

ANNUAL REPORT AND ACCOUNTS 2022/23



Criminal Cases Review Commission Annual Report and Accounts 2022/23

For the period 1 April 2022 to 31 March 2023

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.

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Performance Report

The Performance Report of the Criminal Cases Review Commission (CCRC) is divided into two parts.

Part One provides an overview of our performance between 1 April 2022 and 31 March 2023, outlining our progress towards investigating potential miscarriages of justice in England, Wales and Northern Ireland.

Part Two of the report represents an in-depth analysis of our performance against Key Performance Indicators (KPIs) and Financial Statements, as well as a comprehensive list of all referrals and court decisions related to CCRC referrals.

Overview

Chairman's annual report foreword 2022/23

This has been another challenging year with applications on the rise and recruitment and retention a key issue, while successfully achieving our transformation programme goals and settling effectively and efficiently into being a remote first organisation.

We referred 25 cases, and 17 cases we have referred were overturned. Nine of the 14 cases that were awaiting hearings at the end of last year were successful. At the end of March 2023 - 23 referrals were awaiting hearings, this includes numerous cases that were referred prior to this reporting period. There were three judicial review challenges in the year, none of which were successful.

We were acknowledged by the Westminster Commission for the successful implementation of changes that were within our gift and are now participating in the All-Party Parliamentary Group's Future of Justice sessions, with an initial focus on forensic science. Developments in this frontier enable us to look again at some referrals that have previously not been possible due to the lack of available forensic scientific evidence.

As anticipated last year our applications have increased with a consequent increase in portfolio size. Salaries remain an issue within the public sector, and the high calibre of our staff means that they are frequently poached. Fortunately, our remote working philosophy enables us to attract people who are more geographically dispersed and to increase our diversity as an organisation. Nonetheless, we cannot afford the drain of talent and expertise from the team.

The Senior Leadership Team and I are therefore in active discussions with our sponsoring department. Like many other public sector organisations, we appreciate the cost to the public purse, however, the cost to attract, develop and retain is not insubstantial and has to be a balancing factor, which is acknowledged by ministers.

Our budget also remains a focus, and again, like all public bodies there are constraints. The delay in court hearings and consequent backlogs created by the pandemic and the likely increase in prison population (currently estimated to be in the region of 20%) will have a knock-on effect on our work and indeed these signs are already apparent in our application numbers.

My focus, and that of the wider Board, Body Corporate and Senior Leadership Team's focus is firmly on ensuring we remain fit for purpose and expedite the applications we receive. Many are complex, so of necessity can take some time. Others, such as the large number of 'no-appeals' applications we receive each year (over 40%) mean we need to invest more annually in outreach and education to ensure applicants know when it is appropriate to come to the CCRC.

Clearly cases such as the Post Office Horizon scandal, where many of the guilty pleas were in the magistrates courts, had no other recourse to justice other than the CCRC. Our outreach needs, therefore, to be both sophisticated and nuanced.

It is also of concern to us that many of those at the criminal justice system are unaware of our services and the fact that they are free. We have also embarked on providing more insight for the judiciary and in the courts regarding who we are, what we do and how to access our services. The judiciary have been highly co-operative, allowing our literature into the waiting rooms at the courts.

We have continued to work with the wider criminal justice system, including with the Law Commission, speaking at the Criminal Appeals Lawyers Association (CALA), Miscarriage of Justice Support Service (MJSS) and Your Consultation Group (YCG) and other relevant bodies.

Our 25th anniversary session at the House of Lords (our sponsor was Lord Carlile, for which we thank him) was well attended and well received. One of our successful applicants spoke about his experience and gave high praise to members of my team at the Commission for their empathy, compassion and assistance.

My term was extended by five years, along with that of several of my Commissioners enabling us to continue to ensure high-calibre decision-making. Our independent non-executive director, Martin Spencer, also had his term renewed for a further three years; his insight into IT and transformation is invaluable as we constantly seek to up our game in these crucial areas.

We have continued to maintain the camaraderie amongst the team, holding several regular online and face-to-face get-togethers.

The board conducted its first evaluation since the last Tailored Review in 2018. The results were positive across all elements of the evaluation, where we generally scored above benchmark. We are an organisation that prides itself on continuing to innovate and develop, and there were some good suggestions for further enhancing the dynamic and performance – particularly as we head into yet more headwinds in the criminal justice system.

We held another really well attended public board and continue to be involved in the development of other CCRCs, with meetings held with the New Zealand Team, and a meeting with Canadian Minister of Justice David Lametti held at Canada House.

I look forward to another year of challenge and development for all at CCRC. I'm proud of my team, their hard work, dedication and total commitment to our core purpose of uncovering and referring miscarriages of justice, whilst at the same time feeding systemic issues back into the wider legal system.



Helen Pitcher, OBE

“I look forward to another year of challenge and development for all at CCRC. I’m proud of my team, their hard work, dedication and total commitment to our core purpose of uncovering and referring miscarriages of justice”

Chief Executive's introduction

Last year my introduction talked about the transformation that the Commission had undertaken which included a substantial transformation programme, a move to a purpose-built smaller office in central Birmingham and making permanent the arrangements for remote working, enabling us to continue to attract the very best talent to work with us from across the country. Our new office continues to be the heartbeat of the organisation; some work can only be carried out in our office, and we have a small number of staff who are predominantly office based. We stay connected with each other digitally but also encourage face-to-face engagement at the office through training and engagement events. In fact, last year in July 2022, we marked the 25th anniversary of the Commission at our office in Birmingham at an engagement and training event for staff and Commissioners.

I also talked last year about the need for us as an organisation to extend our reach and ensure that all of those who might benefit from our services, know about us, and can access us. We saw the arrival of a new Head of External Affairs & Communications who is helping us to enhance our communications across a number of channels.

It might seem counter-intuitive to carry out engagement which might increase applications to us when we are under pressure to manage the cases that we currently have, it would be wrong to

shy away from the challenging task of encouraging more applications from those we might be able to help. Most of our applications have tended to come from serving prisoners. For obvious reasons, we saw a fall in those numbers during the Covid-19 pandemic as prisons were adversely affected. We are now seeing our application rate increase to pre-Covid levels and beyond as we enhance our engagement. However, we remain concerned that there are sectors which rarely apply to us at all, and we will be doing some scoping work during the year to see what we can do to reach those groups.

I reported last year that we were struggling to match the reward packages that other organisations pay. We set a very high, appropriately high, bar for staff. The work colleagues do is hard, both intellectually and often, emotionally. I predicted that performance would suffer if we were not able to address pay levels. As we can see from some of our key performance indicators, cases are taking longer to conclude than we would like. That is down to having insufficient numbers of casework staff combined with the need to launch a campaign to increase our Commissioner numbers. We remain in touch with the Ministry of Justice over these two matters.

Whilst last year was about change and then consolidation, the forthcoming year will be about a further change programme.

Having successfully implemented a significant transformation project, much of which was IT and digital, we are now looking forward to a new phase of change which is about how we stay ahead of emerging technologies in an ever-changing digital and cyber world. This work will be a big feature for us going forward as it will ensure we can enhance how we work to the benefit of both staff and our applicants.

We are also entering a new corporate plan period. As of April 2023, we have a new corporate plan underpinned and supported by a suite of strategies. It recognises that everyone at the Commission is dedicated to our common purpose of finding, investigating and referring potential miscarriages of justice. We have three, clear, strategic priorities for this new three-year corporate plan period. They are People: being an employer of choice; Communications: enhanced engagement with applicants and stakeholders; and Excellence: continuously improving how we work.

During the development of the plan, we discussed the values that are important to us as an organisation, and what motivates us in our work every day. We agreed that for us the values of independence, passion, professionalism, fairness and accountability represent our core values, and the way that we will conduct ourselves.

I'm very proud of the work we do at the Commission. During the year we have closed 1,275 cases and referred 25, with a significant number of referrals in the pipeline. But what we do is much more than numbers and statistics – every single referral impacts so many lives in so many ways.

At a recent office event attended by staff, Commissioners and our independent non-executive directors, we listened to a presentation from a defence team taking us through the awful journey of just one boy who had got caught up in the criminal justice system through no fault of his own. It was a case we referred, and his conviction was quashed, but the damage inflicted on that now young man, cannot be forgotten. It was a moving presentation illustrating the importance of the work we do. I remain hugely grateful to everyone who works at the Commission whether directly on casework or supporting casework, for their continued hard work and commitment. At times it can seem relentless, and I continue to be impressed by the dedication and professionalism I see on a daily basis as colleagues do everything that they can to find those miscarriages of justice.



Karen Kneller

The CCRC in numbers: 2022/23

Applications



1,424
applications
received

↑ 226
from previous year



1,275
cases
completed

↑ 92
from previous year



657
cases
passed for a
substantial
review

↑ 32
from previous year

Referrals



25
cases referred
to the appeal courts
↓ 1
from previous year



718
cases under review
↑ 113
from previous year



17
cases overturned
↓ 40
from previous year*

Our People



101
members
of staff
↑ 2
from previous year

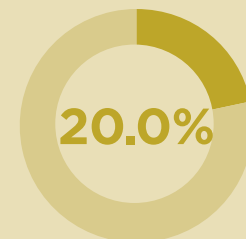
Declared as:



34
male



67
female



of our people
identified as
being from an
ethnic minority
background in
March 2023*

↓ 3.9%
from previous year

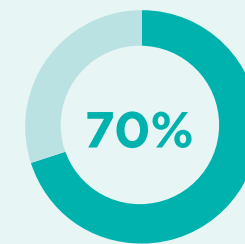
* 2021/22 saw an abnormally high number of overturned convictions due to Post Office referrals

* including Commissioners

We aim to complete **85%** of all cases within 12 months of receiving them. This table shows how we did in 2022/23 on a rolling 12-month basis. Further details on pages 22-24.

	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
	2022 (%)						2023 (%)					
Custody	85.3	85.3	85.1	84.7	84.4	84.6	84.8	85.3	85.2	86.0	87.0	87.5
Liberty	79.8	79.4	79.4	77.4	76.5	75.6	74.7	74.3	74.2	73.2	75.3	75.3
All Cases	83.5	83.3	83.2	82.2	81.8	81.6	81.5	81.8	81.6	81.8	83.3	83.7

Our Applicants

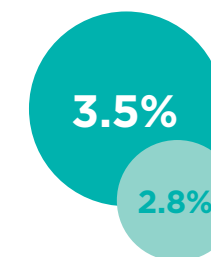


of our applications
came from **serving
prisoners**
↑ 9.4%
from previous year



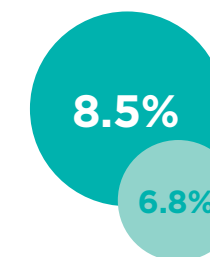
125
We received
applications from
people in 125 prisons
↑ 6
from previous year

Young People



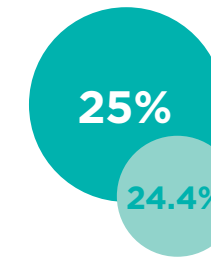
of applications
(50) were aged
21 or under
2.8%
previous year
(34 applicants)

Female Applicants



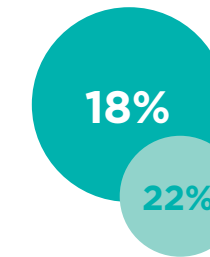
of applications
(121) were female
6.8%
previous year
(81 applicants)

Ethnic Minority Applicants



of applicants (355)
said they are from
a particular ethnic
minority group
24.4%
previous year
(292 applicants)

Disability



of applicants (256)
said they had a
disability
22%
previous year
(264 applicants)

Introduction to the CCRC

“Between our launch in 1997 and 31 March 2023, the CCRC has received 29,985 applications and made a total of 813 referrals.”

“This year, we received 1,424 applications and made 25 referrals.”

The CCRC is the only public body with the statutory responsibility for investigating alleged miscarriages of justice in England, Wales and Northern Ireland. Established 26 years ago under section 8 of the Criminal Appeal Act 1995, our mandate is to investigate and deal with potential miscarriages of justice at the post-appeal stage.

This year, we received a significant rise in the number of applications to review convictions and/or sentences, with a total of 1,424 applications. This number is higher than our historical average of around 1,300 applications per year, but applications had dropped to 1,142 and 1,198 in the previous two years, likely due to the impact of the Covid-19 pandemic.

We have the power to send or refer a case back to an appeal court if we consider that there is a real possibility that they will quash (overturn) a conviction or reduce a sentence. However, it is ultimately up to the appeal court to decide whether the conviction is unsafe or the sentence unfair.

It is important to note that, unless there are exceptional circumstances, we cannot refer a case for appeal if an applicant still has their normal appeal rights. Despite this, approximately 40% of all applications to the CCRC come from individuals who could – and in most cases should – appeal directly to the courts.

Our work is a crucial component of the justice system, and we remain committed to finding, investigating and, when appropriate referring potential miscarriages of justice in a fair, impartial and thorough manner.

Our powers and investigations

The CCRC launched on 31 March 1997 as a result of the Criminal Appeal Act 1995 – which sets out in law the powers that allow us to carry out impactful reviews of potential miscarriages of justice.

Section	Gives the CCRC the power to...
13	<ul style="list-style-type: none"> refer a conviction or sentence if there is a real possibility it would not be upheld were the reference to be made
14	<ul style="list-style-type: none"> certify a question to the Court of Appeal
16	<ul style="list-style-type: none"> recommend or assist on an application for the royal prerogative of mercy
17	<ul style="list-style-type: none"> obtain any material from any public body
18A	<ul style="list-style-type: none"> apply to court for any material held by a private body
19	<ul style="list-style-type: none"> require the appointment of an investigating officer
21	<ul style="list-style-type: none"> take any steps we consider appropriate to assist us in the exercise of our functions including undertaking inquiries and obtaining statements, opinions and reports

We conduct most investigations ourselves, but have also exercised the section 19 power once this year. This related to a case which is still under review which we cannot discuss due to limitations on what we can share publicly on live reviews (see section 23 of the Criminal Appeal Act 1995).

As well as the core function of looking into applicants' cases, we have a lesser known but significant role investigating ongoing appeals on behalf of the Court of Appeal Criminal Division. The Court can direct us to investigate and report to it under section 23A of the CAA 1968 (and section 15 of the CAA 1995).

Historical performance before this reporting year

- annual average of around 1,300 applications and 30 referrals (roughly 2-3% applications)
- around 40% of those applications are 'no appeal cases', resulting in a post-appeal referral rate of around 4%
- most referrals related to serious offences (murder alone accounts for 22.3% of referrals)
- of the 788 referrals prior to this reporting year, 68.4% succeeded and 31.6% failed
- around 70% of applicants traditionally apply without the help of a lawyer, though that has risen to around 90% in recent years
- Almost all applicants use the CCRC's 'easy read' application form. These can be downloaded from the CCRC website and www.gov.uk.

Strategic risks

Our risk management framework is set out in the governance statement. The major threats to our organisational aims, in our view, include staff and Commissioner resources and cyber/data security. The Commission has struggled to fill vacancies during the year at the same time as the number of applications are increasing.

We manage these and other risks through a formal risk management process operated across the organisation. This includes, but is not limited to, the regular updating 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 independent non-executive directors.

Going concern

We are an independent non-departmental public body funded by way of a grant-in-aid (i.e. a cash grant) from the Ministry of Justice (MoJ). The grant-in-aid funding allows us to maintain our independence from the government and other parts of the criminal justice system, including the courts, the police and the prosecution.

Considering the amounts required to meet the liabilities falling due in that year, our grant-in-aid for 2023/24 has been included in the MoJ overall estimates for the year and approved by Parliament.

We have every reason to believe that we will continue to receive departmental sponsorship and future parliamentary approval, and there is no reason to suppose that we will not continue in our current form. On that basis, it is considered appropriate to adopt a 'going concern' basis for the preparation of these financial statements.

Financial review

In 2022/23, the net expenditure for the year was £7.933 million (compared to £7.620 million in 2021/22). The statement of financial position on 31 March 2023 showed a total negative taxpayers' equity of £4.926 million.

This reflects the inclusion of liabilities falling due in future years which, to the extent that they are not to be met from other sources of income, may only be met by future grants-in-aid from the MoJ. This is because, under the normal conventions, such grants cannot be issued in advance of need.

Corporate performance

To ensure that the CCRC is operating at a high standard and effectively meeting its objectives, we continuously monitor our performance against key targets.

During 2022/23 our overall performance against these targets was strong, despite the ongoing difficulty in recruiting and retaining staff (which our remote first approach is helping to alleviate). Most notably, following a recent reduction during Covid, our number of applications has increased significantly and is now above pre-pandemic levels.

Additionally, we have successfully delivered against the priorities outlined in our annual business plan and continued the development of both staff and systems.

Performance analysis

CCRC references and appeals 2022/23

In this section, we discuss a selection of the 25 CCRC cases that were referred and the 19 cases determined by the appeal courts in 2022/23.

The tables on pages 115 to 119 of this report detail all of the cases we referred and all of the CCRC references that the courts decided in the last year.

10 examples of CCRC casework in 2022/23

	Conviction	CCRC investigation
1. New DNA evidence casts doubt on rape conviction	<p>Andrew Malkinson served 17 years in custody for a rape he always maintained he had not committed before being released in December 2020, on licence.</p> <p>The CCRC twice reviewed his case but did not find new evidence that presented a real possibility his convictions would be overturned.</p> <p>In April 2021, Mr Malkinson’s representatives from Appeal approached the CCRC with new DNA evidence, and we opened a third review into his conviction.</p>	<p>In consultation with experts, the CCRC devised a comprehensive forensic strategy to obtain the best possible evidence using modern DNA techniques.</p> <p>As a result of scientific developments, the experts obtained evidence on the victim’s clothing which matched another man on the National DNA Database.</p> <p>The CCRC referred Mr Malkinson’s case in January 2023 and the new DNA evidence has been passed to Greater Manchester Police.</p>
2. Vulnerable defendant’s retracted guilty plea	<p>In July 1990, a man was shot and killed during a robbery in East London. A witness recalled seeing two men fleeing the scene, one of whom was wearing a distinctive ‘British Knights’ baseball cap.</p> <p>19-year-old man Oliver Campbell, who has learning difficulties, had recently purchased such a cap and was arrested by police and pleaded guilty after being interviewed 14 times.</p> <p>Mr Campbell later retracted his guilty plea, but still spent 11 years in prison for a crime he claimed to have had no involvement in.</p>	<p>The CCRC referred the case after concluding that the full extent of Mr Campbell’s vulnerabilities were not properly understood at the time of his conviction.</p> <p>We asked an expert who had given evidence at the trial to reconsider his assessment of Mr Campbell’s suggestibility.</p> <p>The expert – and another newly instructed expert – concluded there were reasons why Mr Campbell may have given unreliable evidence which were not fully understood or explained to the jury at the time, and the case was referred.</p>

	Conviction	CCRC investigation
3. Undercover police officer secretly joins apartheid protesters	<p>In May 1972, a group of protesters from the Putney Young Liberals took part in a demonstration aimed at blocking the England rugby union team coach leaving London en route to a tour in apartheid South Africa.</p> <p>13 people were convicted of charges relating to obstructing the highway and obstructing the police.</p> <p>Unbeknown to anyone in the group at the time, one of its members was an undercover police officer from the Metropolitan Police’s Special Demonstration Squad.</p>	<p>The CCRC review found that the undercover officer appeared in court as a defendant under a false name without the knowledge of the prosecutor or court.</p> <p>He also reported information about defence tactics and legal advice back to his superiors while the trial was ongoing.</p> <p>The CCRC referred all three people who applied (Christabel Gurney, Ernest Rodker and Jonathan Rosenead) in November 2022 and their convictions were quashed (overturned) by the Court of Appeal in January 2023.</p>
4. Human trafficking and modern slavery	<p>In order to give effect to the UK’s international obligations to protect victims of trafficking, the Crown Prosecution Service (CPS) has clear guidance around the duty to consider not prosecuting people whose actions were a direct result of being trafficked.</p> <p>However, the CCRC has referred a number of applications this year from people who have been convicted and sentenced despite falling into this category.</p> <p>These vulnerable people should not have been convicted of actions directly linked to being a victim of human trafficking and modern slavery.</p> <p>Despite clear guidance, miscarriages of justice sadly can and do still happen.</p>	<p>One case related to a Vietnamese teenager who was found working on a cannabis farm after being trafficked to the UK via Russia in 2016.</p> <p>His own lawyers did not tell him that he may have had a defence that his actions were a direct result of being a victim of crime. The CCRC referred his case and a judge at Leicester Crown Court overturned his conviction in October 2022.</p> <p>Another referral saw another child convicted in the Youth Court despite the Home Office having confirmed he had been trafficked into and within the UK for the purposes of forced labour and criminality.</p> <p>The CCRC also referred his case, and his six convictions were quashed by Croydon Crown Court.</p>

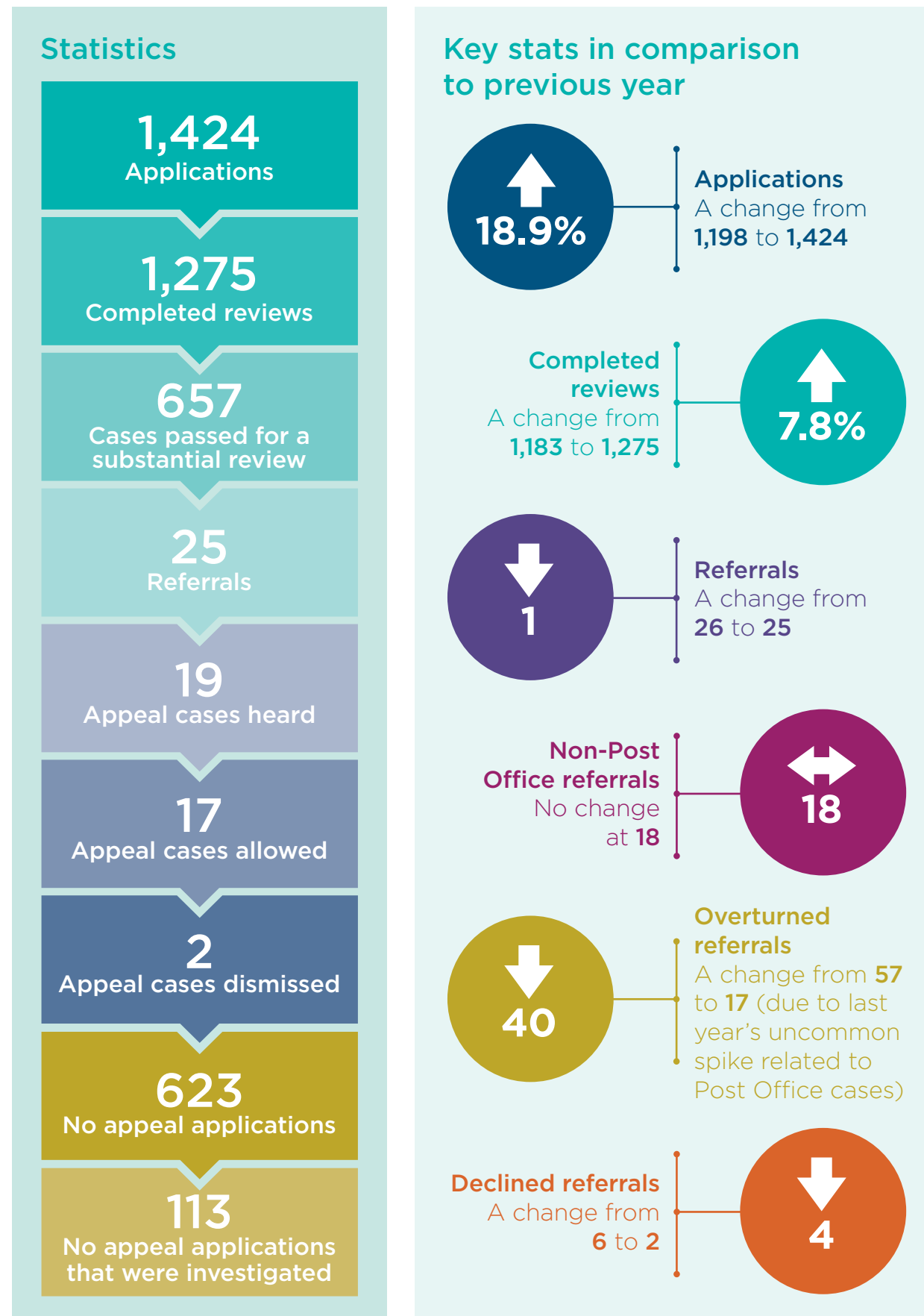
	Conviction	CCRC investigation
5. First ‘joint enterprise’ referral in Northern Ireland	<p>Joint enterprise relates to secondary offenders to a crime being prosecuted as if they were the main offender.</p> <p>In 2016, the Supreme Court said that the law had been misinterpreted and that a secondary offender should only be found guilty if they assisted or encouraged the person who committed the offence, and they shared the intention to commit the offence.</p> <p>Under this law, James Alexander Smith and one co-defendant were convicted of offences including murder and attempted murder following a shooting in Bangor, County Down, in May 2011. Mr Smith was sentenced to life in prison with a minimum tariff of 21 years.</p>	<p>A CCRC review found that there was a real possibility that the jury may have not been fully directed on the specifics of joint enterprise convictions, and there was a case that the directions made to the jury made a difference to the outcome they reached.</p> <p>We have received dozens of applications to review historical joint enterprise convictions and while five had previously been referred in England and Wales, Mr Smith’s application was the first time we have sent a case to the Northern Ireland Court of Appeal.</p>
6. Post Office cases	<p>The CCRC has labelled the convictions against Post Office sub-postmasters and counter staff related to faulty Horizon evidence as “the most widespread miscarriage of justice in UK history”.</p> <p>Potentially hundreds of convictions had been founded on the basis of financial information produced by the Horizon computer system, but the existence of multiple bugs, errors and defects on the system casts doubt on the integrity of the data.</p>	<p>This year a further seven referrals were made – taking the total number to 66 convictions being sent back to the courts.</p> <p>In the last 15 months we have contacted more than 300 people regarding potentially unjust convictions.</p> <p>Anybody who would like to challenge a Post Office conviction or clear the name of a loved one who has since died is encouraged to make an application to the CCRC.</p>

