupancy of our office accommodation and the contractual relationship for certain IT assets, including multifunctional devices. The impact of IFRS16 has not yet been quantified.

2 Grant in Aid

	2017/18 £000	2016/17 £000
Received for revenue expenditure	5,504	5,553
Received for capital expenditure	123	145
Total	5,627	5,698

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

	2017/18 £000	2016/17 £000
Commissioners		
Salaries and emoluments	592	669
Social security contributions	66	78
Pension costs	0	73
Total Commissioners cost	658	820
Non Executive Directors		
Salaries and emoluments	25	21
Total Non-Executive Directors cost	25	21
Staff		
– Staff with permanent employment contracts		
Salaries and emoluments	2,698	2,703
Social security contributions	244	272
Pension costs	530	527
– Other staff (contract, agency/temporary)		
Salaries and emoluments	23	(6)
Total Staff cost	3,495	3,496
TOTAL	4,178	4,337

There were no exit packages in 2017/18 (2016/17 nil).

4 Pensions

(i) Staff

Pension benefits are provided through the Civil Service pension arrangements. 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 2017/18, employers' contributions of £495,000 (2016/17 £497,000) were payable to the PCSPS at one of four rates in the range 20% to 24.5% (2016/17 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 2017/18 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 £35,000 (2016/17 £29,000) were paid to one or more of the panel of three 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 (2016/17 £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:

	2017/18	2016/17	2015/16	2014/15	2013/14
	£000	£000	£000	£000	£000
Liability in respect of					
Active members	0	0	1,022	707	959
Deferred pensioners	615	626	519	522	865
Current pensioners	5,917	6,300	5,070	5,387	4,241
Total present value of scheme liabilities	6,532	6,926	6,611	6,616	6,065

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

	2017/18	2016/17	2015/16	2014/15	2013/14
Discount rate	2.55%	2.80%	3.60%	3.55%	4.35%
Rate of increase in salaries	0.00%	0.00%	0.00%	0.00%	variable
Price inflation	2.45%	2.55%	2.20%	2.20%	2.50%
Rate of increase in pensions (deferred and in payment)	2.45%	2.55%	2.20%	2.20%	2.50%

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 2018		31 March 2017	
	Men	Women	Men	Women
Current pensioners				
At age 60	27.5	29.2	29.0	30.8
At age 65	22.6	24.2	24.0	25.8
Future pensioners				
At age 60	29.5	31.2	31.2	33.0
At age 65	25.0	26.6	26.6	28.4

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 7% or £445,000.

An increase of one year in the life expectancies would increase the present value of the scheme liability by approximately 3% or £190,000.

An increase of 0.5% in the rate of increase in CPI would increase the scheme liability by approximately 7% or £450,000.

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

	2017/18 £000	2016/17 £000
Current service cost	–	85
Commissioners' contributions retained	–	(12)
Total charge to Staff Costs	–	73
Interest on pension scheme liabilities	191	233
Total charge to Interest Payable	191	233

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:

	2017/18 £000	2016/17 £000
Present value of scheme liabilities at start of year	6,926	6,611
Current service cost	–	85
Interest cost	191	233
Actuarial (gains)/losses	(304)	350
Benefits paid	(281)	(353)
Present value of scheme liabilities at end of year	6,532	6,926

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

	2017/18 £000	2016/17 £000
Loss at start of year	2,516	2,166
Net actuarial (gains)/losses recognised in the year	(304)	350
Loss at end of year	2,212	2,516

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:

		2017/18	2016/17	2015/16	2014/15	2013/14
Experience (gains)/losses on pension liabilities	£000	(4)	(734)	106	41	(4)
		0.1%	10.6%	1.6%	0.6%	-0.1%
Changes in demographic and financial assumptions	£000	(300)	1,084	(201)	414	426
		4.6%	15.7%	-3.0%	6.3%	7.0%
Net actuarial (gains)/losses	£000	(304)	350	(95)	455	422

