



Criminal Cases Review Commission

## CASEWORK POLICY

Policy Title: **Case Review Process**

Reference: **CW-POL-04**

Version: **3.0**

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### The CCRC’s Quality Statement

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

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

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## Introduction

The document outlines the case review process from the initial stages of determining eligibility and screening a case, to the main case review activities, and then the final decision-making stage.

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## Key Points

- 1) All applications to the CCRC are acknowledged and given a case reference number.
- 2) On receipt of an application, the case will be checked to ensure it is eligible for the CCRC to review it. If the application is ineligible for any reason, the applicant will be informed in writing.
- 3) Re-applications are assessed by a Case Review Manager (CRM) to determine whether they raise new issues not considered during the CCRC's previous review(s). If new issues requiring investigation or further consideration are raised, the case will proceed to review.
- 4) The procedure for cases where the applicant has not already had an appeal determined, or leave to appeal refused, is set out in policy 'CW-POL-06 Exceptional Circumstances'.
- 5) Cases which proceed to review are screened by a Group Leader (GL), who makes an initial assessment of the issues raised, the material and investigations that are likely to be required, and any need for victim notification.
- 6) Within 4 months of receiving an application, the CCRC will update the applicant as to whether their case has reached the decision stage or requires further work.
- 7) Cases are allocated in the order in which they are received at the CCRC. However, there are situations where a case may be prioritised. These include the applicant's age and health (see [Section 3](#)).
- 8) The exact nature of the work required during a case review depends on the needs of the case; therefore no two case reviews are the same.
- 9) Decisions to refer will be made by a committee of three Commissioners. Decisions not to refer may also be made by a committee or by a Single Commissioner (SC).
- 10) In every case, the CCRC will provide a Statement of Reasons (SOR) outlining the reasons for the decision.

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- 11) Where appropriate, the applicant will be given time to respond to the SOR. Where such further submissions are invited, as a general rule 20 working days are allowed. In complex cases 40 days can be permitted (see 'CW-POL-08 Further Submissions' for more detail).

## Definitions

Key Word	Meaning
CRM	Case Review Manager
Decision-making Committee	A panel of three Commissioners
ECs	Exceptional Circumstances
GL	Group Leader
Ineligible	Any case which does not fall within the CCRC's jurisdiction or which is still within the statutory time period for appeal.
LC	Lead Commissioner
No Appeal case	An application in respect of a conviction, verdict, finding or sentence, where the individual has not had an appeal determined, or leave to appeal refused, in respect of that conviction, verdict, finding or sentence.
NDM	Nominated Decision Maker - a Commissioner appointed to make key decisions during the course of the review.
Re-application	An application in respect of a conviction, verdict, finding or sentence, which the CCRC has considered on at least one previous occasion.
Review Case	All post-appeal, first applications to the CCRC and reapplications and No Appeal cases that require a substantive review. All such cases are categorised from Type 1 to Type 4, depending upon the CCRC's assessment of the case complexity and estimated amount of work for the CCRC to resolve it.
SC	Single Commissioner
SCCRC	Scottish Criminal Cases Review Commission
SOR	Statement of Reasons

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## 1 Background Information

- 1.1 The CCRC's powers and responsibilities are set out in the Criminal Appeal Act 1995. The CCRC may refer to an appropriate appeal court any case in which the CCRC considers that there is a **real possibility**<sup>1</sup> that a conviction, verdict, finding, or sentence arising in England, Wales, or Northern Ireland, or at the Court Martial or Service Civilian Court would not be upheld by the appeal court.
- 1.2 The above is subject to the following conditions:
- a) In the case of a conviction (or verdict or finding): there must be an argument or evidence that was not raised in earlier proceedings ('something new'),<sup>2</sup> unless there are exceptional circumstances.<sup>3</sup>
  - b) In the case of a sentence: there must be an argument on a point of law or information that was not raised in earlier proceedings ('something new').<sup>4</sup>
  - c) In any case: an appeal must already have been determined, or leave to appeal refused,<sup>5</sup> unless there are exceptional circumstances.<sup>6</sup>

## 2 Triage (Eligibility, Re-applications and No Appeal cases) and Screening

### 2.1 Triage

- 2.1.1 We look carefully at all applications to the CCRC to see whether there is a basis for referral, either on issues raised by (or on behalf of) the applicant or on other issues identified by the CCRC.
- 2.1.2 At the Triage and Screening stages, we carry out some initial checks, obtain key documents and consider the need for investigation.