	Conviction	CCRC investigation
7. Concern over the credibility of police officers investigating a kidnap and murder	<p>In 1981, George Kirkpatrick, Eric Cullen and Cyril Cullen each received life sentences for the May 1975 kidnap, false imprisonment and murder of a man in Castlewellan, County Down.</p> <p>The trial centred around disputed admissions to the offences – which the defendants claimed were the result of misconduct by police officers.</p>	<p>The CCRC referred the convictions after finding compelling evidence that called into question the credibility of the investigating officers who had questioned the men in custody.</p> <p>George Kirkpatrick and Cyril Cullen have since died, but posthumous referrals can be made and there is no time limit on making an application to the CCRC.</p>
8. Family firework business manslaughter convictions	<p>Martin Winter and his son Nathan Winter were convicted of two counts of manslaughter by gross negligence after two East Sussex Fire and Rescue Service employees were killed following an explosion at their fireworks business in Sussex in 2006.</p> <p>They were sentenced to 7 years and 5 years (reduced to 4 years) respectively.</p>	<p>The prosecution alleged that they were storing extremely explosive HT1 fireworks in a shipping container – in contravention of their licence.</p> <p>The CCRC investigation found that expert evidence not heard at trial may undermine the prosecution’s case that there were HT1 fireworks in the container.</p>
9. Trial arraignment concerns	<p>Stuart Layden successfully appealed against a murder conviction in March 2015. He was rearraigned for a new trial in September 2015 and was again found guilty in May 2016.</p> <p>However, a defendant who is being retried must be arraigned (asked to enter their pleas) within two months of their original conviction being quashed, unless the Court of Appeal grants an extension.</p>	<p>The CCRC contacted Mr Layden and invited him to re-apply after a Court of Appeal decision in a different case clarified the legal position concerning re-arraignment.</p> <p>The review of his case found a real possibility that the Court of Appeal will find that the arraignment was unlawful, the trial proceedings were invalid and Mr Layden’s conviction is unsafe – and the conviction was referred by the CCRC in February 2023.</p>

	Conviction	CCRC investigation
10. Witness concerns following man's murder	<p>The case related to the tragic death of a man who was attacked by a group of people near to his home in South London. Uthayathas Balasubramaniam was one of a number of men charged after his killing.</p> <p>Prior to his trial, one of Mr Balasubramaniam's co-defendants offered to plead guilty to a lesser offence and give evidence for the prosecution. But before giving evidence at trial, he disappeared, and his statement was read to the jury under the 'hearsay' provisions of the Criminal Justice Act 2003.</p> <p>The jury convicted Mr Balasubramaniam of conspiracy to commit common assault and actual bodily harm but acquitted him of murder.</p>	<p>Following several appeals and retrials, the Court of Appeal quashed the convictions of all but one of Mr Balasubramaniam's co-defendants in 2011.</p> <p>During those proceedings, new information came to light, including an undisclosed 'deal' with the prosecution, which called into question the credibility of the main prosecution witness.</p> <p>The CCRC investigation concluded that the prosecution witness could no longer be regarded as credible.</p> <p>Mr Balasubramaniam's case was referred in December 2021 and the Court of Appeal overturned the convictions in October 2022.</p>



Our casework performance



Applications

Two hundred and twenty-six more applications were received this year than the previous year. With 1,424 applications received in 2022/23, we received an average of 3.9 applications per day for people to have their cases reviewed. While our increased communication and engagement will help people to make applications, the rise also reflects a backlog from when we saw fewer applications during the pandemic.

Referrals

A stable number of referrals were made to the appeal courts – 25 compared to last year's 26. This figure represents 2% of all closed applications. Seven of the referrals were Post Office cases, and the last three years have seen a consistent number of non-Post Office referrals (18 and 19).

Three of our referrals related to the Undercover Policing Inquiry (see page 28) and we also referred cases involving new scientific evidence, human trafficking, joint enterprise, time on remand, disputed confession evidence, directions to the jury, discredited police officers and rules relating to extradition and re-arraignment following the quashing of a conviction.

At the end of March 2023, there were five more cases being finalised for referral.

Appeals heard

During 2022/23, the courts heard appeals in relation to 19 CCRC referrals. Seventeen of those appeals were allowed and two were dismissed.

That means 89% of CCRC referrals were successful in the last business year – higher than the historic average of around 70%. This increased figure reflects the fact that six of the convictions related to the same applicant (a victim of trafficking), four were Post Office cases and three related to the quashed convictions of co-defendants.

At the end of March 2023, there were 23 referred cases waiting to be heard.

No appeal cases

People who want to challenge their conviction can generally appeal directly to the court. Those who do not do this and apply directly to the CCRC are referred to as 'no-appeal' cases – and can only be considered by the CCRC if there are some exceptional circumstances that mean we should refer the case even though the person could still use their normal right of appeal.

Despite this, 44% (623 of 1,424) of our case intake this year were no-appeal convictions, of which 18% (113) were passed for investigation. An increased focus on educating potential applicants about the routes available to them will hopefully reduce this number in future years.

Even though relatively few no-appeal cases raise potential exceptional circumstances, the process for deciding whether there may be exceptional circumstances means that dealing with no-appeal cases has once again required a significant amount of our resource.

Our key performance indicators (KPIs)

In this section of the annual report and accounts, we discuss key elements of our casework performance through a number of our KPIs and other measures. However, the full set of KPIs are defined and the results for 2022/23 are set out on pages 120 to 129 of this report.

Year-on-year comparisons of KPIs

	Target	2022/23	Change from 2021/22
KPI 1a: Cases closed within 12 months of application	85.0%	83.7%	-0.5% (84.2% to 83.7%)
KPI 2: Time to decision from allocation	<30 weeks	38.7 weeks	Almost 5 weeks longer (34 to 38.7 weeks)
KPI 3: Long-running cases (cases active for 2+ years)	<5.0%	6.2%	No change (6.2% to 6.2%)
KPI 4: Communication with applicants and representatives – complaints upheld as a proportion to cases closed per year	<0.4%	0.24%	+0.07% (0.17% to 0.24%)
KPI 5: Conduct high-quality reviews – indicated by proportion of cases reopened for additional review work	<0.4%	0.08%	-0.34% (0.42% to 0.08%)
KPI 6: Percentage of complaints upheld as a proportion of cases closed	<0.8%	0.31%	-0.03% (0.34% to 0.31%)
KPI 7: Average days absence per staff	<7.5	10.81	+5.15 days (5.66 to 10.81)
KPI 8: Expenditure against budget	Underspend or overspend within 2.5% of budget	0.9% underspend	+9.9% (10.8% underspend to 0.9% underspend)
KPI 9: Internal audits completed on time	95%	80%	-20% (100% to 80%)

Behind the statistics

Time taken to complete cases

1. All Cases

We aim to complete a minimum of 85% of cases within 12 months of receiving the application. Last year saw an improvement to 84.2%, and that level has been broadly maintained this year with 83.7% of cases meeting that target.

As in previous years, the target has been met for prisoners’ reviews (87.5%) but not for applicants at liberty (75.3%). These figures are disproportionately affected by a small number of long-running cases (see below). If we separate out the 51 long-running cases, 86.3% of the remaining 1,224 cases were completed within 12 months of receipt. While we are close to our target, it is noteworthy that we are receiving considerably more applications (1,424) than we are closing cases (1,275). This could create a backlog in future years that may affect our KPIs for case closures.

2. Review cases

We also measure the proportion of review cases which are completed within 12 months of receipt. Review cases are those which are allocated to a case review manager for investigation. They can be first applications following a refused appeal, no-appeal cases where there are potential exceptional circumstances, or reapplications where there are new matters requiring investigation.

Our target is to compete 70% of review cases within 12 months of receipt. In the 12 months to the end of March 2023, we completed 64.3% of review cases within 12 months (70.0% Custody, 54.6% Liberty). Again, these figures are disproportionately affected by long-running cases (see below). If we separate out the 51 long-running cases, we completed 68.9% of review cases within 12 months of receipt.

This is a new KPI so there are no comparative statistics for previous years.

3. Triage cases

Triage cases are either no-appeal cases with no potential exceptional circumstances or reapplication cases with nothing new that requires further investigation.

Our target is to fully complete 80% of triage cases within 12 months of receipt. This year we narrowly missed that target, completing 79.8% of triage cases within that time period (82% Custody, 73% Liberty).

Duration of a review

The duration of a review relates to the amount of time from a case being allocated to a case review manager to a decision being made. Due to pressure on resources, this has increased from an average of 34 weeks to 38.7 weeks in the last 12 months.

For custody cases, we completed reviews in an average of 34.4 weeks. We completed liberty cases in an average of 46.13 weeks.

Again, this average is disproportionately affected by the small number of long-running cases. Excluding the 51 long-running cases decided in 2022/23, the average time taken for a review was 28.4 weeks.

Long-running cases

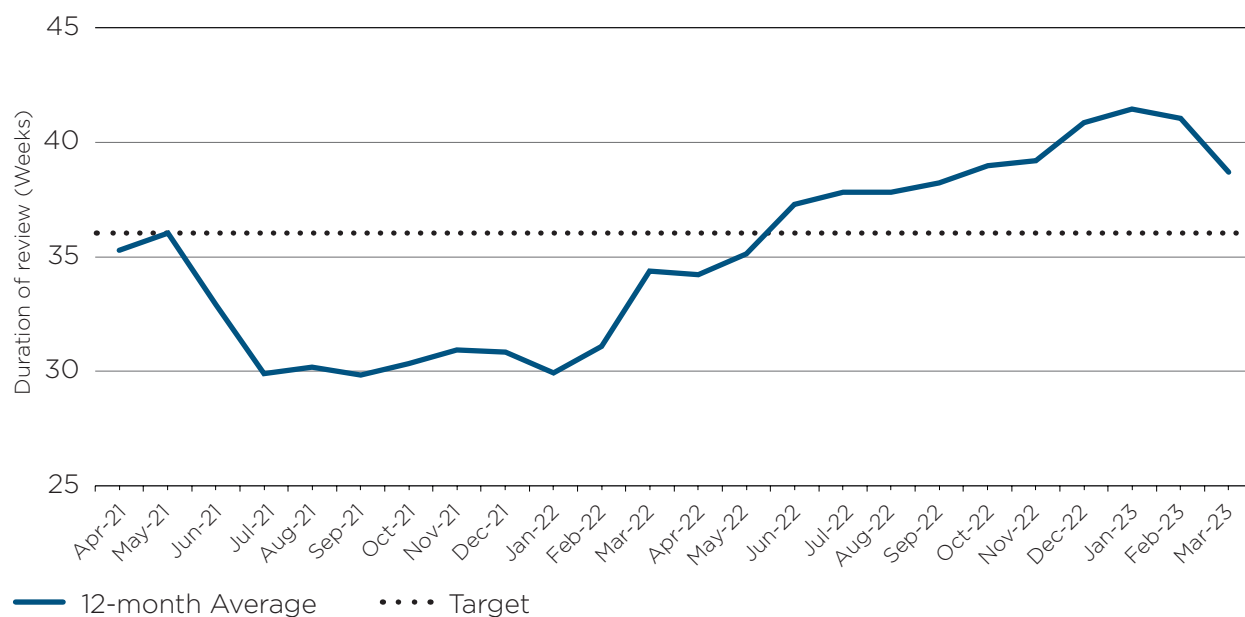
The number of long-running cases has increased from 46 to 55 in the last year.

If a review has been ongoing for more than two years, we classify that investigation as a 'long-running case'. It is inevitable that we will always have some long-running cases, as a proportion of our reviews are complex and require careful investigation (especially those that consider expert reports). Sometimes we must also wait for the outcome of connected live court proceedings or criminal investigations that are out of our control.

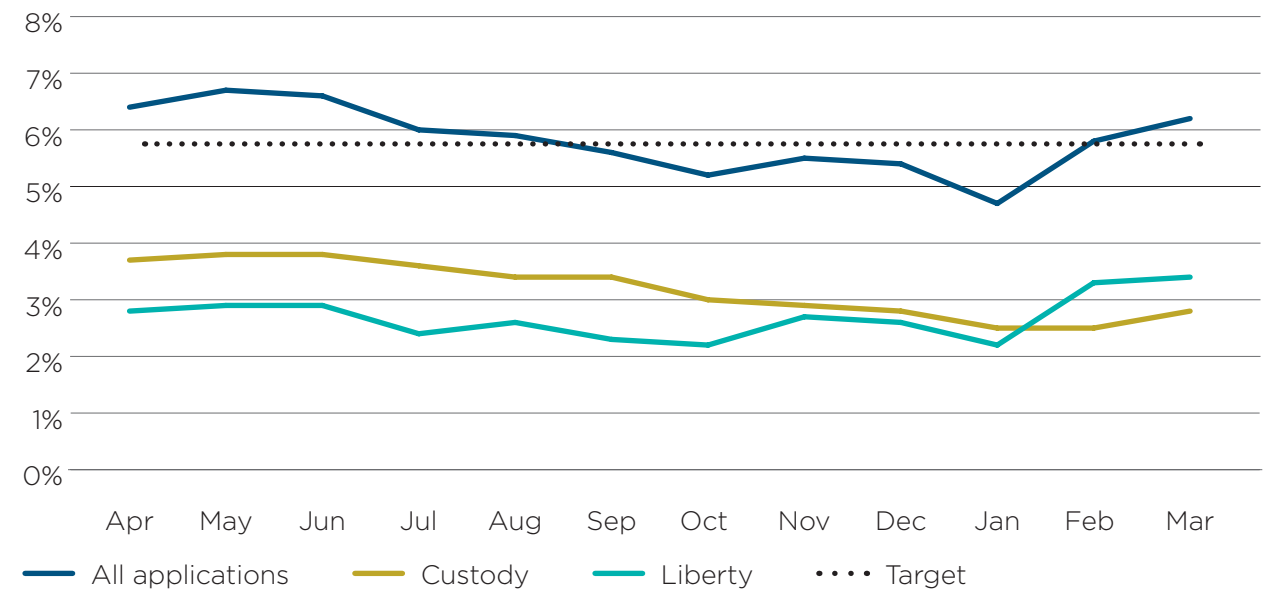
Our target is that fewer than 5% of applications should take us more than two years to review. At the end of March 2023, we had 55 long-running cases (6.2% of cases under review, as shown on the graph on page 24). Taking account of linked cases – for example, co-defendants – there were 45 long-running investigations.

Duration of review – time to decision from allocation in weeks

Allocation to Decision (PSOR where one issued) – 12-month average



Long-running cases



A sub-committee chaired by the Chief Executive pays close attention to these cases to ensure they are not taking longer than necessary.

The graph above shows the number of custody cases and liberty cases categorised as long-running at the end of the reporting year 2022/23.

There are a number of factors in the time taken to complete custody and liberty cases. A greater proportion of custody cases were closed at triage (59% custody, compared to 48% liberty) and to more straightforward reviews (whereas most liberty reviews were more complex investigations).

Time elapsed since conviction can also be a factor - 87% of custody reviews related to convictions in the last 10 years, compared to 66.5% of liberty convictions. Broadly speaking, the older the case, the more difficult it is to investigate.

Time to allocation

We aim to allocate all review cases to a case review manager by the end of

the third month after the application is received. Despite the increase in applications to 1,424 and the pressure on resources, we managed to do this in all but three applications.

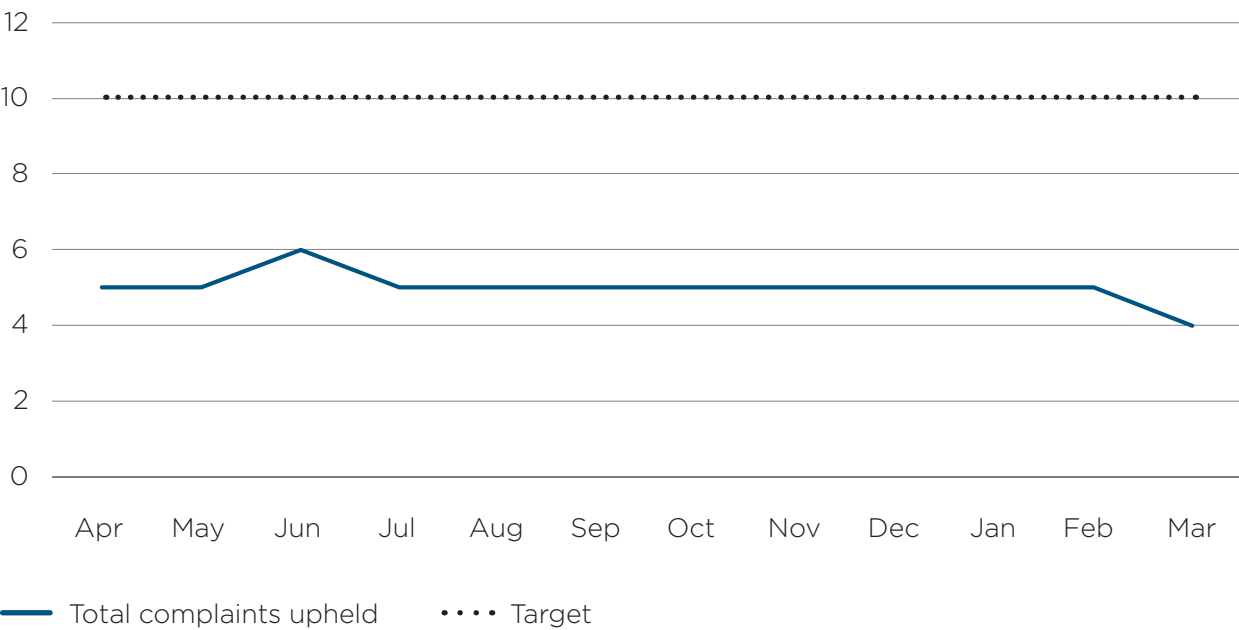
Complaints

In addition to focusing on our communication (KPI 4) and fundamental issues in our reviews (KPI 5), we monitor complaints upheld overall. Our target is that fewer than 0.8% of the total number of cases closed in the last 12 months (and fewer than 10 cases) result in an upheld complaint. In 2022-23, we received 51 complaints of which four were upheld (0.41% of closed cases).

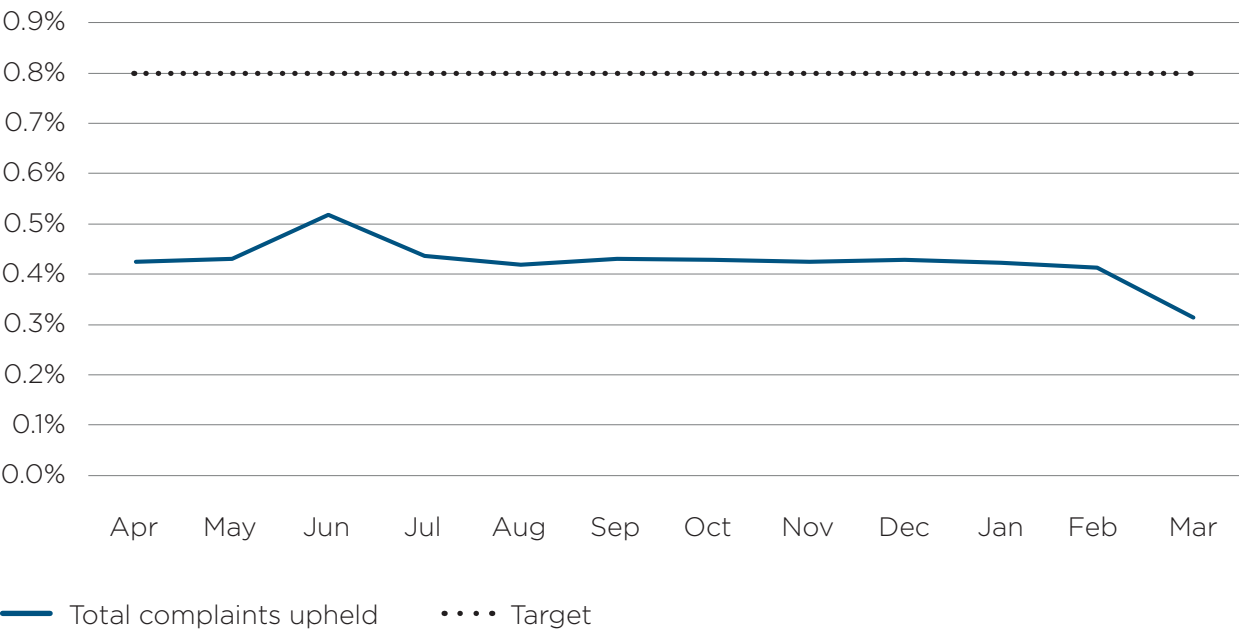
The following two rolling 12-month graphs reflect the number of complaints upheld against our targets. The first one shows the total number of complaints over a rolling 12 months, and the second displays a rolling 12-month proportion of all cases closed in the last financial year.

Further details about our complaints process can be found on page 38.

Total number of complaints upheld – 12-month rolling



Total number of complaints upheld as a proportion of all closed cases – 12-month rolling



Communicating with applicants and representatives

It is important that our decisions can be scrutinised effectively and challenged by applicants and those who act for them. Key to our casework is providing reasoned decisions in such a way that they are understandable and accessible to our applicants, the majority (95%) of whom have no legal representation. We also aim to provide regular, meaningful updates to applicants as their case makes progress with us.

Our target is that fewer than 0.4% of the total number of cases closed in the last 12 months (and fewer than five cases) should involve a complaint being upheld in relation to our communication to the applicant or their representative. In the 12 months ending 31 March 2023, we upheld three complaints in relation to our communication with the applicant or their representative (0.24% of closed cases). Only one of those complaints related to the substance of our communication, the other two concerned administrative errors.