5 Other Expenditure

	2017/18	2016/17
	£000	£000
Accommodation– operating lease	709	740
IT costs	292	191
Travel, subsistence and external case-related costs	195	149
Legal and professional costs	122	112
Office supplies	96	86
Information and publications	54	50
Training and other HR	31	51
Audit fee – external	25	26
Telephones	23	22
Office services	20	21
Payroll and pension costs	18	18
Case storage	17	54
Recruitment	9	18
Library and reference materials	9	11
Equipment rental under operating lease	7	3
Audit fee – internal	7	7
Loss on disposal of non-current assets	4	5
Dilapidations provision (decrease)/increase	(5)	110
Total	1,633	1,674

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

6 Interest Payable

	2017/18	2016/17
	£000	£000
Interest on pension scheme liabilities	191	233
Total	191	233

7 Income from Activities

	2017/18	2016/17
	£000	£000
Kalisher Trust internships	–	5
Total	0	5

8 Analysis of Net Expenditure by Programme & Administration Budget

	2017/18			2016/17		
	Programme £000	Administration £000	Total £000	Programme £000	Administration £000	Total £000
Expenditure						
Staff costs	3,676	502	4,178	3,397	940	4,337
Depreciation & amortisation	132	–	132	198	–	198
Accommodation – operating lease	709	–	709	740	–	740
Other expenditure	805	119	924	734	200	934
Total Expenditure	5,322	621	5,943	5,069	1,140	6,209
Income						
Income from activities	–	–	–	(5)	–	(5)
Net Expenditure	5,322	621	5,943	5,064	1,140	6,204
Interest Payable	191	–	191	233	–	233
Net Expenditure after Interest	5,513	621	6,134	5,297	1,140	6,437

9 Property, Plant & Equipment

	Refurbishment Costs	Plant and Equipment	Furniture and Fittings	IT Hardware	Total
	£000	£000	£000	£000	£000
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
Cost/valuation at 1 April 2016	107	104	128	446	785
Additions	3	5	3	146	157
Disposals	–	(2)	(1)	(87)	(90)
Cost/valuation at 31 March 2017	110	107	130	505	852
Depreciation at 1 April 2016	54	82	77	353	566
Charged during the year	11	4	11	37	63
Depreciation on disposals	–	(2)	(1)	(84)	(87)
Impairment	–	–	–	59	59
Depreciation at 31 March 2017	65	84	87	365	601
Carrying amount at 31 March 2017	45	23	43	140	251
Carrying amount at 31 March 2016	53	22	51	93	219

All assets are owned by the Commission.

10 Intangible Non-Current Assets

	Assets Under Development	Software Licences	Total
	£000	£000	£000
Cost/valuation at 1 April 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
Cost/valuation at 1 April 2016	263	660	923
Additions	74	17	91
Disposals	–	(105)	(105)
Cost/valuation at 31 March 2017	337	572	909
Amortisation at 1 April 2016	–	566	566
Charged during the year	–	25	25
Amortisation on disposals	–	(103)	(103)
Impairment	–	51	51
Amortisation at 31 March 2017	–	539	539
Carrying amount at 31 March 2017	337	33	370
Carrying amount at 31 March 2016	263	94	357

All assets are owned by the Commission.

11 Other Receivables

	31 March 2018 £000	31 March 2017 £000
Amounts falling due after more than one year		
Trade receivables	–	–
Travel loans to staff	21	18
Prepayments	171	140
Total	192	158

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

12 Cash & Cash Equivalents

	2017/18 £000	2016/17 £000
Balance at 1 April	51	63
Net change in cash balances	2	(12)
Balance at 31 March	53	51

The following balances at 31 March 2018 were held at:		
Government Banking Service	53	51
Balance at 31 March	53	51

No cash equivalents were held at any time.