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<sup>1</sup> Section 13(1)(a) of the Criminal Appeal Act 1995.

<sup>2</sup> Section 13(1)(b)(i) of the Criminal Appeal Act 1995.

<sup>3</sup> Section 13(2) of the Criminal Appeal Act 1995.

<sup>4</sup> Section 13(1)(b)(ii) of the Criminal Appeal Act 1995.

<sup>5</sup> Section 13(1)(c) of the Criminal Appeal Act 1995.

<sup>6</sup> Section 13(2) of the Criminal Appeal Act 1995. See 'CW-POL-06 Exceptional Circumstances' for further information.

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- 2.1.3 When an application arrives:
- a) We add it to our case management system and generate a case reference number.
  - b) We write to the applicant (or their representative) to acknowledge the application and to provide the case reference number.
  - c) We check that we have the legal power to deal with the case (eligibility - see [section 2.2](#) below).
  - d) We check to see whether the applicant has applied to us before about the same conviction or sentence.
  - e) We check to see whether the applicant has already tried to appeal.
  - f) We obtain key documents (such as trial or appeal papers).

- 2.1.4 Within 4 months of receiving an application, we will update the applicant as to whether their case has been assessed as:
- a) Ineligible
  - b) Raising no exceptional circumstances (*No Appeal cases only*)
  - c) Raising no fresh issues (*Re-applications only*)
  - d) Raising nothing new (and no exceptional circumstances in the absence of something new)
  - e) Requiring further work.

2.1.5 It is very important, therefore, that applicants tell us everything they think we need to know about their case when sending their application form. Submissions which are received after we have started to look at a case, may be treated as a separate application.

## 2.2 Eligibility

When we receive an application, the Casework Administrator will check:

- a) The application relates to a criminal conviction (or verdict or finding in a criminal court); and
- b) It arose in England, Wales, or Northern Ireland or at the Court Martial or Service Civilian Court; and
- c) It is not subject to a live appeal, or application for leave to appeal; and

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d) That it is not still within the statutory time period for appeal.

If the application does not satisfy those tests, it will be ineligible and we will write to the applicant to explain this.

### 2.3 Re-applications

2.3.1 Re-applications are cases where the applicant is asking us to look again at a conviction or sentence that we have considered before.

2.3.2 All re-applications are assessed by a Case Review Manager (CRM) to determine whether they raise any new issues which were not considered during the CCRC's previous review(s). The CRM must also consider whether there might have been any relevant scientific, medical, legal, or other developments which require further investigation and could lead us to look again at some aspect of the case.

2.3.3 Where the re-application raises something which has not been considered by the CCRC, or there is something which might have been affected by relevant scientific, medical, legal, or other developments, the CRM will assess whether it requires investigation or more detailed consideration. If the re-application contains nothing new which might give rise to a real possibility (and there are no exceptional circumstances), the CRM will draft a Statement of Reasons (SOR) and the case will be transferred to a Commissioner for a decision.

2.3.4 If the CRM considers that there is something new which requires further investigation or consideration, the case will be transferred to a Group Leader (GL) for screening (see [Section 2.5](#)).

2.3.5 Applicants who make repeated re-applications which do not raise anything new, will be considered under the CCRC's policy on Persistent, Abusive and Malicious Applicants (CW-POL-14).

### 2.4 No Appeal Cases

2.4.1 If an applicant has not previously appealed (or applied for leave to appeal) before applying to the CCRC, we cannot refer the case to an appeal court unless there are Exceptional Circumstances (ECs) which justify doing so.

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2.4.2 At the triage stage, CRMs look at No Appeal cases to see whether there **might** be ECs. If the CRM thinks there might be ECs, the case is passed to a GL for screening. If the CRM thinks that there are no ECs, they will draft a SOR and the case will be passed to a Commissioner for a decision.<sup>7</sup>

2.4.3 More details on how we deal with cases where the applicant has not already appealed (or applied for leave to appeal) are set out in the CCRC's policy 'CW-POL-06 Exceptional Circumstances'.

## 2.5 Screening

2.5.1 Group Leaders (GLs) screen:

- a) All post-appeal, first applications to the CCRC.
- b) Re-applications where a CRM thinks there is something new which requires further investigation or consideration.
- c) No Appeal cases where the applicant pleaded guilty in the magistrates' court or the CRM thinks there might be ECs.