Conducting high-quality reviews

The quality of our case reviews is fundamental. It is important to note that this KPI is about measuring failures in our case review or analysis, not about cases where new evidence or information becomes available after our review.

Our target is that fewer than 0.4% of the total number of cases closed in the last 12 months (and fewer than five cases) should need to be reopened as a result of a complaint,

judicial review or internal quality assurance. We use the lessons from these to improve our practice.

Royal prerogative of mercy

Section 16 of the Criminal Appeal Act 1995 gives us two areas of responsibility relating to the royal prerogative of mercy. One is to recommend the use of the royal prerogative where we see fit. The other is to respond to requests from the Secretary of State for Justice in relation to the use of the royal prerogative.

In February 2023, we responded to one request from the Secretary of State for Justice in connection with a joint enterprise case.

We received another request from the Secretary of State in March 2023 in connection with the case of Edith Thompson. Mrs Thompson was hanged in January 1923, having been found guilty of the murder in October 1922 of her husband. The case was under review at the end of March 2023.

We did not have cause to recommend the use of the royal prerogative during 2022/23.

Military cases

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

Last year, we received two cases of military origin and completed our review of one such case. At the end of March 2023, two military cases remain under review.

Levels of legal representation

In recent years, we have seen a decline in the number and proportion of applications with the assistance of a legally qualified representative, such as a solicitor, barrister or legal executive. Historically around 70% of our applicants receive such assistance, but in 2022/23 only around 5% of applicants were legally represented.

The CCRC sees considerable benefit in applications supported by good quality legal representation. The submissions are often better organised, focussed and candid. While we are confident we identify all salient issues in all applications, the process is faster with well presented applications. Legally aided applicants also have the benefit of a representative who can liaise with the CCRC, help to explain a decision to an applicant and where appropriate challenge outcomes.

Ineligible applications remain too high, and legal advice can also help potential applicants understand that (barring exceptional circumstances) they should apply to the CCRC only after exhausting their appeal rights.

All cases receive the same care and attention from the CCRC regardless of legal representation, but the declining numbers are a concern.

External factors affecting casework in 2022/23

Law Commission review

This year it was announced that the Law Commission of England and Wales has launched a wide-ranging review of the laws governing appeals for criminal cases. The UK Government has asked them to examine the need for reforms to the appeals system to ensure that the courts have the right powers to enable the effective, efficient and appropriate resolution of appeals.

The CCRC has called for a review into the appeals process for a number of years and looks forward to working closely with the Law Commission on this vitally important appraisal. We are committed to finding and investigating miscarriages of justice and feel that it is right that the appeals system is regularly and robustly scrutinised.

Investigations for the Court of Appeal

As well as reviewing those cases that come to us by way of applications from individuals, we also conduct some investigations into 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 section 23A of the Criminal Appeal Act 1968.

We completed one section 15 investigation in June 2022.

We did not receive any new directions from the Court of Appeal Criminal Division in 2022/23.

The Westminster Commission on Miscarriages of Justice

The Westminster Commission on Miscarriages of Justice was set up in February 2019 by the All-Party Parliamentary Group on Miscarriages of Justice with a brief to investigate the ability of the criminal justice system to identify and rectify miscarriages of justice.

During 2022/23, we have continued to act upon the APPG's recommendations, by completing research on no-appeal cases (which is published on our website), updating our decision templates in consultation with our stakeholder forum, and issuing revised internal guidance concerning provisional statements of reasons and communicating with applicants.

Undercover Policing Inquiry

The Undercover Policing Inquiry (UCPI) was set up in 2015 to examine undercover policing in England and Wales since 1968. The UCPI's remit is to investigate the contribution of undercover policing towards preventing and detecting crime, assess the adequacy of regulation at the time, and review the extent of the duty to make disclosure during an operation, identifying any scope for miscarriages of justice to have occurred where proper disclosure was not made. In November 2021, the UCPI sent its first three cases to the CCRC.

In November 2022, after conducting our own investigation, we referred all three convictions to the Crown Court at Kingston upon Thames. This case is reflected in the case studies on p14.

The cases concerned three people who took part in a demonstration by Putney Young Liberals on 12 May 1972 aimed at disrupting the departure of the England rugby union team from the Star and Garter Hotel in Richmond ahead of a tour of South Africa.

Fourteen people were arrested and charged after sitting in the path of the team coach and 13 people were convicted following trials at Mortlake Magistrates' Court in June and July 1972. Unknown to the prosecution, court or fellow defendants, one of the group was an undercover police officer (known as HN298) from the Metropolitan Police's Special Demonstration Squad (SDS).

The officer, who had infiltrated the group and taken part in the protest, was arrested at the scene, and convicted alongside them under his assumed name. The undercover officer was party to discussions between the defendants and their lawyers.

We concluded that the police's failure to reveal the participation of HN298 to the investigating officers, the prosecutor or the court, contrary to guidance in force at the time, amounted to an abuse of process. We decided that there was a real possibility that the convictions would be overturned if referred to the appeal court.

On 17 January 2023, the convictions were quashed.

We have appealed for other members of the Putney Young Liberals who were convicted as a result of this protest to come forward so that their cases can also be considered.

Judicial reviews

Applications for judicial review are usually handled by the Administrative Court at the Royal Courts of Justice in London and Belfast. If a decision taken by the CCRC is successfully judicially reviewed, the Administrative Court can require us to revisit the decision in question.

This was the third consecutive year without permission being granted for any judicial reviews against the CCRC.

During the year 2022/23, correspondence was exchanged under the pre-action protocol (PAP) for judicial review in 25 cases. No cases were conceded or reopened at this stage.

In the same period, we were the subject of 11 claims in the Administrative Court. In three cases, claimants did not follow the pre-action protocol. The CCRC issued defences in 10 cases and conceded one case.

In that case, as the protocol had not been properly complied with and the CCRC was not given an adequate opportunity to avoid litigation, costs were disputed. We have agreed to look again at the issues raised in this case and received additional submissions from the applicant. A fresh review is underway.

Out of the 10 cases defended this year, eight have been refused permission, with four of those considered by the Court to be ‘totally without merit’. Two are yet to be decided.

There is another case from 2021/22, that is awaiting a renewal hearing together with one application for leave to appeal that is due to be considered on the papers in the Court of Appeal Civil Division.

A particularly important decision in the CCRC’s favour was made by Mr Justice Fordham in February 2023. This concerned a challenge to the CCRC’s reference by Manchester City Council as the prosecutor.

It is very unusual for a prosecutor to apply for judicial review: it has only been done once before and that was in 2007. There the challenge was also unsuccessful.¹ In the Manchester City Council case, Justice Fordham confirmed that matters should be resolved between the parties in the Crown Court and confirmed that satellite litigation against the CCRC was not appropriate. Manchester City Council has since paid our costs.

The Commission is also an Interested Party in an ongoing case between the CPS and Preston Crown Court. This follows a challenge to the longstanding practice of how the Crown Court approaches references where there has been a guilty plea. Following the granting of permission, the matter came before the Divisional Court in June 2023. At the time of printing, the CCRC is awaiting a decision.

¹ R (Director of Revenue and Customs Prosecution) v Criminal Cases Review Commission) [2007] 1 CAR 384.

Year	PAPs	Claims	Permission Granted	Conceded
2022/23	25	11	0	1
2021/22	21	11	0	3
2020/21	11	9	0	2
2019/20	25	16	1	2

Current litigation volumes remain in line with pre-pandemic levels, and the low level of PAPs in 2020/21 can be linked to the lower number of decisions made during the pandemic.

It is important that our decisions can be scrutinised effectively and challenged by applicants and those who act for them. As well as making decisions that are understandable and accessible to applicants, we aim to provide regular, meaningful updates to applicants as their case makes progress with us.

Telephone Helpline

We receive many calls from potential applicants and callers who want to talk to someone about our work and what applying to us will mean for them.

We therefore provide a telephone helpline. This is staffed by our case review managers and is available during office hours. The calls we receive are generally made by potential applicants, their lawyers, or family and supporters. This applies to those either in custody or at liberty.

The calls fall into three main areas:

- calls from prospective applicants who have previously appealed and now want to make an application to the CCRC;
- calls from people who haven’t previously appealed and are unsure about whether to appeal directly or apply to us in the absence of such an appeal; and
- calls which do not relate to matters that we can assist with (for example, calls relating to civil proceedings).

The purpose of our helpline is to assist in explaining our role and process, and to help people decide whether to apply to us. We provide general advice on our powers and procedure. We do not provide legal advice or assess or discuss the merits of any cases during these calls.

Usually, after these calls, we send out our application forms or appeal forms. Occasionally, where the caller is unsure whether to appeal directly or to apply to us, we send both.

In 2022/23 we recorded approximately 600 helpline calls – a significant increase from last year’s number of around 125. These are calls that were triaged by reception staff and put through to a case review manager to assist with further information about applying to us. In over half of these calls, we sent out application packs or appeal forms.

Straightforward requests for an application pack are dealt with by our reception team. They responded to more than 700 requests for application packs in 2022/23. This is in addition to the batches of application packs that we regularly send to prisons.

Feedback from applicants

The CCRC is committed to making continual improvements to the way it carries out reviews of potential miscarriages of justice. For that reason, applicants are invited to fill in multiple-choice feedback forms at the end of case reviews to help the CCRC learn valuable lessons and implement changes that will improve the experience for future applicants.

While the number of applications has risen over the year, the number of forms received has stayed approximately the same. This could be indicative of fewer people feeling the need to complain about the service. This possibility is given credibility by the feedback received, with a rise from 29.4% to 37.4% giving the most positive review they could to the service (‘good’). Similarly, those reporting a negative experience have dropped from 33.4% to 28.5%.

As with previous years, more face-to-face meetings are the form of communication that applicants would appreciate more of. However, more meetings have taken place this year and fewer have reported that as something they would like to see done better in the future (7.6% to 6.9%).

Finally, with regards to the final decision, there have been improvements in how people feel the CCRC explained the law – with just 3.8% of applicants saying that could be improved.

	2022/23	2021/22	Change
Forms received	165	172	-4.1%
Overall feedback			
• Good	37.4%	29.4%	+8.0%
• OK	32.7%	35.4%	-2.7%
• Bad	28.5%	33.4%	-4.9%
• No answer	1.4%	1.8%	-0.4%
Communication – What could we have done better?			
• More update letters	3.4%	2.4%	+1%
• Email Prisoner Service	2.7%	2.4%	+0.3%
• More information in the update letter	4.2%	4.0%	+0.2%
• Video Link	5.7%	6.0%	-0.3%
• Face-to-Face Meetings	6.9%	7.6%	-0.7%
Our decision – what could we have done better?			
• Explain the law better	3.8%	5.5%	-1.7%
• Made our decision simpler	3.0%	1.9%	+1.1%
• Give more detail in our decision	4.4%	5.6%	-1.2%
• Change the way we set out the decision letter	1.5%	2.8%	-1.3%

The number of people wanting us to explain the law better and give detail has fallen, but the number wanting the explanation of our decision to be simpler has risen.

This reflects the challenge of meeting the needs of a varied and often unrepresented audience.

Applicant backgrounds

The CCRC gathers data on the background of people applying for our services to understand how we are reaching people with regards to their age, gender and ethnicity group. This information is gathered anonymously and stored separately before the merits of each case are considered.

Our purpose is to keep track of how closely applications to us reflect the demographics of people convicted of crimes and the prison population. Given that in most years around 80% of applications are received from individuals in custody, our assumption is that we should expect a reasonably close match in terms of the proportion of applications falling into the various categories we monitor.

Our aim, where possible, is to adjust our applicant engagement work to try to counter any surprising and unexplained results in terms of proportionate representation of any group in our case intake. We publish our equality and diversity report in full on our website. What follows here is a summary of those findings.

This year's statistics highlight the positive steps taken to improve the diversity of the CCRC's users, and we are continuing to work towards a more representative applicant base. This has resulted in positive trends for almost all under-represented applicant groups, such as women (+1.7%), people with literacy issues (+6.6%) and people aged 25 and under (+1.1%).

The Applicant Engagement Team will continue to engage with those vulnerable and under-represented groups and will continue to learn from specialist organisations and charities as to how we can target and improve our outreach initiatives.

Applications who self-reported as...	2022/23	Change
Having literacy issues	17.9% (255)	+6.6% (11.3% to 17.9%)
Females	8.5% (121)	+1.7% (6.8% to 8.5%)
Young people (25 and under)	9.4% (135)	+1.1% (8.3% to 9.4%)
Foreign nationals	7.5% (107)	+1.0% (6.5% to 7.5%)
People aged 21 and under	3.5% (50)	+0.7% (2.8% to 3.5%)
Ethnic minority backgrounds	25.0% (355)	+0.6% (24.4% to 25.0%)
People who can't speak English	1.8% (26)	+0.3% (1.5% to 1.8%)
From the Gypsy and Irish Travelling Community	1.0% (16)	-0.4% (1.4% to 1.0%)
Older people (60 and above)	14.3% (204)	-1.5% (15.8% to 14.3%)
People with disabilities	18% (256)	-4.0% (22% to 18%)

Age of applicants

While raw numbers for both categories have risen this year, the proportion of applicants to the CCRC has swung towards younger demographics. There has been a 1.1% rise in people aged 25 and under applying to us.

There has been a sustained focus from the Applicant Engagement team this year to reach young potential applicants, who have traditionally been an under-represented group. This has included a campaign on National Prison Radio, providing online training to youth charities and visiting young offenders' institutions to train prison staff. We have also increased our social media use, with a particular focus on Instagram for young people.

While compared to the UK population it might seem that we have received a disproportionate number of applicants from people aged 60 and above (14.3%), the proportion of older people in the criminal justice system has trebled in the last 20 years. Most older people learn about the CCRC from our bi-monthly articles for the prison newspaper *Insidetime*, and we will continue to utilise this resource.

This year we have also begun writing articles for every edition of the monthly prison newsletter *Converse*.

Age of applicants

Year	Aged 25 and under	(% that year)	Aged 21 and under	(% that year)	Aged 60 and above	(% that year)
2013/14	144	10%	38	2.6%	165	11%
2014/15	148	9.2%	48	2.9%	161	10%
2015/16	147	9.9%	41	2.7%	144	9.7%
2016/17	114	8.1%	30	2.1%	176	12.6%
2017/18	144	14%	57	4%	199	14%
2018/19	125	9.1%	55	4%	194	14%
2019/20	124	9.2%	47	3.5%	245	18.2%
2020/21	83	7.3%	21	1.8%	215	18.9%
2021/22	99	8.3%	34	2.8%	189	15.8%
2022/23	135	9.4%	50	3.5%	204	14.3%

Applications made by ethnic groups

Year	White	Black	Asian	Mixed	Other/ unknown	All ethnic minority groups
2013/14	52%	13%	7%	5%	23%	25%
2014/15	54.5%	13.5%	7%	3%	22%	23.5%
2015/16	52%	15.5%	7.5%	3%	22%	26%
2016/17	50%	14.6%	7.8%	4%	23.6%	26.4%
2017/18	46%	13.7%	8.7%	4.5%	27.1%	26.9%
2018/19	44.7%	12.8%	8.8%	3.6%	30.1%	25.2%
2019/20	48.9%	11.3%	9.5%	2.8%	27.5%	23.6%
2020/21	43.8%	9.2%	6.4%	4.1%	36.5%	19.7%
2021/22	49%	21.1%	7.8%	4.5%	17.6%	33.4%
2022/23	52%	11%	10%	5%	22%	26%

Ethnic minority groups

The make-up of our applications from different ethnic groups remains wide and varied.

In 2022/23, 25% of applicants describe themselves as being from a particular ethnic minority group. This is a rise of 0.6% from the previous year. Around 24% of the current prison population are from an ethnic minority group.

The CCRC’s diversity and inclusion group modernised the ethnicity and equality form for applicants in 2022/23, which helped applicants more accurately provide us with ethnicity data. As a result, the number of applicants who have not filled in the ethnicity data or described themselves as ‘other’ dropped significantly for the third year in a row (from 35.8% to 26.0% to 22.0%).

Women applicants

In 2022/23, we received 121 (8.5%) applications from women – a considerable rise from last year’s total of 81 (6.8%). During the year, we have held a series of training events to raise awareness of the role of the CCRC to charities and organisations that help women in the criminal justice system. These events have raised awareness of the CCRC’s services to women with criminal convictions.

We have worked closely with the charity Women In Prison, including writing articles for their magazine and providing video content for women’s centres in the north-east of England. We have also targeted prisons in the female estate to send application packs and posters.

Female applicants

Year	Total	% of applications received
2013/14	151	10%
2014/15	143	9%
2015/16	115	8%
2016/17	134	9.6%
2017/18	118	8%
2018/19	116	8.4%
2019/20	95	7.1%
2020/21	64	5.6%
2021/22	81	6.8%
2022/23	121	8.5%

Disability applicants

Year	Total	% of applications received
2013/14	217	15%
2014/15	238	15%
2015/16	196	13%
2016/17	184	13.2%
2017/18	239	16.5%
2018/19	229	16.7%
2019/20	300	22.4%
2020/21	68	6%
2021/22	264	22%
2022/23	256	18%

Disability

This year, the number of applicants who described themselves as having a disability dropped slightly from 22% to 18%, but the raw numbers were roughly the same (264 in 2021/22 to 256 in 2022/23), and a considerable increase from the numbers in 2020/21 (68). This is because the CCRC’s diversity and inclusion group modernised the equality and ethnicity form, which is likely to have resulted in more applicants filling in that section of the form in the last two years.

We do not differentiate on the equality and diversity form between mental and physical disabilities, and currently there are no statistics to show how many prisoners declare to have a disability, and therefore no basis of comparison.

Applications received from people who cannot speak English

There was a small increase in the number of people applying to the CCRC who cannot speak English. The percentage of applicants who stated that they had trouble reading or writing was 17.9% – a considerable increase from 2021/22 (11.3%).

In the last year CCRC’s guidance on how to communicate with applicants was updated and the section on how CCRC staff should communicate with people who may have trouble reading or writing was modernised.

The CCRC’s Easy Read application form was also updated so applicants can now express more easily if they have trouble reading and/or trouble writing. We have also consulted with the Working for Justice Group, who are a group of people with learning disabilities who have been through the criminal justice system, to establish how to make it easier for people to access the CCRC’s online application form.

Our Easy Read forms also incorporate images to help people who cannot read English to understand what the question means (such as an image of a person pointing to themselves when we ask for their name, a calendar for the date of the conviction and a police officer when asking which police force dealt with the case).

Non-English speaking applicants

Year	Total	% of applications received
2013/14	34	2.3%
2014/15	36	2.2%
2015/16	36	2.4%
2016/17	27	1.9%
2017/18	38	2.6%
2018/19	55	4%
2019/20	54	4%
2020/21	42	3.7%
2021/22	18	1.5%
2022/23	26	1.8%

Foreign nationals

In 2022/23, 7.5% of applicants described themselves as being a foreign national. This is a rise from last year where 6.3% of applicants described themselves as being foreign national.

Foreign national prisoners represent around 9% of the prison population, so this group can still be considered under-represented in our application intake. We will do what we can in the next year to establish why this may be the case and target prisons that hold a large percentage of foreign national prisoners as part of our outreach initiatives.

Gypsy and Irish Travellers

In 2022/23, applicants who describe themselves as being from the Gypsy and Irish Travelling community represented 1% (14) of our intake. In 2021/22, 1.4% of new applicants described themselves as being Gypsy or Irish Travellers.

The Gypsy and Irish Travelling community represent around 3% of the prison population. The CCRC’s Outreach Team will be focusing on engaging with this group over the next year, by targeting charities and organisations who assist the Gypsy and Travelling communities.

Complaints to the CCRC

After a complaint has been raised, an assessment will then take place to determine the validity and timeliness of the concern.

In the last year, we saw an increase in the number of complaints received by the CCRC, with 51 compared to 38 last year – though this number represents a return to the long-term norm from before the Covid-19 pandemic. Forty-two of the complaints were made by applicants on their own behalf, nine were made by or with the assistance of a lay representative and none were made via a legal representative.

Complaints are generally received in writing, and the Easy Read complaint form makes the process as straightforward as possible. When a complaint is received, our Customer Service Officer looks independently into the concerns raised and decides whether or not to uphold it. If a complaint is upheld (fully or partially), they have the power to recommend redress and remedial action, including having a case reopened, if necessary.

Table 1 Complaints to the CCRC

	2022/23	Change
Number of complaints received	51	+13 (38 to 51)
Complaints upheld partially	3	-1 (4 to 3)
Complaints upheld fully	0	-1 (1 to 0)
Cases reopened as a form of redress	0	-1 (1 to 0)
Cases taken to second and final stages	4	+4 (0 to 4)
Cases taken to second stage that were upheld	0	0
Time to acknowledge a complaint	4.5 working days	1.5 fewer days
Time from receipt to substantive response	64 working days	13 more days

The mean average time from receipt of complaint to substantive response was 64 working days. This has increased from last year when it was 51 working days. This increase was due to the increase in the number of complaints, impacted further by long-term sickness absence. Additional staffing resource has been provided to reduce this waiting time and provide cover for future absences.

In 2022/2023, six of the complaints received raised issues relating to equality, discrimination or bias. This represents 12% of the total. This is a slight increase on last year when three complainants (9% of the total) raised such matters. The majority of such complaints raise discrimination as a factor, but the complainants tend not to provide any detail or supporting evidence to substantiate their claims.

Complaints of this nature are taken very seriously. Our investigation of them will involve scrutiny of how the application was dealt with, what actions were taken, and how submissions were addressed. It will consider how conclusions have been reached and whether those conclusions are fair-minded and reasonable and will consider whether the applicant has been treated fairly and politely and in accordance with all relevant policies and procedures. In 2022/2023 no complaints were upheld on the basis of discrimination or bias.

As in previous years, the majority of complaints in 2022/23 were related to decisions about whether or not to refer a case and to the way in which submissions were addressed.

The three complaints that were upheld were upheld in relation to matters concerning delay in the review process and/or insufficient reasoning/ explanation provided in the decision document provided to the applicant.

While no complaints were upheld fully, three were upheld partially in relation to matters concerning delay in the review process and/or insufficient reasoning, or explanations provided in the decision document provided to the applicant.



Resources

Our people

As a small organisation, we are acutely aware of the important role that every person who works in the CCRC fulfils. To make sure we can deliver the excellent outcomes that we want we must be able to retain and attract good people and support them in their development. The link between excellent people and excellent outcomes for the CCRC is clear; hence placing our people at the head of our strategic priorities.

Our new people strategy is supported by five interconnecting plans, related to recruitment; learning and development; wellbeing; equality, diversion and inclusion; and supporting our people with a first class HR service. We hope this will help to retain, develop and recruit good members of staff and enable us to be an employer of choice.

The position in relation to the arrivals, reappointments and departures of Commissioners and independent Non-Executive Directors can be seen in the Director’s report on pages 66 to 67 of this report.

Our IT systems

With the CCRC working as a remote first organisation the IT systems need to be reliable and secure. During the year we improved our first line IT support services by partnering with an external supplier which meant we have 24/7 cover 365 days in the year. This service was in addition to the small IT team that we continued to have.

Having achieved Cyber Essentials in 2022, we increased our security vulnerability monitoring during the year and we are looking to achieve Cyber Essentials Plus in 2023. We also increased the level on cyber security awareness training for staff during the year.

Financial resources and performance

We are funded by means of a cash grant, called a grant-in-aid, from the MoJ. Financial control is exercised by means of delegated budgets, which are divided into three categories. The resource departmental expenditure limit (RDEL) covers most cash expenditure, but also includes depreciation.

Resource annually managed expenditure (RAME) covers movements in provisions and interest on pension liability. The capital departmental expenditure limit (CDEL) is for expenditure on non-current assets that are capitalised. Financial performance is measured against each of these budget control totals.