13 Trade Payables & other Current Liabilities

	31 March 2018 £000	31 March 2017 £000
Amounts falling due within one year		
Intra-government balances:		
UK taxation & social security	92	91
Total	92	91
Trade payables	18	21
Capital payables	3	95
Capital accruals	–	9
Accruals	182	160
Total	295	376

14 Provisions

The movements in the provisions are analysed as follows:

	2017/18 Dilapidations £000	2017/18 Total £000	2016/17 Total £000
Balance at 1 April	163	163	53
Provided in year	–	–	110
Unwinding of discount	(5)	(5)	–
Balance at 31 March	158	158	163

The expected timing of discounted cash flows is as follows:

	31 March 2018 £000	31 March 2017 £000
Dilapidations:		
Later than one year and not later than five years	158	163
Balance at 31 March	158	163

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

	Note	2017/18 £000	2016/17 £000
Net expenditure after interest		(6,134)	(6,437)
Interest payable	6	191	233
Depreciation and amortisation	9,10	132	198
Loss on disposal of non-current assets	5	3	5
Increase in receivables	11	(34)	(18)
Increase/(decrease) in payables	13	21	(128)
Increase in provisions	14	–	110
Pension provision:			
Current service cost	4	–	85
Benefits paid	4	(281)	(353)
Unwinding of dilapidations provision discount	14	(5)	–
Notional expenditure	18	709	740
Net cash outflow from operating activities		(5,398)	(5,565)

16 Capital Commitments

Capital commitments contracted for at 31 March 2018 were £nil (2017 £nil).

17 Commitments under Operating Leases

At 31 March 2018 the Commission had the following total future minimum lease payments under non-cancellable operating leases for each of the following periods:

	31 March 2018 £000	31 March 2017 £000
Buildings:		
Not later than one year	714	694
Later than one year and not later than five years	1,250	1,910
Total buildings	1,964	2,604
Equipment:		
Not later than one year	6	6
Later than one year and not later than five years	4	9
Total equipment	10	15
Total commitments under operating leases	1,974	2,619

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.

	2017-18 £000	2016-17 £000
Notional expenditure		
Other expenditure – incurred by MoJ:		
Accommodation– operating lease	709	740
Total notional expenditure	709	740

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 2017 to 31 March 2018, 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 2017 to 31 March 2018, none of the Commissioners, key managerial staff or other related parties undertook any related party transactions.

20 Financial Instruments

IFRS 7 (Financial Instruments: Disclosures) requires disclosure of the significance of financial instruments for the entity's financial position and performance, and the nature and extent of risks arising from financial instruments to which the entity is exposed, and how the entity manages those risks. Because of the largely non-trading nature of its activities and the way it is financed, the Commission is not exposed to the degree of financial risk faced by business entities. Moreover, financial instruments play a much more limited role in creating or changing risk than would be typical of the listed companies to which IAS 32 (Financial Instruments: Presentation), IAS 39 (Financial Instruments: Recognition and Measurement) and IFRS 7 mainly apply. The Commission has limited powers to borrow or invest funds and financial assets and liabilities are generated by day-to-day operational activities and are not held to change the risks facing the Commission in undertaking its activities.

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

21 Events after the Reporting Period

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.