Table 2 2023 delegated budget

	2021/22 £000	2022/23 £000	2023/24 £000
Fiscal RDEL	6,703	6,998	7,362
Non-cash RDEL	600	350	500
RDEL total	7,303	7,348	7,862
RAME	258	266	266
CDEL	868	213	215
Total	8,429	7,827	8,343

The MoJ also funds our liabilities with respect to the by-analogy pensions for former Commissioners. The use of provisions and the cash payments arising do not form part of the DEL or RAME control totals.

For 2022/23, we received a delegated RDEL budget, excluding notional costs, of £7.348 million and a CDEL budget of £0.213 million. We have received a firm budget for 2023/24.

The table shows a comparison of budget figures for the current year, the previous year and the following year.

The cash grant in aid received from the MoJ is drawn in accordance with government accounting rules such that it is to be drawn only when needed, and we forecast our cash requirement monthly.

The balance at the end of the year was £160,000 (compared to £220,000 at the end of 2021/22).

Financial performance as measured by expenditure against budget is one of our KPIs. The targets for KPI 8 are for each of RDEL and CDEL expenditure to not exceed budget, nor fall below budget by more than 2.5%.

Our actual expenditure compared with budget was as follows.

In 2022/23, our actual expenditure against the Fiscal RDEL total was £6.868 million and £130k less than the budget allocation. The Non-Cash RDEL overspend of £143k was due to the understated budget for right-of-use asset under IFRS16.

Due to significant investment in our cloud-based IT infrastructure in the last three years, the capital spend this year was lower than in previous years.

Table 3 Total Expenditure excluding notional costs

	2022/23			2021/22		
	Actual £000	Budget £000	(Under)/ Over £000	Actual £000	Budget £000	(Under)/ Over £000
Fiscal RDEL	6,868	6,998	(130)	6,320	6,703	(383)
Non-cash RDEL	493	350	143	477	600	(123)
RDEL total	7,361	7,348	13	6,797	7,303	(506)
RAME	304	266	38	82	258	(176)
CDEL	73	213	(140)	428	868	(440)
Total	7,738	7,827	(89)	7,307	8,429	(1,122)

Expenditure shown above excludes notional costs. Notional expenditure is included to ensure that the financial statements show the true cost of our operations. It is expenditure neither scored against our budgets nor actually incurred by us. Notional costs relate to the cost of office accommodation, which is borne by the sponsor department on our behalf.

There was a decrease in notional costs from £741,000 to £268,000 as lease charges were payable on just the one office in 2022/23 as the previous year the lease charges were incurred on both our old office and new office during the period August to December 2021.

The notional costs are included in the statement of comprehensive net expenditure, in accordance with the Government 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 following table reconciles to net expenditure after interest, as shown in the statement of comprehensive net expenditure on page 86.

The full accounts for the year ended 31 March 2023 are set out on pages 85 to 89.

Table 4

	2022/23 £000	2021/22 £000
Resource DEL	7,361	6,797
Resource AME	304	82
Total resource expenditure	7,665	6,879
Notional expenditure Note 18	268	741
Net expenditure after interest	7,933	7,620

The statement of comprehensive net expenditure on page 86 shows total comprehensive expenditure for the year of £6.531 million (compared to £7.993 million in 2021/22).

The reduced expenditure in 2022/23 was due to a £1.402 million pension liability gain which reduced the total expenditure.

The pension liability reduced due to the higher discount rate adopted this year and new 2020 PCSPS valuation assumptions. Excluding the pension liability gain the net expenditure for the year was £7.933 million compared to £7.620 million in 2021/22, an overall increase of £313,000. Staff costs and depreciation increased by £583,000 and £42,000 respectively. Other expenditure reduced by £422,000 which was mainly made up of the accommodation costs which reduced by £478,000.

By far the largest item on the statement of financial position is the pension liability arising from our commitments to former Commissioners for the by-analogy pension scheme. For those former Commissioners entitled to this benefit, we must reflect the change in liabilities relating to interest and adjustments arising from actuarial revaluations. The provision reduces as benefits are paid.

Since 2019, Commissioners have been and continue to be appointed without a pension or salary. 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 who were entitled to pension benefits retired part-way through that year. The service cost in 2022/23 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 decreased by an actuarial gain of £1,402,000 (compared to a loss of £373,000 in 2021/22). Overall, the liability decreased by £1,615,000 in the current year.

The statement of financial position on page 87 now shows overall net liabilities of £4.926 million (compared to £6.145 million in 2021/22). The net liabilities fall due in future years and will be funded as necessary from future grants in aid provided by the MoJ.

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 90-93.

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

Compliance with public sector payment rules

The CCRC follows the principles of the Better Payment Practice Code. The CCRC aims to pay suppliers wherever possible within 10 days. Where this is not possible, the CCRC

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 following table.

Table 5

	2022/23		2021/22	
	£000	Number	£000	Number
Total invoices paid in year	1,806	1,166	1,993	888
Total invoices within target	1,795	1,159	1,986	883
Percentage of invoices paid within target	99.4%	99.4%	99.7%	99.4%

External Affairs

This year, a new team called ‘External Affairs’ has been created, comprising of ‘Communications’ and ‘Applicant Outreach’. We will deliver on a new strategy that will oversee these teams’ work between 2023 and 2026.

In the coming years, there will be an attempt to increase awareness of the CCRC, our services and our powers. As well as a 24/7 newsdesk that will provide support on reactive media queries, we will strive to create proactive campaigns to help people understand what makes an eligible application and to understand better the real possibility test. We hope that this will help reduce ineligible applications and help potentially meritorious applications to reach us.

Low awareness could affect applications and inhibit our function of investigating potential miscarriages of justice. Failing to tell the story of the CCRC’s sustained impact over 25 years means potential applicants and the legal sector cannot learn from the 800 plus referrals that have been made – something we will look to rectify by creating a public archive of every case referred by the CCRC.

The CCRC will also seek to establish itself publicly as thought leaders on miscarriages of justice. In doing this, we will use our existing knowledge to inform the public, the legal sector and the media on changes to the law and precedents to improve brand awareness and have a positive impact on applications.

Media

Our newsdesk answers reactive calls from the media and pitches proactive stories, with every referral and decision on a CCRC referral now being marked by a press release and web story. The newsdesk can be reached via telephone or email and is monitored outside of working hours as well as during the working day.

Digital reach

We have attempted to improve our communications directly to applicants and representatives in the last 12 months by making changes to our website and our social media platforms.

The CCRC website (www.ccrcc.gov.uk) has undergone a revamp of the homepage, application and research sections, leading to a significant rise in visitors to the website in the last year.

CCRC Twitter activity

External Affairs has identified Twitter as a platform that can drive people to the detailed information on our website, and also a place where an audience can be reached independently. The growth in Twitter use can be seen below, taking us from a position at the start of the year where our account was reaching around 6,000 people per month to one that reached almost 60,000 people in January. We have seen a 13.5% growth in our Twitter followers in the last year (from 3,787 to 4,300).

	Followers gained	Total no. followers	No. tweets	Impressions	Engagements	Retweets	Likes	Web clicks
April 2022	+7	3,787	3	5,902	240	30	52	60
May	+10	3,794	8	12,449	565	37	66	156
June	+24	3,818	5	5,840	438	28	40	140
July	+8	3,826	1	1,863	94	4	13	31
August	+27	3,853	25	19,313	1,016	83	100	278
September	+10	3,863	12	11,095	643	54	33	78
October	+76	3,939	48	54,144	2,180	172	527	159
November	+44	3,983	8	19,669	871	131	197	186
December	+46	4,029	23	21,202	738	109	175	141
January 2023	+103	4,132	28	59,273	1,694	96	44	451
February	+97	4,229	17	23,606	734	58	92	147
March	+71	4.300	12	34,075	1,078	84	233	134

In a bid to reach legal professionals and potential applicants for staff vacancies, the CCRC has also created a LinkedIn channel this year. The channel now has 288 followers and receives around 600 page views per month. We hope that this helps us to increase reach for job vacancies to reach a broader and highly qualified market.

Our Instagram account remains our key social media platform for young people, with a focus on graphics and imagery. The account has 272 followers, and in the last year people aged 25 and under have represented 9.4% of our total applicants – an increase of 1.1% in the last 12 months.

Applicant Outreach

Building positive relationships with our stakeholders is key to raising awareness of our work and encouraging people to apply to us. Applicants remained at the heart of our engagement activities during the year, and we also liaised with a wide range of stakeholders including the media, miscarriage of justice campaigners, legal academics and students, lawyers, criminal justice bodies, law officers and members of the judiciary.

Following the highly publicised victim impact testimonies at the Post Office Horizon IT Inquiry, we have written to more than 300 potential Post Office applicants with information on how to challenge their conviction and evolved the dedicated Post Office page on our website.

Prisoners

While prison visits will always be a way for us to make potential applicants aware of our services, we are increasingly attempting to deliver the information in a more scalable way.

We have carried out six surgeries inside prisons with potential applicants in the last 12 months. This has given prisoners at the following prisons a chance for face-to-face conversations with CCRC staff about the services we offer. We provide the prison with literature and posters to advertise the forthcoming surgeries.

Prison	When
HMP 5 Wells	August 2022
HMP Lowdham Grange	September 2022
HMP Wymott	October 2022
HMP Lowdham Grange	October 2022
HMP Stoke Heath	February 2023
HMP Coldingley	February 2023

A prisoner forum also took place at HMP Wymott in February 2023, giving a range of prisoners a chance to hear from the CCRC staff at the same time.

However, there are multiple ways to increase the efficiency of delivering our message rather than relying on our small team making face-to-face visits around the country.

Our work with Your Consultation Group has made us increasingly aware of what potential applicants most want to receive from us.

This led to the creation of our 'Digital Hub' videos about CCRC services, which can now be directly accessed by prisoners in 46 prisons. The series of short accessible videos of CCRC staff provides information on our work

and other relevant information of interest for prisoners, including how to access our services. We expect to significantly increase the number of prisons receiving our videos in the next year.

Prison – in person		Prison – online		Organisations	
Prison	Date	Prison	Date	Name	Date
HMP Maghaberry	May 2022	HMP Standford Hill	May 2022	Sussex Prisoners Families	April 2022
HMP Maidstone	May 2023	HMP Deerbolt	June 2022	3 Pillars Project	May 2022
HMP Rochester	July 2022	HMP Altcourse	June 2022	Advanced Charity	July 2022
HMP Pentonville	July 2022	HMP Isle of Wight	July 2022	Aquarius	January 2023
HMP Bronzefield	August 2022	HMP Doncaster	July 2022	Nelson Trust	January 2023
HMP Wandsworth	August 2022	HMP Doncaster	July 2022	Quality Care Commission	January 2023
HMP Whetherby	September 2022	HMP Low Newton	August 2022	The Upper Room	January 2023
HMP Manchester	September 2022	HMP Dovegate	October 2022	Prisoner Support Service	January 2023
HMP Lancaster Farms	October 2022	HMP New Hall	October 2022	Kairos Women Working Together	January 2023
HMP Hull	November 2022	HMP Magilligan	October 2022	BWC, BtheChange, Switchback	March 2023
HMP Werrington	November 2022	HMP Huntercombe	October 2022	Beam	March 2023
HMP Coldingley	November 2022	HMP Grendon/Springhill	September 2022		
		HP Highdown	March 2023		
		HMP Buckley Hall/Ashfield	March 2023		

We are also looking to work with stakeholders who can pass on information about the CCRC to potential applicants. Training has been offered to prison staff to help them to pass on information about the CCRC to prisoners on 26 occasions. These have been delivered 12 times in person and 14 times remotely using online technology. Similarly, we have offered training to 11 organisations about the work we do that might be of interest to their users, per the table below.

Where applicants heard of the CCRC	Responses received:
<i>InsideTime</i> Newspaper	364
Prison Sources (Officers/Library)	201
Other Prisoners	192
Internet	163
Solicitor/Barrister	91
Friends/Family	72
National Prison Radio	46
Press/TV/Radio	38
MP	15
Not Stated/Specified	242

Stakeholder forum

The CCRC's stakeholder forum, which is chaired by a Commissioner, was created in 2017 to improve our transparency and provide an opportunity for candid and constructive discussions with a range of stakeholders.

The full forum met twice during 2022/23, and we have also started to hold specific 'breakout groups', focusing on key issues of importance to the CCRC and its stakeholders. This year such a group took place to discuss the experience of applicants who had convictions related to the Post Office Horizon scandal.

Similar sessions also took place to gain feedback on our new corporate plan, revised decision templates and External Affairs strategy.

The CCRC continues to work to encourage more stakeholders to join the stakeholder forum. We are extremely grateful to the current members for their support and their invaluable and ongoing contributions to the work of the CCRC.

Academic research

Our Research Committee promotes and supports independent academic research which uses our casework records to study matters relevant to miscarriages of justice and the wider justice system.

In 2022/23, we published three new research papers on;

- the impact of R v Jogee on joint enterprise liability applications made to the CCRC (by the University of Greenwich's Dr Louise Hewitt)
- Crown Court cases accepted for review on the basis that there were 'exceptional circumstances' (by CCRC intern Megan Morrison).
- non-appeal cases (by CCRC interns Jacqueline Wakefield and Jordan Warren)

More information on our research can be found at www.ccrcc.gov.uk/research.

In addition to follow-up work with researchers who have completed projects with Research Committee assistance, several research projects are ongoing or about to start. One piece of research that is ongoing is into digital evidence.

Michele Burnham, Professor of Criminology at Glasgow University, is heading up a team of researchers investigating digital communications evidence in CCRC cases, focusing in particular on the use of such evidence in adult sexual offence cases. The team is in the process of reviewing a tranche of CCRC case files, analysing how often digital communications data features in the cases, and how such data is assessed by the CCRC.



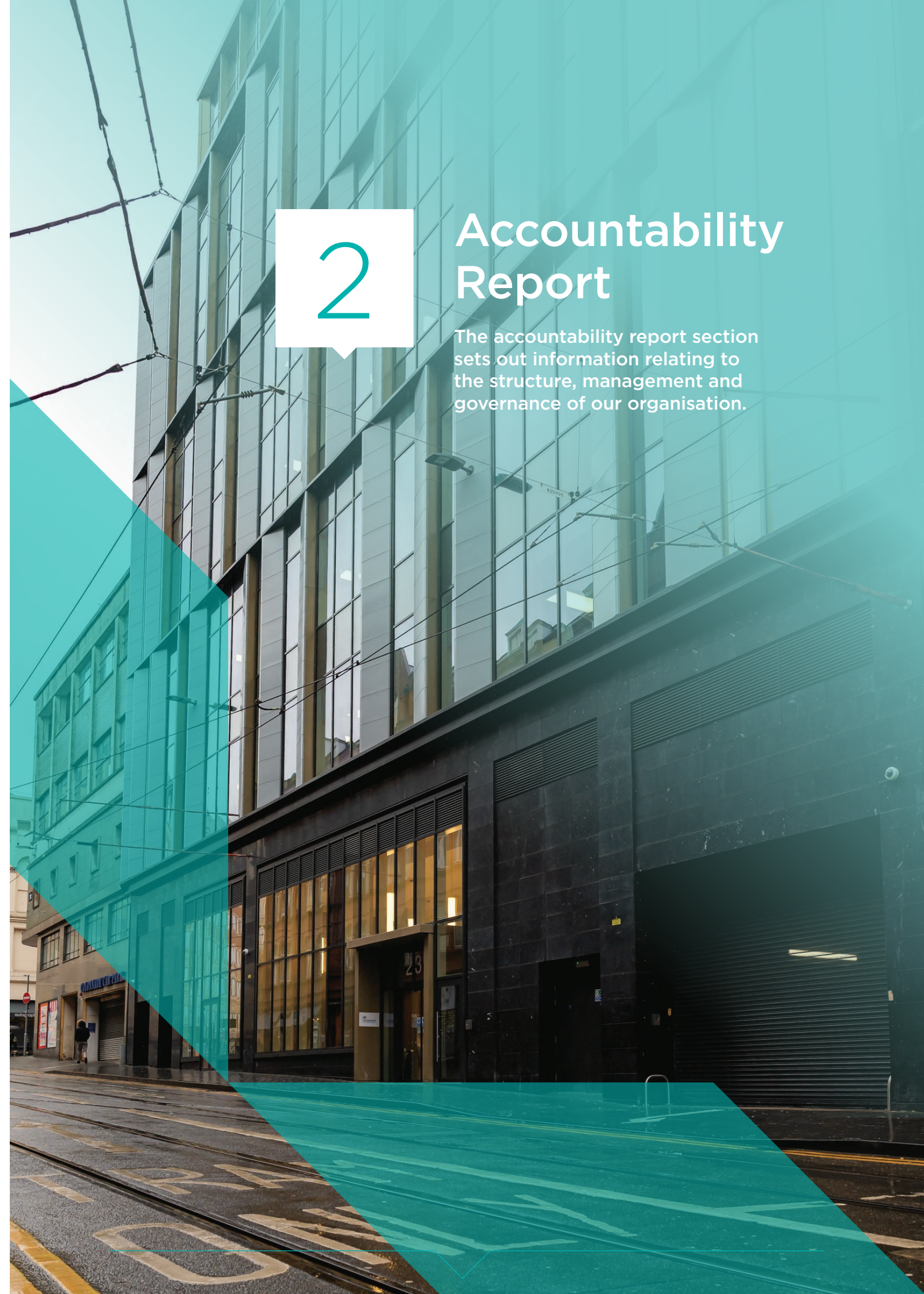
Karen Kneller

Chief Executive and Accounting Officer
6 July 2023

2

Accountability Report

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



Corporate governance report

Directors

Our board is made up of the chairman, three Commissioners in their capacity as non-independent non-executive directors, the chief executive and directors, and three independent non-executive directors.

Commissioners

Our Commissioners are appointed by the monarch on the recommendation of the Prime Minister. Each Commissioner can be appointed for a period of up to five years. They can be reappointed but can only serve a maximum of 10 years.

At the end of March 2023 there were 11 Commissioners in post, including the chairman.

Our Commissioners were:

Mrs Helen Pitcher OBE (Chairman)
Miss Zahra Ahmed
Mr David Brown QFSM
Ms Nicola Cockburn
Mr Ian Comfort
Miss Rachel Ellis
Miss Joanne Fazakerley
Mrs Jill Gramann JP
Mrs Johanna Higgins
Mrs Linda Lee
Mr Robert Ward CBE KC

Independent non-executive directors

During the year, the CCRC's non-executive directors were Mr Andre Katz, Mr Martin Spencer and Mr Mark Oldham.

The Chief Executive and directors

During 2022/23, responsibility for the day-to-day running of the CCRC fell to Miss Karen Kneller, Chief Executive and Accounting Officer, Mrs Amanda Pearce, Casework Operations Director and Mr Peter Ryan, Finance and Corporate Services Director.

Code of best practice

We adopted a code of best practice for Commissioners at the very first meeting in January 1997. This code was revised in 2012, considering the Cabinet Office's 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 our board members and employees sets out the standards of personal and professional behaviour and propriety expected of all board members and members of staff, which can be seen at www.ccrcc.gov.uk. The key principles on which the code is based are the 'Seven Principles of Public Life', also known as the Nolan Principles.

The Body Corporate

As set out in the board's terms of reference, a smaller board has responsibility for governance of the CCRC. The body corporate, consisting of all Commissioners including the chairman, continued with its role assuring Commissioners that the board is operating appropriately, and that the obligations placed upon them as Commissioners and the board to ensure good governance

are being discharged by the board in accordance with their statutory responsibilities.

The terms of reference for the body corporate set out its responsibilities, including ratifying the strategy upon recommendation from the board and scrutinising reviews of board effectiveness. The body corporate also has power to remove the delegated authority exercised by the board, and it meets twice a year.

Register of interests

The code of conduct for CCRC board members and employees includes a commitment to maintain a register of interests. That register is available for anyone to view upon request.

Audit and Risk Assurance Committee

The Audit and Risk Assurance Committee ensures high standards of financial reporting and proper systems of internal control and risk management. It reviews internal and external audit reports on our behalf.

External audit

Arrangements for external audit are provided 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.

As part of our commitment to maintain standards, we undertake regular audits by the Government Internal Audit Agency. Throughout the last year, all audits have been concluded satisfactorily with only very minor recommendations being made. All recommendations from this and the previous year's audits have been fully implemented.

Information governance

Information security and data protection continue to be a core priority at the CCRC and remains at the forefront of how the data we handle is managed appropriately.

Our Management and Information Security forum continues to meet quarterly and remains an effective body to oversee information security and data protection policy, process and practices. In the last 12 months, seven incidents were reported. All except one was minor in nature and that one was notified to the Information Commissioner's Office out of an abundance of caution. The ICO determined no further action was required which further validated the controls and processes already in place within the Commission.



Karen Kneller
Chief Executive and Accounting Officer
6 July 2023

Statement of Accounting Officer's responsibilities

Under the Criminal Appeal Act 1995, the Secretary of State (with the consent of HM Treasury) has directed the CCRC 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 CCRC and of its resource outturn, application of resources, changes in taxpayers' equity and cash flows for the financial year.

In preparing the accounts, the accounting officer is required to comply with the requirements of the Government Financial Reporting Manual and 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
- disclose and explain any material departures in the accounts
- prepare the accounts on a going concern basis, and;

- confirm that the annual report and accounts as a whole is fair, balanced and understandable, and take personal responsibility for the annual report and accounts and the judgements required for determining that it is fair, balanced and understandable.

The Accounting Officer of the Ministry of Justice has designated the chief executive as accounting officer of our organisation. The responsibilities of an accounting officer, including responsibility for the propriety and regularity of the public finances for which the accounting officer is answerable, keeping proper records and safeguarding the CCRC's assets, are set out in Managing Public Money published by the HM Treasury.

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



Karen Kneller
Chief Executive and Accounting Officer
6 July 2023

Governance statement

As Accounting Officer of the CCRC, I am responsible for ensuring that there is an effective system of internal controls to manage and mitigate against the identified risks to the CCRC. I am also responsible for the preparation of contingency plans should those risks materialise. In a dynamic world, it is essential that I keep these matters regularly under review, as prescribed in HM Treasury's Managing Public Money. My review is informed by the work of the executive managers within the CCRC who have responsibility for the development and maintenance of the internal control framework, the work of our internal auditors, and comments made by the external auditors in their management letter.

I am supported by the independent scrutiny provided by the Audit and Risk Assurance Committee.

This statement provides more detail of the governance, risk management and assurance arrangements I have put in place.

Governance framework

The Criminal Appeal Act 1995, which founded the CCRC, describes the broad structure and function of the CCRC. The diagram below illustrates how, in 2022/23, we related to our sponsor department, the MoJ, and are held to account from time to time by Parliament in the form of the Justice Select Committee.

Our framework agreement with the MoJ establishes certain aspects of governance and accountability for the CCRC, but the structure of the board and its sub-committees is largely a decision for the CCRC.

Justice Select Committee

Ministry of Justice

Framework Agreement

CCRC Board

Sub-Committees

Since 2019/20, our board has been made up of 10 members: the chairman, the Chief Executive and three executive directors, three Commissioners who are non-executive members, and three independent non-executive directors. This establishes a more balanced board and accords with the HM Treasury corporate governance code.

Quality of information

We ensure that the board and sub-committees receive good-quality management information, analysis, and sound advice to facilitate informed decisions. The board secretariat works closely with the Senior Leadership Team to ensure the information provided meets the board's requirement and is consistent. They provide a template for papers, structured to ensure that risk and resource implications are highlighted, and to ensure sufficient engagement and challenge during discussions.

Board and sub-committee

Board performance

During 2022/23, the board met seven times, focusing 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 MoJ. New members receive induction commensurate with their experience and knowledge of the public sector and the criminal justice system. Board members are subject to periodic personal appraisal by the chairman with an annual appraisal supplemented by regular reviews.