Section Four

Tables and Appendices

Commission referrals to the appeal courts during 2017/18

Name	Ref	Referral date	Offence	Sentence Only
CHIKHMOUS, Hazifa	788/15	26-Apr-17	Failure to produce an immigration document pursuant to section 2(1) and (9) of the Asylum and Immigration (Treatment of Claimants) Act 2004	
ABRAHAM, Daniel	1012/15	11-Aug-17	Possession of a false document without reasonable excuse	
SIMMONS, Stephen	937/13	17-Aug-17	Theft of mailbags and contents	
MAUND, Aiden	205/17	28-Nov-17	Conspiracy to rob	●
Z	193/12	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.	
A	1274/14	20-Feb-18	Offence contrary to section 1(1)(a) Malicious Communications Act 1988	
MITCHELL, Laura	108/14	16-Mar-18	Murder & Violent disorder	
MALEKIAN, Baharak	31/17	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	
DELAVARI, Danial	980/15	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	
KHAN, Ali	356/16	27-Mar-18	Failure to produce a satisfactory immigration document contrary to section 2(1) Asylum and Immigration (Treatment of Claimants, etc.) Act 2004	
KICONCO, Nice	286/16	27-Mar-18	Failure to produce a satisfactory immigration document contrary to section 2(1) Asylum and Immigration (Treatment of Claimants, etc.) Act 2004	
MOHAMED, Ahmed	1155/16	27-Mar-18	Failure to produce a satisfactory immigration document contrary to section 2(1) Asylum and Immigration (Treatment of Claimants, etc.) Act 2004	
BHEBE, Elvis	860/16	27-Mar-18	Failure to produce a satisfactory immigration document contrary to section 2(1) Asylum and Immigration (Treatment of Claimants, etc.) Act 2004	
BABAKANI, Ibrahim	189/2016	28-Mar-18	Failure to produce a satisfactory immigration document contrary to section 2(1) Asylum and Immigration (Treatment of Claimants, etc.) Act 2004	
KHAN, Wassab	157/18	29-Mar-18	Conspiracy to murder	
SARAJ, Faisal	158/18	29-Mar-18	Conspiracy to murder	

JABBAR, Abdul	159/18	29-Mar-18	Conspiracy to murder	
MAROOF, Abdul	160/18	29-Mar-18	Conspiracy to murder	
RASHID, Omran	161/18	29-Mar-18	Conspiracy to murder	

Commission referrals decided by appeal courts during 2017/18

Name	Referral date	Offence	Sentence Only	Outcome	Appeal Decision
KNIGHTS , James	19-Nov-15	Distribution of indecent photographs of a child x 3 Making indecent photographs of a child x 14 Possession of indecent photographs of a child	●	U	25-Jul-17
YAM, Wang	26-Apr-16	Murder		U	29-Sep-17
WILD, June	18-Nov-16	Failure to provide information as to the identity of a driver.		Q	29-Sep-17
CHIKHMOUS, Hazifa	26-Apr-17	Failure to produce an immigration document pursuant to section 2(1) and (9) of the Asylum and Immigration (Treatment of Claimants) Act 2004		Q	29-Jun-17
ABRAHAM, Daniel	11-Aug-17	Possession of a false document without reasonable excuse		Q	26-Oct-17
SIMMONS, Stephen	17-Aug-17	Theft of mailbags and contents		Q	17-Jan-18

Q = Quashed U = Upheld

Key Performance Indicators

KPI 1 Time from receipt to allocation

Purpose: This KPI records the average time taken for an application to be allocated to a CRM for review, and gives an indication of how long applicants wait before their case is started.

Definition: The time from the date of receipt of the application to the date of allocation to a CRM for review, averaged for all applications in the reporting period for which a CRM allocation date has been recorded. Re-allocations are ignored.

Calculation: Recorded for each month and the rolling 12 month period, calculated separately for at liberty and in custody cases.

Frequency: Monthly.

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

Plan: for the average time to allocation for custody cases and at liberty cases to be less than 13 weeks by the end of March 2018.

Apr:	17.2	May:	15.8	Jun:	16.4	Jul:	21.5	Aug:	18.7	Sep:	18.8
Oct:	17.2	Nov:	15.9	Dec:	14.5	Jan:	14.0	Feb:	11.1	Mar:	13.1

Rolling 12 months average time for custody cases: 15.9 weeks.

Actual average time for at liberty cases (weeks):

Apr:	31.0	May:	29.0	Jun:	22.8	Jul:	27.0	Aug:	25.2	Sep:	30.1
Oct:	23.7	Nov:	19.0	Dec:	19.0	Jan:	19.3	Feb:	15.6	Mar:	18.5

Rolling 12 months average time for at liberty cases: 23.3 weeks.

KPI 2a Duration of Review

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

Definition: For review cases, the time from the date of allocation of the application to the issue of an initial decision averaged for all applications in the reporting period for which an initial decision has been issued.

Calculation: Recorded for each month and the rolling 12 month period.