Meeting agendas and papers are made available to members a week before board meetings. Papers provide sufficient information and evidence to appropriately support decision making. At each meeting, the board receives a comprehensive management information pack detailing progress against key performance indicators (KPIs), 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. Agendas are planned to ensure all areas of the board's responsibilities are examined during the year. When necessary, changes are made to the management information being supplied to the board to present information in a way which best helps the board to make timely and robust decisions.

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 our Senior Leadership Team, which meets at least monthly to ensure operational effectiveness and monitor performance. We consider that, given the size of the organisation and its core purpose, this number of committees provides for good governance arrangements. Ad-hoc committees are established as required.

Audit and Risk Assurance Committee

The Audit and Risk Assurance Committee supports the board and the accounting officer by reviewing the comprehensiveness and reliability of assurances on governance, risk management, the control environment, and the integrity of financial statements. Through a risk and assurance lens, it also routinely reviews operational performance and progress towards the achievement of KPIs, supporting the identification and management of risks. Membership of the committee is usually made up by the three independent non-executive directors, aligning with recommended best practice. The meetings are attended by the accounting officer, a Commissioner, the finance and corporate services director, the casework operations director, representatives of internal audit and external audit, and a representative of the MoJ arm's-length body centre of expertise. The committee meets quarterly and reviews the CCRC's major risks and the plans for their mitigation at each of those meetings.

Members of the Audit and Risk Assurance Committee complete a self-assessment questionnaire each year, which is discussed at the first meeting in the new financial year.

Long-Running Cases Review Committee

The Long-Running Cases Review Committee, chaired by the Chief Executive, has been effective at continuing to improve the use of case plans, focusing 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. Sometimes delays are experienced identifying necessary experts and obtaining their opinions, whilst on occasion our initial investigations leave a nagging doubt, which may lead to further inquiry. Others are due to connected live court proceedings or criminal investigations, over which we have little or no control. Notwithstanding that, the applicants expect progress of their cases and it is our ambition to deliver good-quality reviews in shorter timescales. We recognise the importance of timely intervention if and when case reviews face challenges. 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 who are not placed on the CCRC's normal salary scales, to support the Chief Executive on the implementation and review of the CCRC's people strategies.

In addition to the board sub-committees, there are a number of other committees and groups that contribute to the wider governance of the CCRC. These include the research committee, internal communications group, the management information security forum, the diversity and inclusion group, and various ad-hoc groups formed to discharge specific functions.

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

HM Treasury’s corporate governance code

We aim to ensure that our governance arrangements follow best practice set out in HM Treasury’s corporate governance code to the extent that it is relevant and meaningful. Although we have three rather than four independent non-executive directors, one third of the board comprises Commissioners who, while not independent, do sit on the board as non-executives. We have not considered it necessary at this stage to have a nominations committee and will continue to keep committee structure under review as part of good governance.

Member	Role	Board	Audit and Risk Committee	Long-Running Cases Review Committee	Remuneration Committee
H Pitcher	Commissioner*	7/7			
D Brown	Commissioner	7/7	3/4		
A Katz	Non-Executive	5/7	4/4		1/1
K Kneller	Chief Executive	7/7	4/4	9/11	
L Lee	Commissioner	7/7			
M Oldham	Non-Executive	7/7	4/4	8/11	1/1
A Pearce	Director	7/7	4/4	11/11	
P Ryan	Director	7/7	4/4		
M Spencer	Non-Executive	6/7	2/4		1/1
R Ward	Commissioner	7/7			

* = Chairman

Managing risk and governance

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 the Audit and Risk Assurance Committee 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 efficiently. 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 CCRC’s strategic direction and plans are reviewed and performance against goals is reported, as well as by quality assurance and Government Internal Audit Agency activity.

The CCRC’s risk management framework is illustrated below.

CCRC Board	ARAC	Senior Leadership Team	Risk owners
<ul style="list-style-type: none">Ensures that the strategic risks to achieving corporate objectives are identified and understood and are being managed appropriatelyDetermines the CCRC’s risk appetiteEstablishes a culture of openness and learning	<ul style="list-style-type: none">Reviews Risk Management ApproachAgrees Internal Audit Programme, focused on key risks, reviewing results and implementation of recommendationsSupports Board on Risk ManagementReviews the Annual ReportAgrees external audit planning and reviews the subsequent completion report	<ul style="list-style-type: none">Establishes the risk frameworkSponsors individual, complex risks and issuesPromotes risk awareness culture, communication	<ul style="list-style-type: none">Actively identifies risks in their professional area, evaluates, understands, and escalates risks and recommends mitigationsEnsures organisational capability

The overall risk tolerance set by the board

Risks are assessed in the light of their impact and likelihood using a scale which reflects our appetite for risk. The CCRC's strategic objectives will impact the way in which the organisation accepts those risks in respect of those specific areas, commensurate with the potential reward. Overall, the CCRC has a 'minimalistic to cautious' appetite for risk, particularly with respect to ensuring that we deliver timely, high-quality casework decisions, we protect the information in our possession, and we are independent from the MoJ and the courts in our decision-making. It is acknowledged that there may be occasions where the CCRC will undertake specific activities within its identified strategic corporate risks rather than in casework risk areas, where the appetite may be higher or lower. Where the CCRC chooses to accept an increased level of risk, it will do so, subject always to ensuring that the potential benefits and threats are fully understood before actions are authorised, that it has sufficient risk capacity, and that sensible and proportionate measures to mitigate risk are established.

In 2022/23, four internal audits were undertaken, resulting in an overall 'moderate' rating for the CCRC. Three of the internal audits, Freedom of Information and Subject Access Requests, Report on Financial Controls (Payroll) and HR System, were given a substantial assurance rating. The remaining one internal audit, Cyber Security, was given a moderate assurance rating.

Responsibility to manage risks is assigned to named individuals, and risks are reviewed on a systematic and regular basis. Each review is endorsed by the Audit and Risk Assurance Committee, and a report is made annually by the committee to the board. For example, an annual review is carried out concerning our exposure to financial risks, including fraud and error. In recent years, the Audit and Risk Assurance Committee has accepted that this risk is low.

Both internal and external audits assist the CCRC 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.

Security management is supported by a regular sequence of audits. All staff were briefed about our policy to report security incidents as part of the programme of security awareness training, and we take our obligations seriously under the Data Protection Act 2018. We achieved Cyber Essentials accreditation in 2022 and we continue to look for ways to improve IT security within the CCRC.

Information governance and information security risks are managed through the management information security forum, which includes our security information responsible officer, the finance and corporate services director, and escalated to the Audit and Risk Assurance Committee or the board as appropriate.

Seven incidents and near misses were reported by staff during the year, relating to information that was misdirected in the post, lost or damaged. All except one was minor in nature and that one was notified to the Information Commissioners Office out of an abundance of caution. The ICO determined no further action was required which further validated the controls and processes already in place within the Commission.

Major risks

The major risks to achieving our strategic and planned objectives, and those that would have greatest operational impact, are listed below.

Through our mitigation activity, we seek to manage these key risks down to acceptable levels. Based on our assessment of current risk exposure as reflected in our risk register at year-end, we consider the following to be our top risks as of March 2023.

- **Staff and Commissioner Resources**
 - Due to the level of pay and fees we can offer, the Commission continues to struggle to fill vacancies within the Casework team particularly for case review managers and Commissioners. During the year we were operating 20% below our requirements of case review managers and Commissioners which puts strain on an already stretched team whilst seeing applications increasing by 18% in the year.

The decision to move to remote working in January 22 has been an important mitigation as we have seen the vast majority of staff being recruited from areas outside the daily commutable area of our office in Birmingham.

- **Operational Resources** - Our finance budget allocation in 2022/23 was significantly below our requirements. Inadequate resource makes it more difficult to fulfil our purpose of finding, investigating, and referring possible miscarriages of justice. There is a risk that the CCRC finds it more challenging to secure support for its objectives, plans and initiatives which will impact delivery of services. Substantial CCRC time is absorbed in dealing with 'satellite' resource issues rather than focussed on reviewing cases.
- **Cyber/Data Security Incident**
 - The IT infrastructure has been designed following all current government and National Cyber Security Centre security guidelines, and we carry out regular reviews and checks to make sure the systems remain secure. The risks are being managed through a more comprehensive staff cyber awareness programme, maintaining effective security policies, continuous systems monitoring and the introduction of a third-party incident response contract providing immediate assistance from experienced cyber security professionals.

- **Reputation** – We need to ensure that we raise awareness of what we do with all our stakeholders, being increasingly transparent about how we work while ensuring the security of information and data. Raising awareness is a priority, and we continue to work with stakeholders through running events, using social media and doing outreach work when possible.
- **Exposure to legal action** – We must ensure that there are adequate quality assurance processes in place and robust scrutiny of assertions made in cases to reduce the exposure to legal action taken against the CCRC. We also engage with applicants who seek judicial review or to bring other legal action.

Assurance

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

- **first line:** management assurance from frontline or business operational areas
- **second line:** oversight of management activity, separate from those responsible for delivery, but not independent to the organisation's management chain, such as our quality assurance function

- **third line:** independent and more objective assurance, including the role of internal audit and from external bodies (e.g. accreditation and Gateway reviews).

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

Effectiveness of whistleblowing policy

Our whistleblowing policy was reviewed and revised during 2022/23, reinforcing the role of the independent non-executive directors as whistleblowing champions. In 2022/23, there were no occasions when staff raised a concern under the whistleblowing policy.

Prescribed body for whistleblowing

The CCRC is a prescribed body under the legislation dealing with the making of public interest disclosures (whistleblowing). This means that, quite apart from our statutory responsibility to deal with the applications we receive, we are the body to which individuals can report concerns of actual or potential miscarriages of justice.

As Chief Executive of the CCRC, I am the prescribed person within the meaning of section 43F of the Public Interest Disclosure Act 1998 to whom individuals with such concerns can make protected disclosures. The Prescribed Persons (Reports on Disclosures of Information) Regulations 2017 require the CCRC to report annually on any such disclosures made to us, how they were handled and what actions were taken. During 2022/23, we received no disclosures (during 2021/22 we also received none).

Government Functional Standards

Insofar as possible, the CCRC's activities are carried out in a consistent manner with the government's Functional Standards framework. During the year we completed a self-assessment against the Standards. There were no significant compliance issues identified. Further work will be undertaken in 2023/24 on Digital Data & Technology and Security standards to fully embed the standards into our policies and working practices. A deep dive paper for ARAC on compliance with the functional standards is planned in 2023/24.

Accounting officer

In their annual report, our internal auditors have given a moderate assurance that the framework of governance, risk management and control is adequate and effective. I have been advised on the implications of the result of my review by the board and the Audit and Risk Assurance Committee. I am satisfied that a plan to address weaknesses in the system of internal control and ensure continuous improvement of the system is in place. I am also satisfied that all material risks have been identified, and that those risks are being properly managed.



Karen Kneller

Chief Executive and Accounting Officer
6 July 2023

Remuneration and staff report

Remuneration policy

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

Commissioners are appointed on a variety of time commitments for fixed-term periods. Additional days may be worked above the minimum subject to business need and approval in advance by the Chief Executive.

Salaries of the Chief Executive and directors are set by the Remuneration Committee within MoJ constraints.

Membership comprises the chairman of the CCRC and the independent non-executive directors. The committee considers HM Treasury pay growth limits, affordability and performance in determining annual salary increases.

Service contracts

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

Arrangements for appointment and reappointment are set out in the Governance Code for Public Appointments, which was published in December 2016.

Non-executive directors are office holders appointed for a fixed term of up to three years, which may be renewed where a maximum total tenure of six years is not exceeded. The posts are non-pensionable.

The Chief Executive and directors are employed on permanent contracts of employment with a notice period of three months. Normal pensionable age under the Principal Civil Service Pension Scheme is 60 for classic and premium members, and the normal state retirement age for members of nuvos and alpha (or 65 if higher). Further details of the pension schemes are provided later in this report and in note 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 – that is, Commissioners, the Chief Executive, directors, and independent 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. Remuneration includes salary, there are no benefits in kind or allowances.

The monetary value of benefits in kind covers any benefits provided by the CCRC and is treated by HM Revenue and Customs as a taxable emolument.

Table 7

	2022/23			
	Salary/ Fees	Bonus	Pension benefits (to nearest £1,000)	Total
Commissioners	£000s	£000s		£000s
Mrs Helen Pitcher (Chairman)	80-85	-	-	80-85
Miss Zahra Ahmed	20-25	-	-	20-25
Mr David Brown	40-45	-	-	40-45
Ms Nicola Cockburn	25-30	-	-	25-30
Mr Ian Comfort	20-25	-	-	20-25
Miss Rachel Ellis	25-30	-	-	25-30
Miss Joanne Fazakerley	25-30	-	-	25-30
Mrs Jill Gramann	15-20	-	-	15-20
Mrs Johanna Higgins	50-55	-	-	50-55
Mrs Linda Lee	20-25	-	-	20-25
Mr Robert Ward	20-25	-	-	20-25
Independent NEDs				
Mr Andre Katz	0-5	-	-	0-5
Mr Mark Oldham	0-5	-	-	0-5
Mr Martin Spencer	0-5	-	-	0-5
Directors				
Miss Karen Kneller	115-120	5-10	(59)	65-70
Mrs Amanda Pearce	100-105	-	22	120-125
Mr Peter Ryan	90-95	-	36	125-130

Note

In June 2023, the remuneration committee approved increasing Miss Karen Kneller’s salary for 2022/23 by 4% and awarding an additional sum of 7.5% of salary as a combination of bonus and lump sum not-consolidated payment. The increase in salary is the first increase since April 2020. The additional remuneration will be paid in the July payroll. The table above include the remuneration changes to Miss Karen Kneller approved June 2023 but the changes are not included in the financial statements.

Table 7 (continued)

	2021/22			Total
	Salary/ Fees	Bonus	Pension benefits (to nearest £1,000)	
Commissioners	£000s	£000s		£000s
Mrs Helen Pitcher (Chairman)	90-55	-	-	90-95
Miss Zahra Ahmed	20-25	-	-	20-25
Mr David Brown	40-45	-	-	40-45
Ms Nicola Cockburn	10-15	-	-	10-15
Mr Ian Comfort	20-25	-	-	20-25
Miss Rachel Ellis	25-30	-	-	25-30
Miss Joanne Fazakerley	15-20	-	-	15-20
Mrs Jill Gramann	20-25	-	-	20-25
Mrs Johanna Higgins	45-50	-	-	45-50
Mrs Linda Lee	30-35	-	-	30-35
Mr Robert Ward	25-30	-	-	25-30
Independent NEDs				
Mr Andre Katz	0-5	-	-	0-5
Mr Mark Oldham	0-5	-	-	0-5
Mr Martin Spencer	05-10	-	-	05-10
Directors				
Miss Karen Kneller	110-115	-	18	125-130
Mrs Amanda Pearce	95-100	-	177	270-275
Mr Peter Ryan	85-90	-	34	120-125

Bonus payments

Bonuses are based on performance levels attained and are made as part of the regular appraisal process.

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 for by us. The total net costs actually incurred on behalf of the Commissioners and the non-executive directors or reimbursed to them in the year was £17,381 (2021/22: £6,007).

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

Table 8

Year	25th percentile pay ratio	Median pay ratio	75th percentile pay ratio
2022/2023	4.5:1	3.2:1	2.4:1
Actual salaries	£27,193	£38,000	£50,705

Table 9

	2022/23 000s	2021/22 000s
Band of highest paid Board member's total annualised remuneration (£000)	120-125	110-115
Median total remuneration	£38,000	£36,471
Ratio	3.2	3.1

These details have been subject to audit.

Table 9a Annual percentage change from the previous year in total salary and bonus of highest paid director and employees

	2022-23			2021-22		
	Total amount of salary and fees	All taxable benefits (to nearest £100)	Bonus payments	Total amount of salary and fees	All taxable benefits (to nearest £100)	Bonus payments
	%	%	%	%	%	%
Employees	5	-	-	1	-	-
Highest paid director	4	-	100	0	-	-

Pension arrangements

Commissioners appointed prior to 2012/13 were entitled to a pension and may choose pension arrangements broadly by analogy with the Principal Civil Service Pension Scheme (PCSPS).

They were 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 we are 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 PCSPS. The PCSPS has four sections: three providing benefits on a final salary basis (classic, premium or classic plus) with a normal pension age of 60, and one providing benefits on a whole career basis (nuvos) with a normal pension age of 65.

These statutory arrangements are unfunded, with the cost of benefits met by monies voted by Parliament each year.

Pensions payable under classic, premium, classic plus, nuvos and alpha are increased annually in line with pensions increase legislation. Existing members of the PCSPS who were within 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 five months from their normal

pension age on 1 April 2012 will have switched 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, classic plus, premium, nuvos and all other members of alpha. This includes members of alpha who were members of classic immediately before joining alpha.

Benefits in classic accrue at the rate of one-eightieth 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 members of classic. For premium, benefits accrue at the rate of one-sixtieth of final pensionable earnings for each year of service. Unlike classic, there is no automatic lump sum. Classic plus is 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 an appointed stakeholder provider, Legal and General.

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 that 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 the 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 because of their purchasing of additional pension or years of pension service in the scheme at their own cost.

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 or contributions paid by the employee (including the value of any benefits transferred from another pension scheme or arrangement), and it uses common market valuation factors for the start and end of the period.

Pension benefits

These details have been subject to audit.

Table 10 Pension benefits table

	Accrued pension at normal retirement age at 31 March 2023 and related lump sum 000s	Real increase in pension and related lump sum at normal retirement age 000s	CETV at 31 March 2023 000s	CETV at 31 March 2022 000s	Real increase/ (decrease) in CETV 000s
Miss Karen Kneller Chief Executive	50-55 plus a lump sum of 130-135	0 plus a lump sum of 0	1192	1125	(77)
Mrs Amanda Pearce Casework Operations Director	25-30 plus a lump sum of 50-55	0-2.5 plus a lump sum of 0	499	439	6
Mr Peter Ryan Finance and Corporate Services Director	5-10	0-2.5	103	66	26

Notes

- 1 The non-executive directors are not entitled to pension benefits.
- 2 Commissioners appointed after 2012/13 are not entitled to pension benefits.
- 3 Total accrued pensions may include benefits arising from transfers-in from other schemes and may also be augmented by additional voluntary contributions paid by the individual.
- 4 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 31/3/22 shown in the table above may differ from the CETV at 31/3/22 as disclosed in the 2021/22 remuneration report.
- 5. CETV figures are calculated using the guidance on discount rates for calculating unfunded public service pension contribution rates that was extant at 31 March 2023. HM Treasury published updated guidance on 27 April 2023; this guidance will be used in the calculation of 2023-24 CETV figures. Taking account of inflation, the CETV funded by the employer has decreased in real terms.

Staff report

Our staff numbers have remained relatively stable during 2022/23, but recruitment activity has increased compared with last year as we have taken on staff to fixed-term roles to enable us to change the way we work. Turnover has risen, with staff leaving at the end of fixed-term appointments and with the Covid-19 pandemic coming to an end, resulting in some staff reevaluating their positions and deciding to move on.

As of 31 March 2023, there were 101 (99 in 2021/22) members of staff, making up an average full-time equivalent of 94.43 (93.04 in 2021/22).

Within the staff cohort, the chief executive and two directors are evaluated at the Senior Civil Service staff band equivalent of SCS2 and SCS1 respectively.

At the end of 2022/23, there were 11 Commissioners (an average full-time equivalent of 2.46), including the chairman (11 and a full-time equivalent of 2.46 in 2021/2022).

These details have been subject to audit.

As a result of the pandemic, we have continued to support our staff and managers with regular communication, training, support and advice. Our Employee Engagement Index score for the 2022 staff survey was 71%, an increase on the 68% score for 2021.

Effective controls around health and safety were enhanced due to Covid-19 in line with government guidance, closing the office to all but

a small number of staff to enable the continued functioning of the organisation.

This year, we continued our mentoring programme which was open to all staff to apply for.

We continue to recognise and work with the Public and Commercial Services Union.

Staff composition

On 31 March 2023, we had 67 female and 34 male staff, three male and eight female Commissioners including the chairman, and three male non-executive directors. At the end of March 2023, 20% of our employees (including Commissioners and non-executive directors) identified themselves as being from an ethnic minority group (23.9% on 31 March 2022).

Reward & Recognition awards

The Commission believes in the importance of recognising and rewarding staff (individuals or teams), who make an exceptional contribution. This could be for carrying out a highly valued piece of work very well, a short-term operational challenge or a sustained contribution that furthers the aims and values of the Commission. The scheme covers staff at all grades below director in the Commission. Human Resources (HR) monitor the level of awards to ensure fairness, consistency, and the principles of diversity and inclusion, reporting quarterly to SLT. Awards are paid with individuals' salary as one-off lump sum payments, which are not

consolidated into basic pay. These financial awards may be of any value up to an annual maximum of £2,500 for an individual in total across the financial year. There is no requirement that the size of an award should be related directly to salary or grade.

Where a team award is made, there is no specific financial limit for the team, though the award to any particular individual in the team should not cause an individual to receive in excess of £2,500 gross in one financial year.

Staff costs

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

Table 11

	2022/23 000s	2021/22 000s
Commissioners		
Salaries and Emoluments	385	373
Social Security Contributions	40	42
Total Commissioners' Cost	425	415
Non-executive Directors		
Salaries and Emoluments	13	14
Social Security Contributions	2	1
Total Non-executive Directors' Cost	15	15
Staff		
Staff with permanent employment contracts		
Salaries and emoluments	3,955	3,535
Social Security Contributions	417	370
Pension costs	946	840
Total Staff cost	5,318	4,745
Total	5,758	5,175

Sickness absence data

In 2022/23, there was an average 10.81 days sick per staff member. We aim for sickness absence to be less than 7.5 days per person (full time equivalent) per year (see KPI 7 on page 127). The average in 2021/22 was

5.6 (which was the same in 2020/21 and 8.9 in 2019/20). As the CCRC has relatively few staff, even a few long-term absences can have a significant impact on our sickness average.

People policies

We have a full suite of HR Policies, which are subject to regular review and update to ensure to ensure legal compliance, continued support for operational performance and embedding of equality, diversity and inclusion (EDI) policies across the organisation. Over the past year we have expanded our flexible working offering and made health and wellbeing (physical, mental and financial) a particular focus, in order to support our people through the cost of living crisis.

We will continue to develop our family friendly policies to facilitate healthy work/life balance and enable our people to perform at their best.

We are proud to be a 'Disability Confident' Employer and are committed to creating an inclusive candidate experience for all. To this end, we participate in the Disability Confident Scheme (DCS) for applicants. We ask all candidates to provide an anonymous application and offer an interview to a proportionate number of disabled candidates who meet the minimum criteria for the advertised role. We take visible and non-visible disabilities into consideration throughout our recruitment process and offer reasonable adjustments to support candidates to perform their best every stage. We are also participating in a Civil Service initiative, the Veterans' Scheme, which aims to assist previous armed services personnel into employment, which operates on a similar basis to the DCS.

All new employees undergo a comprehensive and structured induction period, which includes familiarisation sessions on our People Policies, signposting to available help and support and training in areas such as diversity and inclusion, information handling, cyber security and health and safety. Additional training and resources are provided throughout the year to supplement this annual, mandatory training.

We have a range of mechanisms and measures in place to support our people:

- Mental health first aiders
- Fair treatment advocates
- HR specialists
- Employee Assistance programme
- Occupational health
- Stress risk assessments and workplace adjustment passports (detailing reasonable adjustments).

Expenditure on consultancy

We incurred £107,000 on consultancy expenditure in 2022/23, which was split between IT (£39,000), HR (£5,000) and outreach (£63,000). This compares to £63,000 spend in 2021/22.

Off-payroll contractors

During the current period, we have reviewed the process of how we verify the tax arrangements of any off-payroll appointments. All contractors within the scope of this exercise must now provide evidence of tax compliance before their contract starts. Further details of off-payroll engagements can be found in the MoJ consolidated accounts.

Payments to Past Directors

There were no payments to past directors in 2022/23 (nil in 2021/22). These details have been subject to audit.

Compensation for loss of office

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

These details have been subject to audit.

Exit packages

There were no exit packages in 2022/23 (nil in 2021/22). These details have been subject to audit.

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 2023 and that we include the details in this annual report and accounts.

In 2022/23, one employee (full-time equivalent of one) was a trade union official during the reporting period.

The employee concerned spent 3.63% of their available time on facility time. The percentage of the total pay bill spent on facility time was 0.02%.

One hundred per cent of paid facility time hours were spent on paid union activities.

Staff recruitment and development

We have continued developing career pathways for our employees involved in casework, with the creation of specialist and senior case review manager roles, in addition to offering trainee and internship opportunities.

We are delighted to continue our partnership with the Kalisher Trust which seeks to improve diversity at the Criminal Bar by encouraging and inspiring young people of ability, commitment and ambition to achieve their potential. We aim to support two Kalisher interns a year.

The Commission provides a mentoring scheme that enables mentors to offer support in a number of areas including career development, resilience, knowledge transfer, problem solving, managing relationships, organisation and planning, and public speaking. The mentors are CCRC employees drawn from a range of professional backgrounds and roles, gifting their time to support others and develop themselves too.

Parliamentary accountability and audit report

Regularity of expenditure

We operate within a framework agreement between the sponsor department and the CCRC, which sets out the financial transaction limits to which we may operate without further referral to the MoJ. We also operate 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

We did not incur any losses or make any special payments in 2022/23 or 2021/22.

This has been subject to audit.

Gifts

We neither received nor were given any gifts above a trivial value during 2022/23 or 2021/22.

This has been subject to audit.

Fees and charges

We did not levy any fees or charges in 2022/23 or 2021/22.

This has been subject to audit.

Long-term expenditure trends

As part of the Spending Review in 2015, the MoJ agreed a long-term settlement of resource and capital budgets for the period up to 2022/23. We work with the MoJ to agree budgets on an annual basis.



Karen Kneller

Chief Executive and Accounting Officer
6 July 2023

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 2023 under the Criminal Appeal Act 1995.

The financial statements comprise the Criminal Cases Review Commission's

- Statement of financial position as at 31 March 2023;
- Statement of Comprehensive Net Expenditure, Statement of Cash Flows and Statement of Changes in Taxpayers' Equity for the year then ended; and
- the related notes including the significant accounting policies.

The financial reporting framework that has been applied in the preparation of the financial statements is applicable law and UK adopted International Accounting Standards.

In my opinion, the financial statements:

- give a true and fair view of the state of the Criminal Case Review Commission's affairs as of 31 March 2023 and its net expenditure for the year then ended; and
- have been properly prepared in accordance with the Criminal Appeal Act 1995 and directions issued by the Secretary of State 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 (UK) (ISAs UK), applicable law and Practice Note 10 *Audit of Financial Statements and Regularity of Public Sector Entities in the United Kingdom (2022)*. 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 2019*. I am independent of the Criminal Cases Review Commission in accordance with the ethical requirements that are relevant to my audit of the financial statements in the UK. My staff and I have fulfilled our other ethical responsibilities in accordance with these requirements.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

Conclusions relating to going concern

In auditing the financial statements, I have concluded that the Criminal Cases Review Commission's use of the going concern basis of accounting in the preparation of the financial statements is appropriate.

Based on the work I have performed, I have not identified any material uncertainties relating to events or conditions that, individually or collectively, may cast significant doubt on the Criminal Cases Review Commission's ability to continue as a going concern for a period of at least 12 months from when the financial statements are authorised for issue.

My responsibilities and the responsibilities of the Accounting Officer with respect to going concern are described in the relevant sections of this certificate.

The going concern basis of accounting for the Criminal Cases Review Commission is adopted in consideration of the requirements set out in HM Treasury's Government Financial Reporting Manual, which require entities to adopt the going concern basis of accounting in the preparation of the financial statements where it anticipated that the services which they provide will continue into the future.

Other information

The other information comprises information included in the annual report but does not include the financial statements nor my auditor's certificate thereafter. The Accounting Officer is responsible for the other information.

My opinion on the financial statements does not cover the other information and, except to the extent otherwise explicitly stated in my certificate, I do not express any form of assurance conclusion thereon.

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 I identify such material inconsistencies or apparent material misstatements, I am required to determine whether this gives rise to a material misstatement in the financial statements themselves. 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 part of the Remuneration and Staff Report to be audited has been properly prepared in accordance with the Criminal Appeal Act 1995 and the Secretary of State directions issued thereunder.

In my opinion, based on the work undertaken in the course of the audit:

- the parts of the Accountability Report subject to audit have been properly prepared in accordance with the Criminal Appeal Act 1995 and the Secretary of State directions issued thereunder; and
- the information given in the Performance and Accountability Reports for the financial year for which the financial statements are prepared is consistent with the financial statements and is in accordance with the applicable legal requirements.

Matters on which I report by exception

In the light of the knowledge and understanding of the Criminal Cases Review Commission and its environment obtained in the course of the audit, I have not identified material misstatements in the Performance and Accountability Report.

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 by the Criminal Cases Review Commission or returns adequate for my audit have not been received from branches not visited by my staff; or
- I have not received all of the information and explanations I require for my audit; or
- the financial statements and the parts of the Performance and Accountability Report subject to audit are not in agreement with the accounting records and returns; or
- certain disclosures of remuneration specified by HM Treasury's Government Financial Reporting Manual have not been made or parts of the remuneration and staff report to be audited is not in agreement with the accounting records and returns; or
- the Governance Statement does not reflect compliance with HM Treasury's guidance.

Responsibilities of the Board and Accounting Officer for the financial statements

As explained more fully in the Statement of Accounting Officer's Responsibilities, the board and accounting officer are responsible for:

- maintaining proper accounting records;
- providing the C&AG with access to all information of which management is aware that is relevant to the preparation of the financial statements such as records, documentation and other matters;
- providing the C&AG with additional information and explanations needed for his audit;
- providing the C&AG with unrestricted access to persons within the Criminal Cases Review Commission from whom the auditor determines it necessary to obtain audit evidence;
- ensuring such internal controls are in place as deemed necessary to enable the preparation of financial statement to be free from material misstatement, whether due to fraud or error;
- ensuring that the financial statements give a true and fair view and are prepared in accordance with the Secretary of State's directions made under the Criminal Appeal Act 1995
- ensuring that the annual report, which includes the Remuneration and Staff Report, is prepared in

accordance with Secretary of State's directions made under the Criminal Appeal Act 1995; and

- assessing the Criminal Cases Review Commission's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the Accounting Officer anticipates that the services provided by the Criminal Cases Review Commission will not continue to be provided in the future.

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.

My objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue a certificate that includes my opinion. 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.

Extent to which the audit was considered capable of detecting non-compliance with laws and regulations including fraud

I design procedures in line with my responsibilities, outlined above, to detect material misstatements in respect of non-compliance with laws and regulations, including fraud. The extent to which my procedures are capable of detecting non-compliance with laws and regulations, including fraud is detailed below.

Identifying and assessing potential risks related to non-compliance with laws and regulations, including fraud

In identifying and assessing risks of material misstatement in respect of non-compliance with laws and regulations, including fraud, I:

- considered the nature of the sector, control environment and operational performance including the design of the Criminal Cases Review Commission's accounting policies.
- Inquired of management, the Criminal Cases Review Commission's head of internal audit and those charged with governance, including obtaining and reviewing supporting documentation relating to the Criminal Cases Review Commission's policies and procedures relating to:
 - identifying, evaluating and complying with laws and regulations;
 - detecting and responding to; and

- the internal controls established to mitigate risks related to fraud or non-compliance with laws and regulations including the Criminal Case Review Commission's controls relating to the Criminal Case Review Commission's compliance with the Criminal Appeal Act 1995 and Managing Public Money.
- inquired of management, the Criminal Cases Review Commission's head of internal audit and those charged with governance whether:
 - they were aware of any instances of non-compliance with laws and regulations;
 - they had knowledge of any actual, suspected, or alleged fraud.
- discussing among the engagement team and the relevant internal specialists (including pension valuation specialists) regarding how and where fraud might occur in the financial statements and any potential indicators of fraud.

As a result of these procedures, I considered the opportunities and incentives that may exist within the Criminal Case Review Commission for fraud and identified the greatest potential for fraud in the following areas: valuation of pension, posting of unusual journals and accounting estimates. In common with all audits under ISAs (UK), I am also required to perform specific procedures to respond to the risk of management override of controls.

I also obtained an understanding of the Criminal Cases Review Commission's framework of authority as well as other legal and regulatory frameworks in which the Criminal Cases Review Commission operates, focusing on those laws and regulations that had a direct effect on material amounts and disclosures in the financial statements or that had a fundamental effect on the operations of the Criminal Cases Review Commission. The key laws and regulations I considered in this context included the Criminal Appeal Act 1995, Managing Public Money and employment law.

Audit response to identified risk

To respond to the identified risks resulting from the above procedures:

- I reviewed the financial statement disclosures and testing to supporting documentation to assess compliance with provisions of relevant laws and regulations described above as having direct effect on the financial statements;

- I enquired of management, the Audit and Risk Assurance Committee and in-house legal counsel concerning actual and potential litigation and claims;
- I reviewed minutes of meetings of those charged with governance and the Board and internal audit reports;
- in addressing the risk of fraud through management override of controls, I tested the appropriateness of journal entries and other adjustments; assessed whether the judgements on estimates are indicative of a potential bias; and evaluated the business rationale of any significant transactions that are unusual or outside the normal course of business; and

I also communicated relevant identified laws and regulations and potential fraud risks to all engagement team members and remained alert to any indications of fraud or non-compliance with laws and regulations throughout the audit.

A further description of my responsibilities for the audit of the financial statements is located on the Financial Reporting Council's website at: www.frc.org.uk/auditorsresponsibilities. This description forms part of my certificate.

Other auditor's responsibilities

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.

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.

Report

I have no observations to make on these financial statements.

Gareth Davies Comptroller and Auditor General

11 July 2023
National Audit Office
157-197 Buckingham Palace Road
Victoria
London SW1W 9SP

3

Financial Statements

This section presents the Commission's audited accounts for the period 1 April 2022 to 31 March 2023 in Financial Statements and Notes to the Accounts.

Statement of Comprehensive Net Expenditure

for the year ended 31 March 2023

	Note	2022/23 £000	2021/22 £000
Expenditure			
Staff Costs	3	5,758	5,175
Depreciation & Amortisation	9, 10	455	413
Other Expenditure	5	1,597	2,019
Total Operating Expenditure		7,810	7,607
Income			
Income from Activities	7	(6)	(4)
Net Operating Expenditure		7,804	7,603
Finance Expense	6	129	17
Net Expenditure for the year		7,933	7,620
Other Comprehensive Net Expenditure			
Item which will not be reclassified to Net Operating Expenditure:			
Pensions: actuarial gains	4	(1,402)	373
Comprehensive Net Expenditure for the year		6,531	7,993

The notes on pages 90 to 114 form part of these accounts.

Statement of Financial Position

as at 31 March 2023

	Note	31 March 2023 £000	31 March 2022 £000
Non-current assets			
Property, plant & equipment, and Right of Use assets	9	3,141	3,432
Intangible assets	10	278	407
Trade & other receivables	11	4	5
Total non-current assets		3,423	3,844
Current assets			
Trade & other receivables	11	124	96
Cash and cash equivalents	12	160	220
Total current assets		284	316
Total assets		3,707	4,160
Current liabilities			
Trade payables & other current liabilities	13	(416)	(471)
Provisions	14	(200)	-
Lease liabilities	17	(203)	(207)
Total assets less current liabilities		2,888	3,482
Non-current liabilities			
Lease liability/ROU	17	(2,519)	(2,717)
Provisions	14	(27)	(27)
Pension liabilities	4	(5,268)	(6,883)
Total non-current liabilities		(7,814)	(9,627)
Total assets less total liabilities		(4,926)	(6,145)
Taxpayers' equity			
General reserve		(4,926)	(6,145)
Total taxpayers' equity		(4,926)	(6,145)

The notes on pages 90 to 114 form part of these accounts.

The financial statements on pages 86 to 89 were approved by the board on 3 July 2023, and were signed on behalf of the Criminal Cases Review Commission by:


Karen Kneller
Chief Executive and Accounting Officer
6 July 2023

Statement of Cash Flows

for the year ended 31 March 2023

	Note	2022/23 £000	2021/22 £000
Net cash outflow from operating activities	15	(7,242)	(6,798)
Cash flows from investing activities			
Purchase of property, plant and equipment	9, 13	(17)	(392)
Purchase of intangible assets	10	(81)	(11)
Total cash outflow from investing activities		(98)	(403)
Cash flows from financing activities			
Capital Grant in Aid	2	73	428
Revenue Grant in Aid	2	7,207	6,929
Total financing		7,280	7,357
Net (decrease)/increase in cash and cash equivalents	12	(60)	156
Cash and cash equivalents at beginning of year	12	220	64
Cash and cash equivalents at end of year	12	160	220

The notes on pages 90 to 114 form part of these accounts.

Statement of Changes in Taxpayers' Equity

for the year ended 31 March 2023

	Note	General reserve £000	Total reserves £000s
Balance at 1 April 2021		(6,375)	(6,375)
Changes in taxpayers' equity for 2021/22			
Comprehensive net expenditure for 2021-22		(7,993)	(7,993)
Grant from sponsor department	2	7,357	7,357
Reversal of notional transactions:	18	866	866
Balance at 31 March 2022		(6,145)	(6,145)
Changes in taxpayers' equity for 2022/23			
Comprehensive net expenditure for 2022-23		(6,531)	(6,531)
Grant from sponsor department	2	7,280	7,280
Reversal of notional transactions:	18	470	470
Balance at 31 March 2023		(4,926)	(4,926)

The notes on pages 90 to 114 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 2022/23 Government Financial Reporting Manual (FReM) issued by HM Treasury. The accounting policies contained in the FReM apply International Financial Reporting Standards (IFRS) as adapted or interpreted for the public sector context. Where the FReM permits a choice of accounting policy, the accounting policy which is judged to be most appropriate to the particular circumstances of the Commission for the purpose of giving a true and fair view has been selected. The particular policies adopted by the Commission are described below. They have been applied consistently in dealing with items that are considered material to the accounts.

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

Changes in Accounting Policy

There have been no changes in accounting policies during the period ended 31st March 2023.

Going Concern

The Statement of Financial Position at 31 March 2023 shows negative total taxpayers' equity of £4,926,000. 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, 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 tailored review conducted by the Ministry of Justice during 2018/19 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 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
Right of use	over the remaining term of the lease
Assets under development	no depreciation as assets are not yet in use

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 employer’s National Insurance 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 last Commissioners entitled to this benefit left the Commission in 2016/17. The increase in the present value of the schemes’ liabilities arising from the passage of time is charged as interest payable to the Statement of Comprehensive Net Expenditure after operating expenditure. Actuarial gains and losses are recognised as Other Comprehensive Expenditure in the Statement of Comprehensive Net Expenditure.

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

Provisions

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

Provisions are made for all known claims where legal advice indicates that it is more likely than not that the claim will be successful, and the amount of the claim can be reliably estimated. The figures represent the best estimate of the amount payable.

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

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

Taxation

The Commission is not registered for VAT and all costs are shown inclusive of VAT. The Commission is registered with HM Revenue & Customs for corporation tax. There was no taxable income in the year ended 31 March 2023.

Leases

Scope and exclusions

In accordance with IFRS 16 'Leases', contracts, or parts of contracts, that convey the right to control the use of an asset for a period of time are accounted for as leases.

As adapted by the FReM, IFRS 16 has been applied to arrangements for accommodation between government departments.

Contracts for services are evaluated to determine whether they convey the right to control the use of an identified asset, incorporating both the right to obtain substantially all the economic benefits from the asset and to direct its use. If so, the relevant part of the contract is treated as a lease.

When making these assessments, CCRC excludes two types of leases. Firstly, those relating to low value items, which it considers as those where the underlying asset would have a cost of less than £500 when new, provided those items are not highly dependent on or integrated with other items. Secondly, contracts whose term (comprising the non-cancellable period together with any extension options CCRC is reasonably certain to exercise and any termination options CCRC is reasonably certain not to exercise) is less than twelve months.

Initial recognition

At the commencement of a lease CCRC recognises a right-of-use asset and a lease liability.

The lease liability is measured at the value of the remaining lease payments, discounted either by the interest rate implicit in the lease, or where this is not readily determinable, CCRC's incremental rate of borrowing. This rate is advised annually by HM Treasury (0.95% for leases recognised in 2022, 3.51% for those in 2023). Where the lease includes extension or termination options, the lease payments will be for the non-cancellable period together with any extension options CCRC is reasonably certain to exercise and any termination options CCRC is reasonably certain not to exercise.

The measurement of lease payments excludes any VAT payable, and irrecoverable VAT is expensed at the point it falls due in line with IFRS Interpretations Committee 21 Levies. Where the Government Property Agency passes on the cost of VAT payable to a head landlord, but has not opted to tax the property, the VAT cost passed on is not expensed: it is included in the lease liability and right-of-use asset value.

The right-of-use asset is measured at the value of the lease liability, adjusted for:

- any lease payments made before the commencement date
- any lease incentives received
- any incremental costs of obtaining the lease
- any costs of removing the asset and restoring the site at the end of the lease.

Subsequent measurement

The lease liability will be adjusted for the accrual of interest, repayments, reassessments and modifications. Reassessments are reappraisals of the probability of the options given by the existing lease contract, for example, where we no longer expect to exercise an extension option; modifications are changes to the lease contract. Reassessments and modifications are accounted for by discounting the revised cash flows: using a revised discount rate where CCRC becomes or ceases to be reasonably certain to exercise or not exercise an extension or termination option, or the lease is modified to amend the non-cancellable period, change the term of the lease, change the consideration or the scope; or at the existing discount rate where there is a movement in an index or rate that will alter the cash flows, or the amount payable under a residual value guarantee changes.

After initial recognition, the right-of-use asset will be measured using the fair value model. CCRC considers that the cost model (measurement by reference to the lease liability) is a reasonable proxy for fair value.

The value of the asset will be adjusted for subsequent amortisation and impairment, and for reassessments and modifications of the lease liability as described above. Where the amount of a reduction to the asset exceeds the carrying value of the asset, the excess amount is recognised in expenditure.

Expenditure for each financial year includes interest on the lease liability and a straight-line amortisation charge on the right-of-use asset over the life of the lease, together with any impairment of the right-of-use asset and any change in variable lease payments, that was not included in the measurement of the lease payments during the period in which the triggering event occurred. Rental payments in respect of leases of low value items, or with a term under twelve months, are also expensed.

Estimates and judgements

The CCRC has determined the lease term by assessing the level of certainty as to whether termination or extension options will be exercised. In making these judgements, reliance has been placed on the professional judgement of estates staff, supported by information on corporate asset management plans, other business strategies, investment already made in the underlying asset, ongoing business needs and market conditions.

The CCRC has determined that the cost model is a reasonable proxy for fair value in most cases, because the rents payable are in line with open market rates.

2 Grant in Aid

	2022/23 £000	2021/22 £000
Received for revenue expenditure	7,207	6,929
Received for capital expenditure	73	428
Total	7,280	7,357

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

	2022/23 £000	2021/22 £000
Commissioners		
Salaries and emoluments	385	373
Social security contributions	40	42
Total Commissioners cost	425	415
Non-Executive Directors		
Salaries and emoluments	13	15
Social security contributions	2	-
Total Non-Executive Directors cost	15	15
Staff		
• Staff with permanent employment contracts		
Salaries and emoluments	3,805	3,306
Social security contributions	400	348
Pension costs	910	791
• Other staff (contract, agency/temporary)		
Salaries and emoluments	-	29
• IT Project Change – Staff with permanent employment contracts		
Salaries and emoluments	150	200
Social security contributions	17	22
Pension costs	36	49
Total Staff cost	5,318	4,745
Total	5,758	5,175

There were no exit packages in 2022/23 (2021/22 nil).

4 Pensions

(i) Staff

Pension benefits are provided through the Civil Service pension arrangements. From 1 April 2015 a new pension scheme for civil servants was introduced – the Civil Servants and Others Pension Scheme, or alpha, which provides benefits on a career average basis with a normal pension age equal to the member's State Pension Age (or 65 if higher). From that date all newly appointed civil servants and the majority of those already in service joined alpha. Prior to that date, civil servants participated in the Principal Civil Service Pension Scheme (PCSPS). Existing members of the PCSPS who were within 10 years of their normal pension age on 1 April 2012 remained in the PCSPS after 1 April 2015. Those who were between 10 years and 13 years and five months from their normal pension age on 1 April 2012 will switch into alpha sometime between 1 June 2015 and 1 February 2022.

These statutory arrangements are part of an unfunded multi-employer defined benefit scheme, but the Commission is unable to identify its share of the underlying liabilities. The last formal actuarial valuation undertaken for the PCSPS was as at 31 March 2016. Details can be found in the Government Actuary's Department Report by the Scheme Actuary, "PCSPS: Actuarial valuation as at 31 March 2016 (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 2022/23, employers' contributions of £893,000 (2021/22 £787,000) were payable to the PCSPS at one of four rates in the range 26.6% to 30.3% (2021/22 26.6% to 30.3%) of pensionable pay, based on salary bands. The Scheme Actuary reviews employer contributions usually every four years following a full scheme valuation. The contribution rates are set to meet the cost of the benefits accruing during 2022/23 to be paid when the member retires and not the benefits paid during this period to existing pensioners.

Employees can opt to open a partnership pension account, a stakeholder pension with an employer contribution. Employers' contributions of £51,000 (2021/22 £51,000) were paid to one or more of the panel of two appointed stakeholder pension providers. Employer contributions are age-related and ranged from 8% to 14.75% from 1 October 2015. Employers also match employee contributions up to 3% of pensionable pay. In addition, employers also contribute a further 0.5% of pensionable salary from 1 October 2015 to cover the cost of centrally provided risk benefit cover (death in service and ill health retirement) amounting to contributions of £2,000 (2021/22 £2,000).

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

(ii) Commissioners

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

Commissioners' pension arrangements are unfunded, and the Commission is responsible for paying retirement benefits as they fall due. Contributions 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:

	2022/23 £000	2021/22 £000	2020/21 £000	2019/20 £000	2018/19 £000
Liability in respect of					
Active members	0	0	0	0	0
Deferred pensioners	506	496	470	666	620
Current pensioners	4,762	6,387	6,264	5,932	5,687
Total present value of scheme liabilities	5,268	6,883	6,734	6,598	6,307

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

	2022/23	2021/22	2020/21	2019/20	2018/19
Discount rate	4.15%	1.55%	1.25%	1.80%	2.90%
Rate of increase in salaries	0.00%	0.00%	0.00%	0.00%	0.00%
Price inflation	2.40%	2.90%	2.22%	2.35%	2.60%
Rate of increase in pensions (deferred and in payment)	2.40%	2.90%	2.22%	2.35%	2.60%

The mortality assumptions use the 2020 PCSPS valuation assumptions with ONS 2020-based UK principal population projections, which give the following life expectancies at retirement:

	31 March 2023		31 March 2022	
	Men	Women	Men	Women
Current pensioners				
At age 60	26.6	28.1	27.0	28.6
At age 65	21.8	23.2	22.1	23.8
Future pensioners				
At age 60	28.4	29.8	28.7	30.3
At age 65	23.9	25.3	24.2	25.8

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 increase the present value of the scheme liability by approximately 4% or £237,000.

An increase of 0.5% in the rate of increase in CPI would decrease the scheme liability by approximately 4% or £222,000.

An increase of one year in the life expectancies would increase the present value of the scheme liability by approximately 3% or £149,000.