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

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

Apr:	29.1	May:	40.0	Jun:	50.2	Jul:	25.5	Aug:	43.7	Sep:	29.1
Oct:	29.1	Nov:	29.8	Dec:	30.7	Jan:	22.1	Feb:	25.6	Mar:	31.9

Rolling 12 months average time for review cases: 32.6 weeks.

KPI 2b Cases closed within 12 months of application

Purpose: This KPI records the percentage of all cases closed within 12 months from the date of application.

Definition: A case is complete when a final decision has been sent. 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.

Calculation: Recorded for each month as a rolling 12 month percentage.

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

Plan: Of all cases closed at least 70% to be closed within 12 months of application.

12 month rolling percentage:

Apr:	71.2%	May:	71.2%	Jun:	71.5%	Jul:	72.6%	Aug:	72.1%	Sep:	72.0%
Oct:	72.4%	Nov:	72.1%	Dec:	72.5%	Jan:	73.4%	Feb:	74.4%	Mar:	75.3%

KPI 3 Long running case

Purpose: This KPI records the number of applicants whose cases are over two years since the case was allocated for review.

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

Calculation: Recorded for each month.

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

Plan: Number of applicants whose cases are over two years old: 30 (by 31/3/18)

Number of cases (individual applications):

Apr:	86	May:	89	Jun:	85	Jul:	79	Aug:	80	Sep:	86
Oct:	77	Nov:	76	Dec:	77	Jan:	76	Feb:	70	Mar:	72

KPI 4 Complaints and judicial reviews

Purpose: The number of complaints and judicial reviews serves as a measure of the quality of service provided.

Definition: 1. The number of cases re-opened as a proportion of complaints and pre-action protocol letters resolved and judicial reviews heard. 2. The number of complaints otherwise upheld as a proportion of complaints resolved.

Calculation: Recorded for the current period and for the last 12 months.

Frequency: Quarterly.

Data source: Records of official complaints maintained by the Customer Service Manager and of judicial reviews maintained by a Legal Advisor.

Plan and performance:

	Target	Actual	Target rate	Actual rate
Cases re-opened	<3	0	<4%	0.0%
Other	<7	5	<9.5%	10.6%

KPI 5 Quality Assurance

Purpose: A measure of the quality of review work as measured by the Commission's own quality assurance systems.

Definition: The number of cases examined in the Quality Assurance (QA) sample for which additional work is undertaken, expressed as a percentage of all cases examined.

Calculation: Quarterly and for the last 12 months.

Frequency: Quarterly.

Data Source: QA system records.

Plan: That cases requiring further work should be less than 4% of the sampled cases.

Actual: 0.0% over the last 12 months

KPI 6 Time to notification of referral

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

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

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

Frequency: Quarterly.

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

Plan: <2 months in 90% of cases.

Actual: 94.7% for the 12 months with a cumulative figure of 78.6%.

KPI 7 Staff absence

Purpose: The extent to which staff and Commissioners are absent affects the productivity of the Commission and its ability to meet its casework targets.

Definition: The aggregate number of days of employee and Commissioner absence through sickness, divided by the full-time equivalent number of employees and Commissioners.

Calculation: Recorded for the current period and for the year to date.

Frequency: Monthly.

Data source: Internally generated data based on personnel records.

Plan: Sickness absence: <7.5 days per annum.

Actual: Sickness absence: 7.4 days per annum.

KPI 8 Expenditure against budget

Purpose: A key indicator of financial management is the extent to which expenditure in the period is aligned to the delegated budget, with neither overspends nor significant underspends.

Definition: Total expenditure less delegated budget, measured separately for resource and capital, expressed as a percentage of budget.

Calculation: Forecast for the year.

Frequency: Monthly.

Data source: Management accounts.

Plan and performance:

	Target		Actual
	Budget %		Budget %*
	<	>	
Resource (RDEL)	0%	-2.5%	-2.9%
Capital (CDEL)	0%	-12.5%	-40.0%