The assumptions for the discount rate and pension increases are specified by HM Treasury in the PES (2022) 08, dated 2 December 2022, and remain unchanged for these disclosures. The PES assumptions reflect market conditions at the previous 30 November and are typically not amended for any changes between November and the accounting date.

The current population mortality projections make a short-term allowance for the impact of the Covid-19 pandemic. When deriving the ONS 2020-based mortality improvement projections, a panel of mortality experts gave their views on the impact of Covid-19 pandemic on mortality rates in the short term. Based on this, short-term adjustments were made to the 2019 to 2024 period to allow for estimated deaths in 2021 and an averaging of the experts' views on estimated improvements by age group over this period. Long-term rates of future mortality improvement are not projected to change as a result of Covid-19.

A death rate from Covid-19 in excess of that already allowed for in the mortality assumptions would emerge as an experience gain in future accounting periods. It is expected that the long-term impact of the Covid-19 pandemic on life expectancy will continue to evolve as experience and evidence emerges into the future.

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

	2022/23 £000	2021/22 £000
Interest on pension scheme liabilities	104	82
Total charge to Finance Expense	104	82

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:

	2022/23 £000	2021/22 £000
Present value of scheme liabilities at start of year	6,883	6,734
Interest cost	104	82
Actuarial losses/(gains)	(1,402)	373
Benefits paid	(317)	(306)
Present value of scheme liabilities at end of year	5,268	6,883

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

	2022/23 £000	2021/22 £000
Loss at start of year	3,227	2,854
Net actuarial (gains)/losses recognised in the year	(1,402)	373
Loss at end of year	1,825	3,227

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:

		2022/23	2021/22	2020/21	2019/20	2018/19
Experience losses/ (gains) pension liabilities	£000	622 (11.8%)	91 (1.3%)	(28) 0.4 %	8 (0.1%)	56 (0.9%)
Changes in demographic and financial assumptions	£000	(2,024) 38.4 %	282 (4.1%)	367 (5.4%)	398 (6.0%)	(159) 2.5 %
Net actuarial (gains)/ losses	£000	(1,402)	373	339	406	(103)

5 Other Expenditure

	2022/23 £000	2021/22 £000
IT costs	457	531
Accommodation	243	721
Travel, subsistence and external case-related costs	147	45
Training and other HR	140	151
Information and publications	110	76
Records management	87	68
Outreach	79	60
Legal and professional costs	58	17
Recruitment	57	136
Telephones	45	21
Loss on disposal of non-current assets	38	64
Audit fee – internal	35	38
Audit fee – external	32	29
Payroll and pension costs	20	19
Case storage	14	12
Office services	11	13
Office supplies	10	8
Library and reference materials	9	3
Health & safety	3	2
Bank charges	2	2
Equipment rental under operating lease	-	3
Total	1,597	2,019

6 Finance Expense

	2022/23 £000	2021/22 £000
Interest on pension scheme liabilities	104	82
Interest on lease	25	20
Release of dilapidations provision	-	(85)
	129	17

7 Income from Activities

	2022/23 £000	2021/22 £000
Kalisher Trust internships	6	4
Total	6	4

8 Analysis of Net Expenditure by Programme & Administration Budget

	2022/23			2021/22		
	Programme £000	Administration £000	Total £000	Programme £000	Administration £000	Total £000
Expenditure						
Staff costs	5,138	620	5,758	4,646	529	5,175
Depreciation & amortisation	455	-	455	413	-	413
Other expenditure	1,439	158	1,597	1,833	186	2,019
Total Expenditure	7,032	778	7,810	6,892	715	7,607
Income						
Income from activities	(6)	-	(6)	(4)	-	(4)
Net Expenditure	7,026	778	7,804	6,888	715	7,603
Finance Expense	129	-	129	17	-	17
Net Expenditure after Interest	7,155	778	7,933	6,905	715	7,620

9 Property, Plant & Equipment, and Right of Use Assets

	Right of Use Asset £000	Refurbishment Costs £000	Plant and Equipment £000	Furniture and Fittings £000	IT Hardware £000	Total £000
Cost/valuation at 1 April 2022	3,049	361	10	26	269	3,715
Additions	-	-	5	2	9	16
Disposals		-	(5)	-	(28)	(33)
Cost/valuation at 31 March 2023	3,049	361	10	28	250	3,698
Depreciation at 1 April 2022	136	14	8	14	111	283
Charged during the year	212	26	-	1	63	302
Depreciation on disposals		-	(5)	-	(23)	(28)
Depreciation at 31 March 2023	348	40	3	15	151	557
Carrying amount at 31 March 2023	2,701	321	7	13	99	3,141
Carrying amount at 31 March 2022	2,913	347	2	12	158	3,432

9 Property, Plant & Equipment, and Right of Use Assets (continued)

	Right of Use Asset £000	Refurbishment Costs £000	Plant and Equipment £000	Furniture and Fittings £000	IT Hardware £000	Total £000
Cost/valuation at 1 April 2021	-	110	77	137	662	986
Additions	3,049	361	1	15	43	3,469
Disposals		(110)	(68)	(126)	(436)	(740)
Cost/valuation at 31 March 2022	3,049	361	10	26	269	3,715
Depreciation at 1 April 2021	-	110	75	136	481	802
Charged during the year	136	14	1	4	66	221
Depreciation on disposals		(110)	(68)	(126)	(436)	(740)
Depreciation at 31 March 2022	136	14	8	14	111	283
Carrying amount at 31 March 2022	2,913	347	2	12	158	3,432
Carrying amount at 31 March 2021	-	-	2	1	181	184

All assets are owned by the Commission with the exception of the Right of Use assets which is the CCRC office on a 15-year lease term (see note 17).

10 Intangible Assets

	Software Licences £000	Total £000
Cost/valuation at 1 April 2022	670	670
Additions	57	57
Disposals	(132)	(132)
Cost/valuation at 31 March 2023	595	595
Amortisation at 1 April 2022	263	263
Charged during the year	153	153
Amortisation on disposals	(99)	(99)
Amortisation at 31 March 2023	317	317
Carrying amount at 31 March 2023	278	278
Carrying amount at 31 March 2022	407	407
Cost/valuation at 1 April 2021	861	861
Additions	35	35
Disposals	(226)	(226)
Cost/valuation at 31 March 2022	670	670
Amortisation at 1 April 2021	233	233
Charged during the year	192	192
Amortisation on disposals	(162)	(162)
Amortisation at 31 March 2022	263	263
Carrying amount at 31 March 2022	407	407
Carrying amount at 31 March 2021	628	628

All assets are owned by the Commission.

11 Other Receivables

	31 March 2023 £000	31 March 2022 £000
Amounts falling due within one year		
Travel loans to staff	1	2
Prepayments	123	94
Total	124	96
Amounts falling due after more than one year		
Prepayments	4	5
Total	4	5

12 Cash & Cash Equivalents

	2022/23 £000	2021/22 £000
Balance at 1 April	220	64
Net change in cash balances	(60)	156
Balance at 31 March	160	220
The following balances at 31 March 2022 were held at:		
Government Banking Service	160	220
Balance at 31 March	160	220

No cash equivalents were held at any time.

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

13 Trade Payables & Other Liabilities

	31 March 2023 £000	31 March 2022 £000
Amounts falling due within one year		
UK taxation & social security	123	121
Total	123	121
Trade payables	60	70
Capital accruals	-	25
Accruals	233	255
Total	416	471

14 Provisions

The movements in the provisions are analysed as follows:

	2022/23 Legal Fees £000	2022/23 Dilapidations £000	2022/23 Total £000	2021/22 Total £000
Balance at 1 April	-	27	27	155
Provided in year	200	-	200	27
Provision utilised	-	-	-	(70)
Provision reversed unused	-	-	-	(85)
Balance at 31 March	200	27	227	27

The expected timing of cash flow is as follows;

	2022/23 Legal Fees £000	2022/23 Dilapidations £000	2023 £000	2022 £000
Not later than one year	200	-	200	-
Later than five years	-	27	27	27
Balance at 31 March	200	27	227	27

Provision for legal costs has been made for all known claims where legal advice indicates that it is more likely than not that the claim will be successful and the amount of the claim can be reliably estimated. The figures represent the best estimate of the amount payable.

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

	Note	2022/23 £000	2021/22 £000
Net expenditure		(7,933)	(7,620)
Finance expense	6	129	17
Depreciation and amortisation	9,10	455	413
Loss on disposal of non-current assets	5	38	64
(Increase)/decrease in receivables	11	(27)	(56)
(Decrease)/ increase in payables	13	(30)	59
(Decrease)/ increase in provisions	14	175	(110)
Pension provision:			
Benefits paid	4	(317)	(306)
Notional expenditure	18	268	741
Net cash outflow from operating activities		(7,242)	(6,798)

16 Capital Commitments

Capital commitments contracted for at 31 March 2023 were £nil (2022 £nil).

17 Lease Liabilities

The lease liabilities refer to the CCRC offices which is occupied under a Memorandum of Terms of Occupation (MOTO) issued in accordance with the Department 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.

	31 March 2023 £000	31 March 2022 £000
Lease liabilities movements:		
Value of discounted future cash flows on ROU assets at implementation	2,924	3,049
Payments during the year	(227)	(145)
Interest expense on lease liabilities	25	20
Total lease liabilities	2,722	2,924
Lease liabilities:		
Not later than one year	203	207
Later than one year and not later than five years	832	800
Later than five years	1,687	1,917
Total buildings	2,722	2,924

See note 18 for the costs included in the Statement of Comprehensive Net Expenditure. There are no cash-related transactions related to the lease liability as these are paid by the Ministry of Justice.

18 Notional Expenditure

The Ministry of Justice incurred costs in respect of accommodation on behalf of the Commission.

	2022/23 £000	2021/22 £000
Notional expenditure		
Other expenditure – incurred by MoJ:		
Accommodation	470	866
Lease liability payments during the year	(227)	(145)
Interest expense on lease liabilities	25	20
Total notional other expenditure	268	741
Total notional expenditure	268	741

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. The 2022/23 expenditure of £470k includes capital and interest payments in respect of the new offices under IFRS16 of £227k and £25k respectively.

19 Related Party Transactions

The Ministry of Justice is a related party to the Commission. During the period 1 April 2022 to 31 March 2023, 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 2022 to 31 March 2023, none of the Commissioners, key managerial staff or other related parties undertook any related party transactions.

20 Financial Instruments

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

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

21 Events After The Reporting 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.

There are no significant events after the reporting period to report.

4

Tables

Commission referrals to the appeal courts during 2022/23

Name Custody (C) Liberty (L)	Ref	Referral date	Offence	Sentence Only
Mr K (L)	01360/2019	30-May-22	Production of cannabis	
WINTER, Martin (L)	00641/2020	12-May-22	Manslaughter by gross negligence x 2	
WINTER, Nathan (L)	00642/2020	12-May-22	Manslaughter by gross negligence x 2	
HARRISON, Gillian (L)	00533/2021	12-May-22	False Accounting x 4 S17(1) Theft Act 1968	
BUTTERWORTH, John (C)	01048/2020	08-Jun-22	Grievous Bodily Harm with intent	Yes
GRANT, Richard (C)	00051/2021	08-Jun-22	Wounding with Intent	Yes
BIBI, Asma (L)	00532/2021	16-Jun-22	Falsely obtaining council tax benefit contrary to regulations 8(1) and (5) of the Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013	
JOSHI, Nalini (L)	00602/2021	22-Jun-22	False Accounting contrary to Section 17(1) Theft Act 1968 Four offences, plus 27 similar offences taken into consideration)	
O'DONNELL, Joanne (L)	00572/2021	08-Jul-22	Theft	
HERD, Elena (L)	00809/2021	12-Aug-22	Fraud by Abuse of Position contrary to section 1 and 4 of the Fraud Act, 2006	
SMITH, James (L)	01218/2019	22-Aug-22	1. Murder 2. Attempted Murder 3. Possession of a Firearm with Intent to Endanger Life x 2	

Commission referrals to the appeal courts during 2022/23

Name Custody (C) Liberty (L)	Ref	Referral date	Offence	Sentence Only
TSANG, Joseph (C)	00205/2021	16-Sep-22	Rape (x2) Assault by Penetration (x2) Sexual activity with child (x3) Causing or Inciting a Child to Engage in Sexual Activity(x2) Making Indecent Photographs of Children Failure to surrender to custody	
ROSENHEAD, Jonathan (L)	01039/2021	15-Nov-22	Obstructing the highway and obstructing the police	
GURNEY, Christobel (L)	01038/2021	15-Nov-22	Obstructing the highway and obstructing the police	
RODKER, Ernest (L)	01037/2021	15-Nov-22	Obstructing the highway and obstructing the police	
CAMPBELL, Oliver (L)	00550/2020	23-Nov-22	Murder Conspiracy to rob	
Mr L (L)	00253/2020	02-Dec-22	Rape	
KIRKPATRICK, George (L)	01299/2018	09-Dec-22	Murder, Kidnap, False Imprisonment	
CULLEN, Eric (L)	01318/2018	09-Dec-22	Murder, Kidnap, False Imprisonment	
CULLEN, Cyril (L)	01319/2018	09-Dec-22	Murder, Kidnap, False Imprisonment	
HUSSAIN, Amer (L)	00011/2021	09-Dec-22	Theft	
MALKINSON, Andrew (L)	00492/2021	23-Jan-23	Attempting to choke, suffocate or strangle with intent to rape	
LAYDEN, Stuart (C)	00463/2022	23-Feb-23	Murder	
Mrs P (L)	00677/2021	22-Mar-23	Theft x5	
GILBERTSON, Andrew (L)	00722/2021	31-Mar-23	Theft	

Commission referrals decided by appeal courts during 2022/23

Name Custody (C) Liberty (L)	Referral Date	Offence	Sentence Only	Outcome Quashed (Q) Upheld (U) Abandoned (A)	Appeal Decision
Mr H (L)	15-Dec-21	Sexual Assault		Q	22-Apr-22
Mr K (L)	30-May-22	Production of cannabis		Q	6 Sept 22
Mr I (L)	17-Feb-22	3 Counts of Burglary Robbery Failure to comply with youth rehabilitation order Possession of Class B controlled drug		Q	02-Feb-23
ORMEROD, Richard (L)	29-Mar-22	Fraud		Q	09-Jun-22
HARRISON, Gillian (L)	12-May-22	False Accounting x 4 S17(1) Theft Act 1968		Q	09-Jun-22
BUTTERWORTH, John (C)	08-Jun-22	Grievous bodily harm with intent	Yes	U	12-Oct-22
GRANT, Richard (C)	08-Jun-22	Wounding with intent	Yes	U	12-Oct-22
JOSHI, Nalini (L)	22-Jun-22	False Accounting contrary to Section 17(1) Theft Act 1968 Four offences, plus 27 similar offences taken into consideration)		Q	22-Jul-22
HERD, Elena (L)	12-Aug-22	Fraud by Abuse of Position contrary to section 1 and 4 of the Fraud Act, 2006		Q	02-Nov-22

The cases denoted simply as letters relate to cases where the applicant’s name is not in the public domain

Commission referrals decided by appeal courts during 2022/23

Name Custody (C) Liberty (L)	Referral Date	Offence	Sentence Only	Outcome Quashed (Q) Upheld (U) Abandoned (A)	Appeal Decision
TSANG, Joseph (C)	16-Sep-22	Rape (x2) Assault by Penetration (x2) Sexual activity with child (x3) Causing or Inciting a Child to Engage in Sexual Activity(x2) Making Indecent Photographs of Children Failure to surrender to custody		Q	15-Mar-23
ROSENHEAD, Jonathan (L)	15-Nov-22	Obstructing the highway and obstructing the police		Q	17-Jan-23
GURNEY, Christobel (L)	15-Nov-22	Obstructing the highway and obstructing the police		Q	17-Jan-23
RODKER, Ernest (L)	15-Nov-22	Obstructing the highway and obstructing the police		Q	17-Jan-23

The cases denoted simply as letters relate to cases where the applicant’s name is not in the public domain

Key Performance Indicators

KPI 1a, b & c – The % of cases closed within 12 months

Purpose – The measure provides an indication of the timeliness with which we complete our cases, taken as a whole, from the point of an application being received.

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

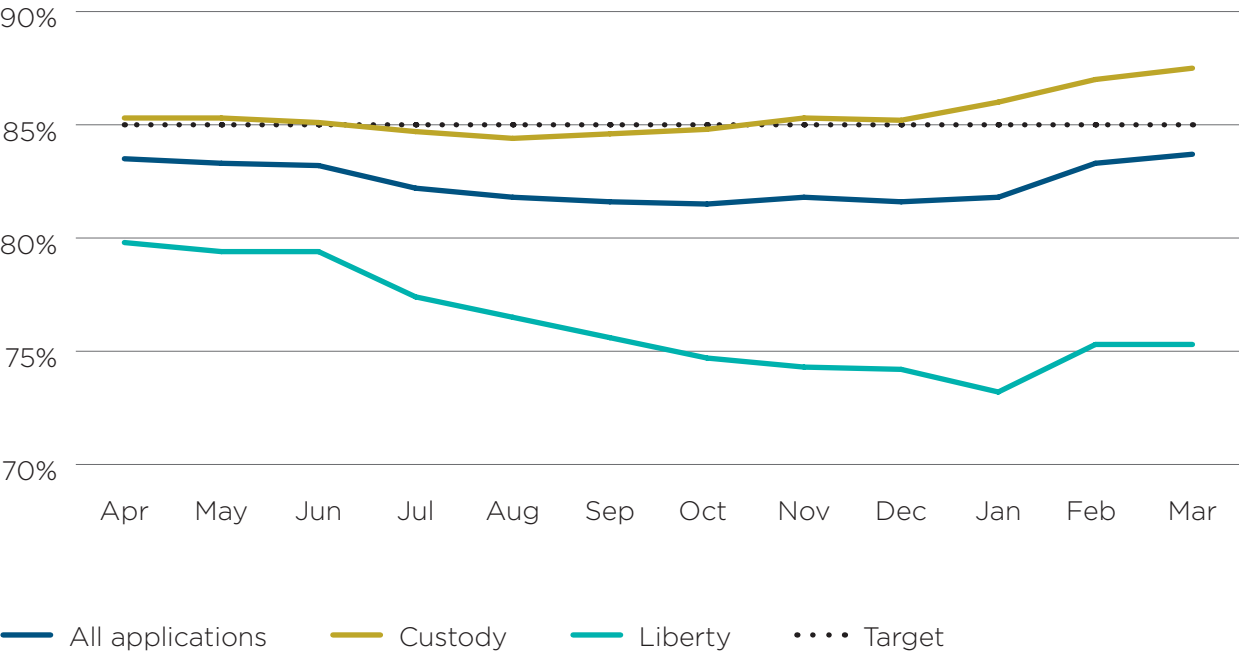
Calculation – The number of cases (including all case types, review cases only and triage cases only) completed within 12 months of the application being made as a proportion of all cases completed within the past 12 months (split into custody and liberty and total). In the case of KPI 1c (triage cases), we aim to complete the case within 4 months.

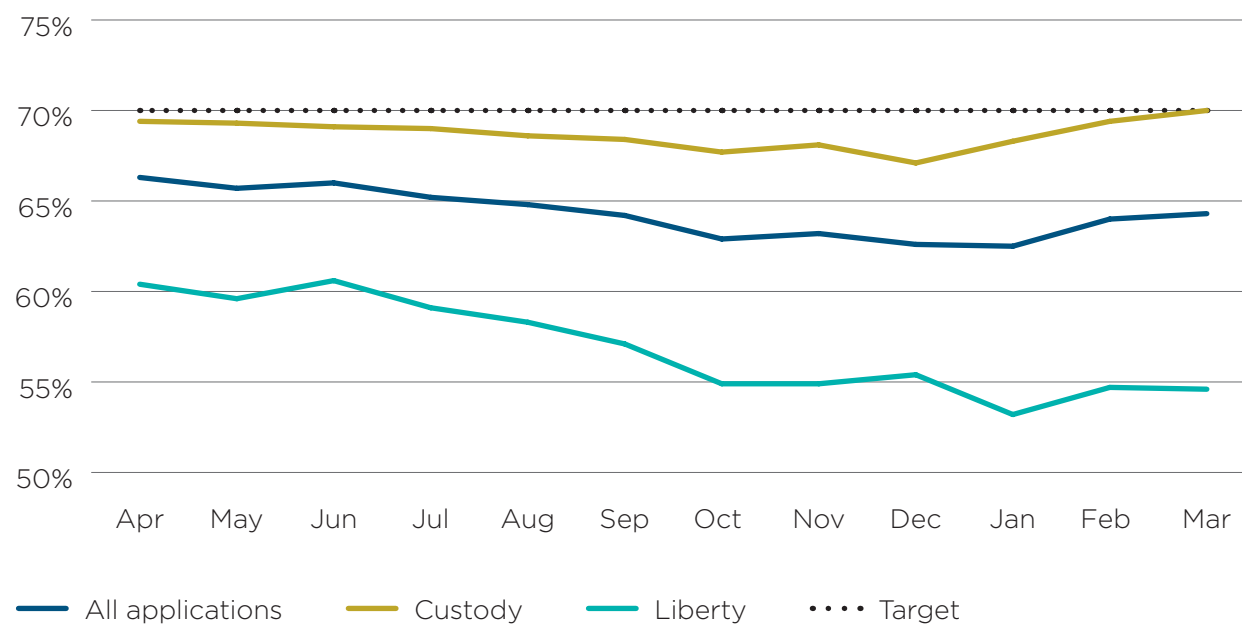
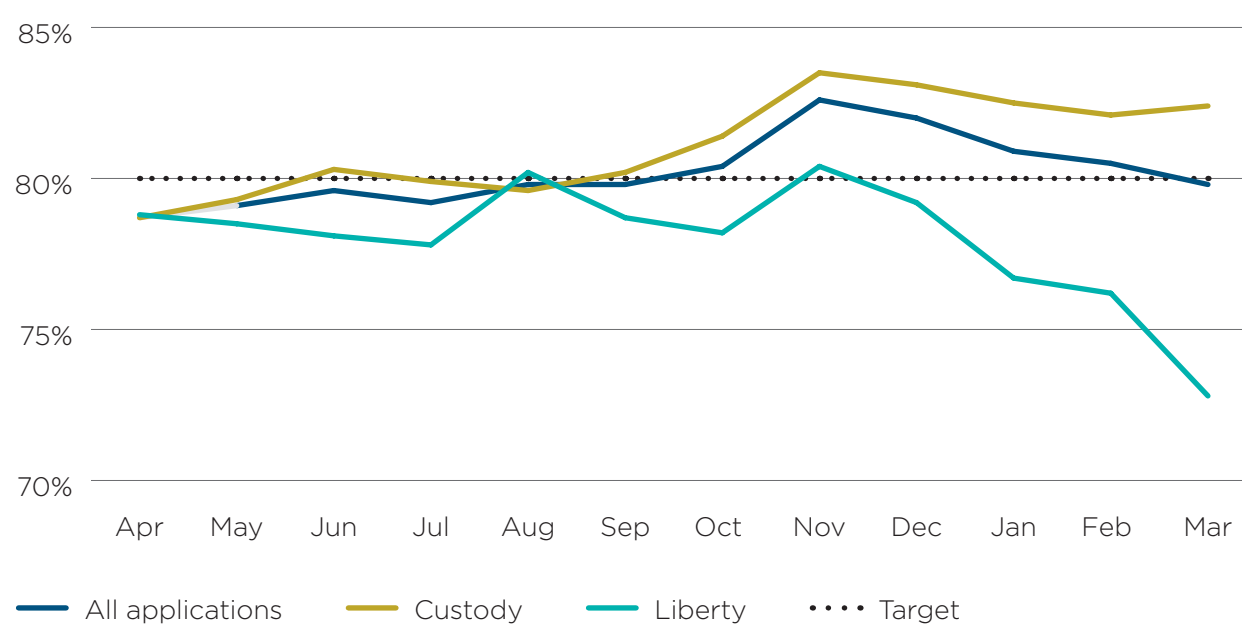
Frequency – Monthly.

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

Target – 1a: >85% of all cases closed within 12 months
1b: >70% of review cases closed within 12 months
1c: >80% of triage cases closed within 4 months

KPI 1a – All Cases (>85%):



KPI 1b – Review Cases (>70%):**KPI 1c – Triage Cases (>80%):****KPI 2 – Time to decision from allocation
(Provisional Statement of Reasons where one is issued)**

Purpose – The measure provides an indication of the timeliness with which we complete our review cases (those which progress through the screening stage to require full analysis).

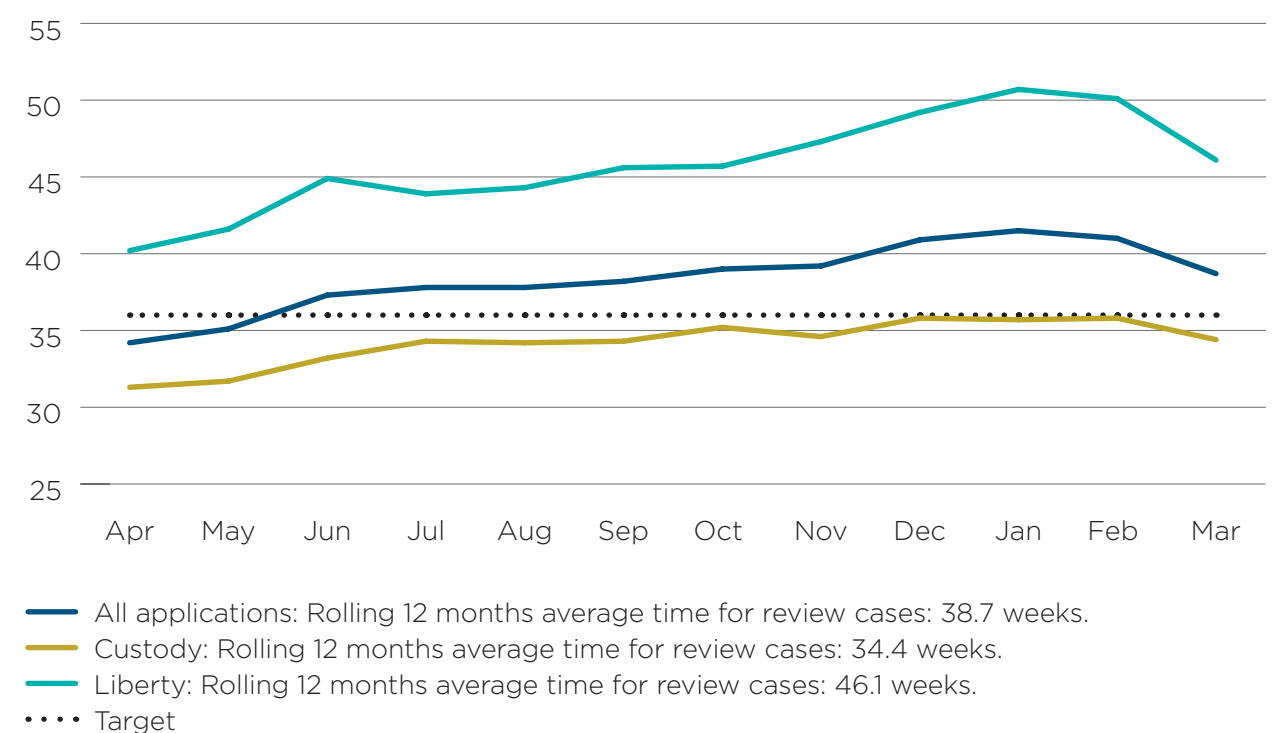
Definition – The time from the date of allocation of the application to a case review manager to the issue of an initial decision, averaged for all review applications in the reporting period for which an initial decision has been made.

Calculation – Taking the review cases closed within the past 12 months, record the average time taken to complete the review from allocation to a case review manager to issuing a decision.

Frequency – Monthly.

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

Target – Average duration of review <36 weeks.

Actual monthly average time for review cases in weeks

KPI 3 – Long-running cases

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

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.

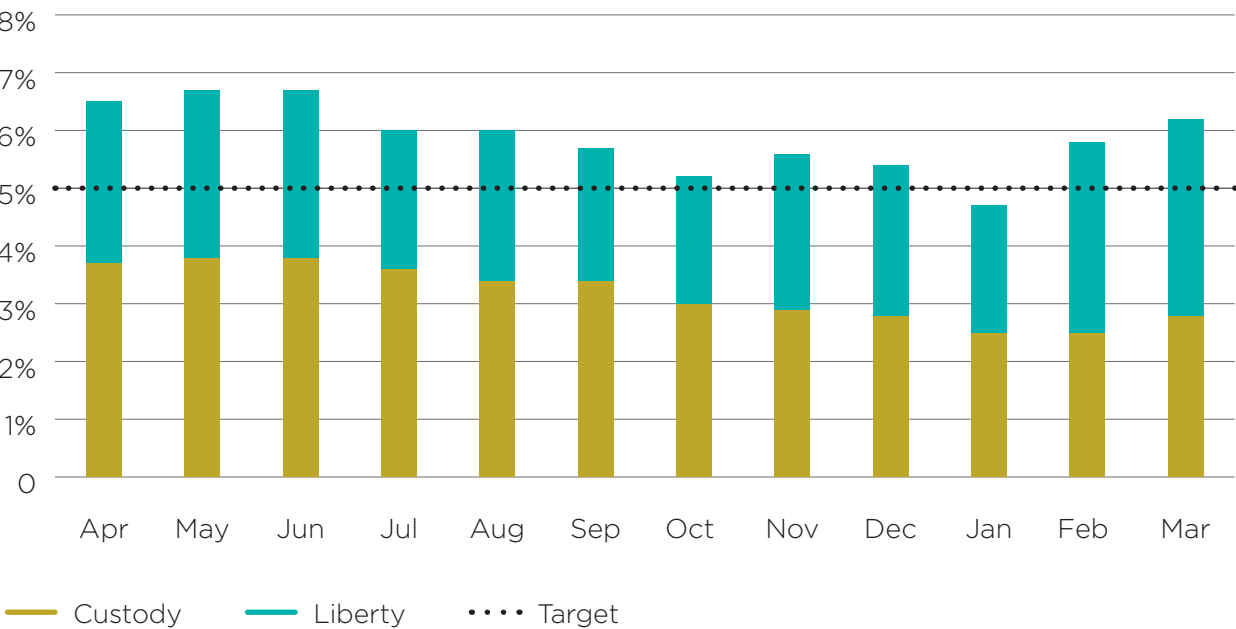
Calculation – Taking the cases under review, to identify those two years or more since allocation to a case review manager (split into custody and liberty and total) as an absolute number and as a proportion of the total number of cases currently open.

Frequency – Monthly.

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

Target – <35 or <5% of total number of cases under review.

Percent of cases under review for two years or more



KPI 4 – To communicate effectively with applicants and representatives

Purpose – The measure provides an indication of the quality of our communications with applicants during a case review.

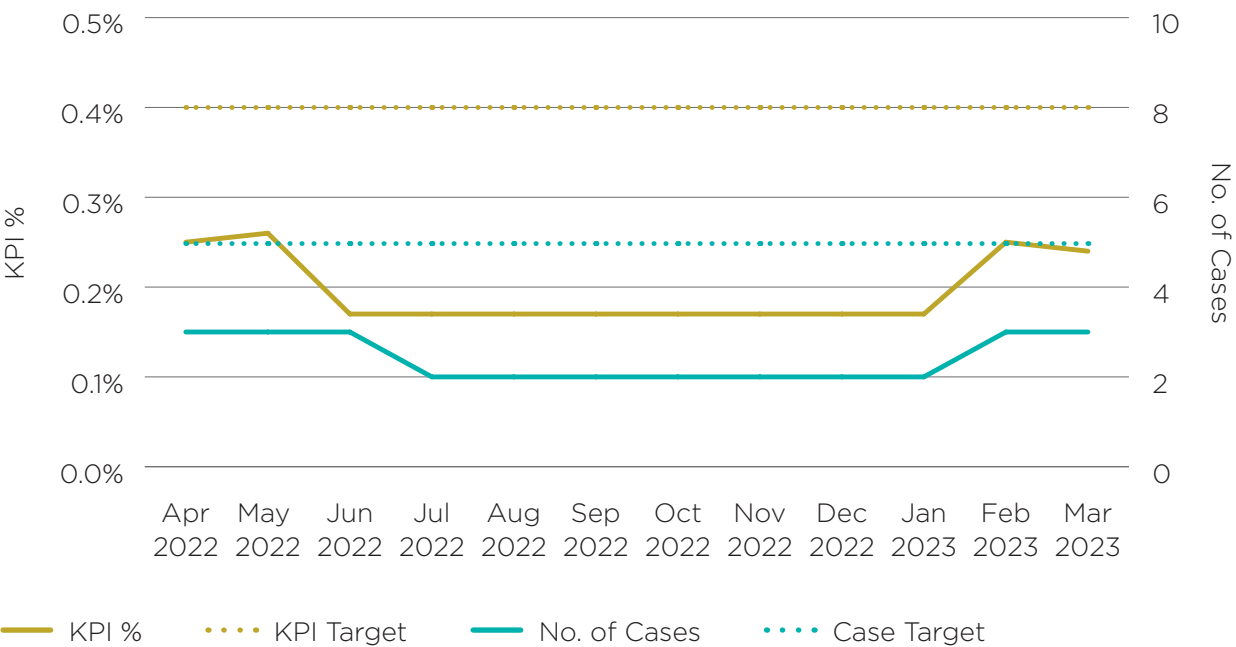
Definition – The number of cases in which communication to applicants or their representatives leads to a complaint being upheld in the last 12 months.

Calculation – Percentage of communication-related complaints upheld as a proportion of cases closed in the year.

Frequency – Bi-monthly.

Data Source – Records of official complaints held by the Customer Services Manager.

Target – <5 and <0.4% of total number of cases closed in the last 12 months.



KPI 5 – To conduct high-quality reviews, as proportionate to the case

Purpose – The measure provides an indication of the quality of our reviews.

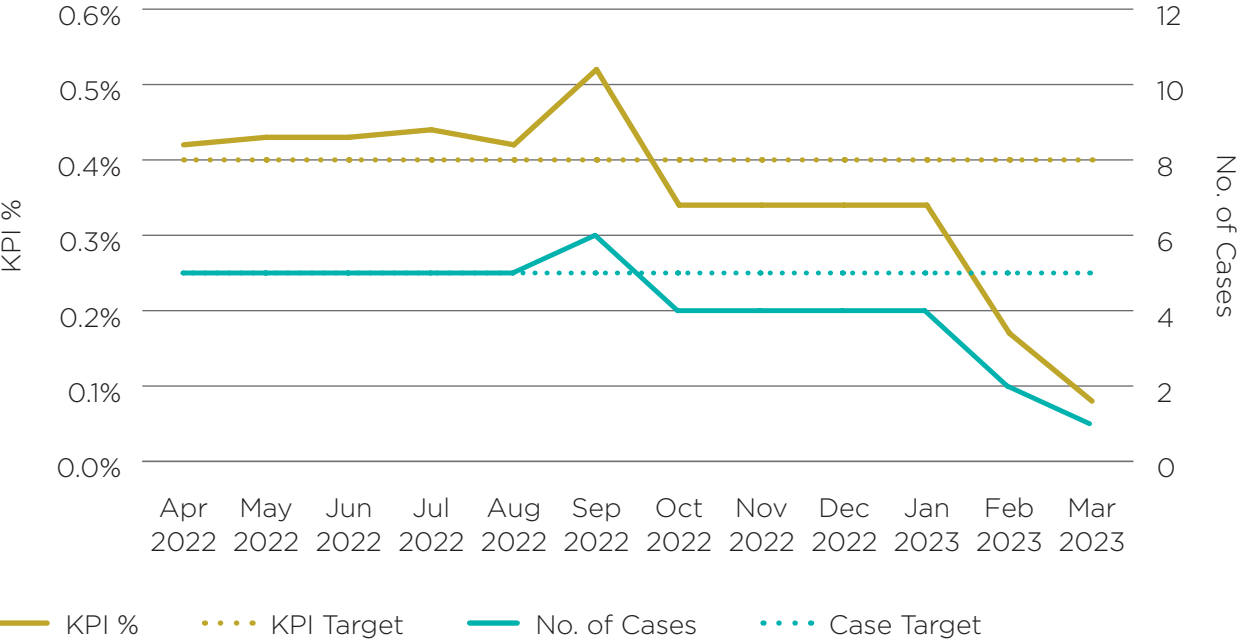
Definition – The number of cases for which additional review work is required as a result of the CCRC’s QA, Complaints or Judicial Review processes.

Calculation – The number of cases reopened for additional review work in the last 12 months.

Frequency – Bi-monthly.

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

Target – <5 and <0.4% of total number of cases closed in the last 12 months.



KPI 6 – Percentage of complaints upheld

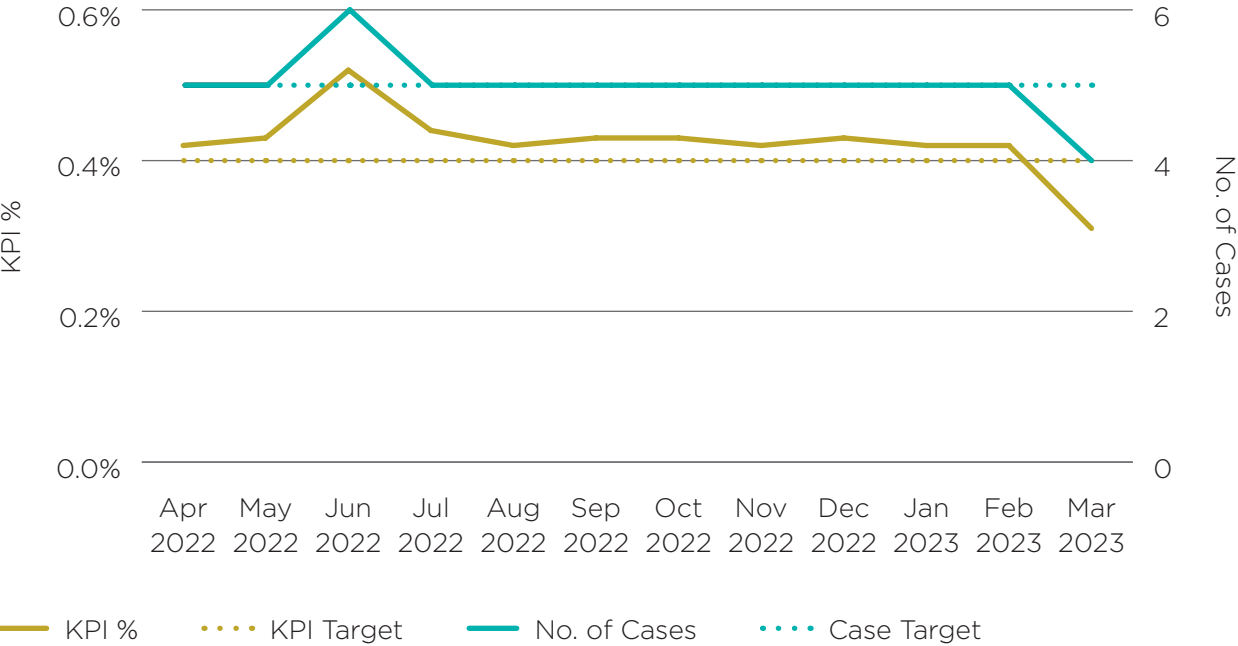
Purpose – The measure provides an indication of the quality of our reviews.

Definition – The number of complaints upheld.

Calculation – Percentage of complaints upheld as a proportion of cases closed in the year.

Frequency – Bi-monthly.

Data Source – Records of official complaints held by the Customer Services Manager and the Casework statistics.



KPI 7 – Staff absence

Purpose – The measure provides an indication of the loss of productivity due to staff sickness.

Definition – Average working days lost per FTE.

Calculation – Days lost due to sickness divided by the total number of full-time equivalent staff (FTE).

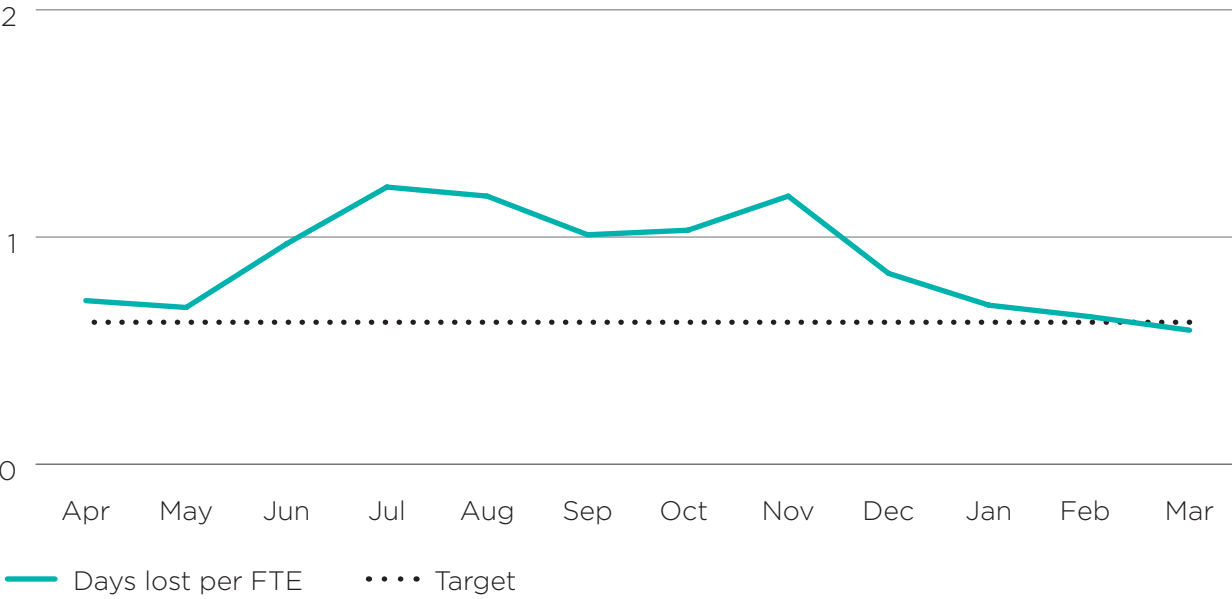
Frequency – Monthly.

Data Source – HR statistics.

Target – Less than an average of 7.5 days per year.

Actual: Sickness absence: 10.81 days per annum per FTE.

Working days lost per FTE (for the month):



While we do not have monthly targets for this KPI, the target line has been set as the annual target divided by 12.

KPI 8 – Expenditure against budget

Purpose – The measure provides an indication of our effective use of our budget over the year.

Definition – Total expenditure RDEL and CDEL against budget.

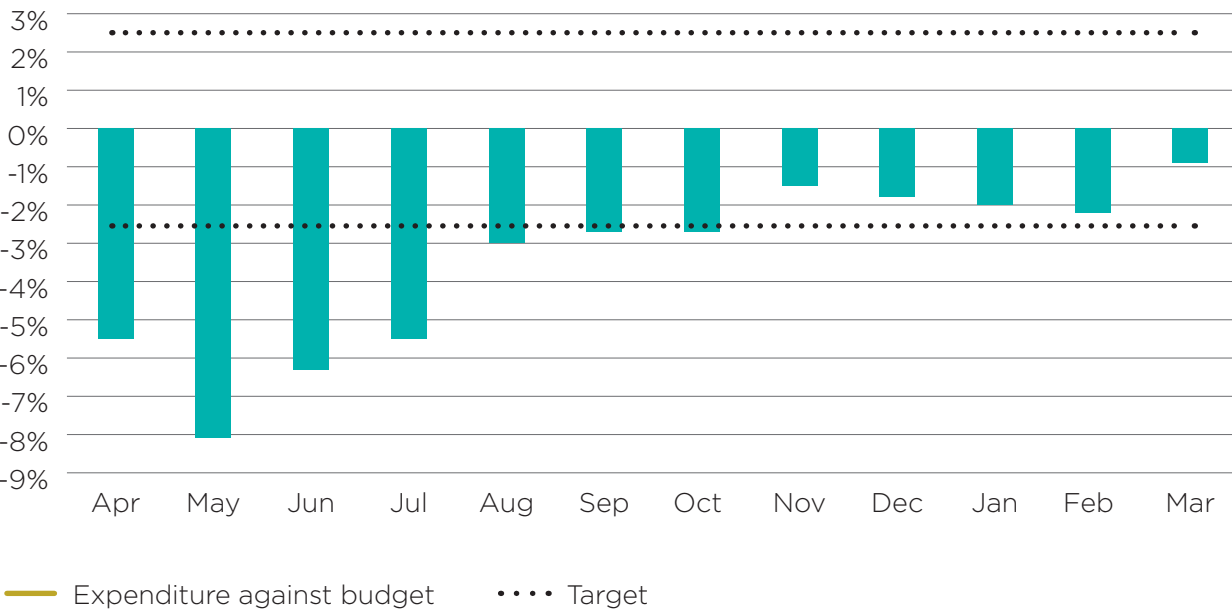
Calculation – Actual overspend or underspend as a percentage of the year-to-date budget.

Frequency – Monthly.

Data source – Financial records.

Target – Underspend or overspend to be within 2.5% of budget.

Year to date expenditure against budget:



KPI 9 – Internal audit actions completed on time

Purpose – Measure the response to audit recommendations.

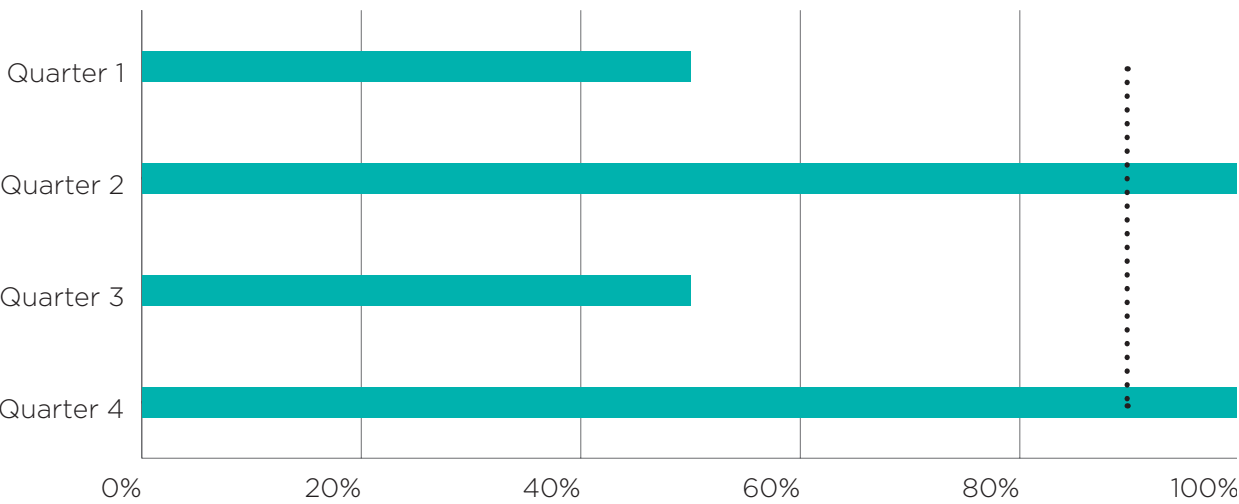
Definition – Number of internal audit actions in each financial year.

Calculation – Number of actions completed on time against the total number of actions in each financial year.

Frequency – Quarterly.

Data source – ARAC records.

Target – 95% actions completed on time.



2022/23 Total: 80% (15 actions completed, 12 on time)

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