2.5.2 When screening a case, the GL will consider the submissions made by (or on behalf of) the applicant in light of such core documents as are available and relevant (see [Appendix 1](#)) and any other materials submitted with the application. The GL will also consider whether other potential lines of enquiry arise, which could give rise to a real possibility that the appeal court would not uphold the conviction (or sentence), as appropriate.

2.5.3 The GL will make an initial assessment of the issues raised, the material and investigations that are likely to be required, and any need for victim notification. Where necessary, the GL will task a Casework Administrator to obtain or preserve any essential material and task the Investigations Team to address victim notification.

2.5.4 Cases which have been screened are placed in a queue to await allocation to a CRM. We aim to allocate review cases to a CRM by the end of the third month following the month in which the

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<sup>7</sup> Magistrates' court guilty plea cases will be passed directly to a GL for screening because there is no ordinary right of appeal following a magistrates' court guilty plea and so there will always be **potential** exceptional circumstances.

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application was received.<sup>8</sup> When allocating a case, regard will be had to any potential conflict of interest.<sup>9</sup>

### 3 Prioritising a Case Review

3.1 Cases are generally allocated in date order of receipt.<sup>10</sup> However, the factors set out below are relevant to the degree of priority that a case will receive once under review. On occasion, some of those factors, might lead to a decision to prioritise the allocation of a case. Priority assessments are fluid and relative to the needs of other cases. Prioritisation relates only to timing and allocation of resources to the case review.

3.2 Cases are given higher priority if:

- a) The Court of Appeal has referred the case<sup>11</sup> to us for investigation.<sup>12</sup>
- b) The applicant has applied for a review of sentence only and has less than two years to serve in prison.
- c) The applicant is in prison for the relevant offence (as opposed to being at liberty).
- d) The duration of our review - any case will be regarded as high priority from the point at which it has been under review<sup>13</sup> by us for two years.
- e) There are exceptional circumstances that justify priority attention - taking account of the following factors:

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<sup>8</sup> For example, a case received in January will be allocated before the end of April.

<sup>9</sup> For further information see the Code of Conduct available for free on our website.

<sup>10</sup> We can only review a case once we have sufficient documents and materials to work with. As a result, cases may, from time to time, be taken out of order.

<sup>11</sup> Under section 23A (1) of the Criminal Appeal Act 1968 or section 25A (1) of the Criminal Appeal (Northern Ireland) Act 1980.

<sup>12</sup> Under section 15 of the Criminal Appeal Act 1995. We recognise the need for such matters to be addressed and finalised expeditiously given that such directions are always made during live appeal proceedings. As a general rule, we will prioritise such investigations ahead of our other work (see 'CW-POL-25 Investigations for the Court of Appeal (s.15)' for further information).

<sup>13</sup> From the point of allocation to a CRM for review.

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- 1) The old age (75 years or older) and/or ill health<sup>14</sup> of the applicant where there is concern that the applicant may die before the case is dealt with.
- 2) Evidence that the applicant's serious ill health (or that of any close family member of the applicant) is directly and significantly aggravated by any delay.<sup>15</sup>
- 3) The youth of the applicant where, having regard to the nature of the offence, the sentence imposed and the applicant's personal circumstances, the conviction has an exceptionally adverse impact on their welfare and/or educational and career prospects.<sup>16</sup>
- 4) The risk of being unable to secure or obtain relevant evidence, or of relevant evidence deteriorating, for whatever reason (priority being relevant to the point at which the evidence is secured).
- 5) Our assessment of the likelihood of the conviction or sentence being referred to the appeal court.
- 6) Our operational effectiveness.
- 7) The impact of delay on the Criminal Justice System.

## 4 Reviewing the Case

- 4.1 Once a case has been allocated for review, the CRM will familiarise themselves with the case, consider what investigations are necessary and plan the review. We look carefully at all applications to the CCRC to see whether there is a basis for referral, either on issues raised by (or on behalf of) the applicant or on other issues identified by the CCRC.
- 4.2 When deciding what investigations are necessary, the CRM will consider the submissions made by the applicant and their representatives. However, decisions about what to investigate, and how, are a matter for the CCRC.

<sup>14</sup> We require medical evidence to support prioritisation on the grounds of ill health.

<sup>15</sup> We require medical evidence to support prioritisation on the grounds of ill health.

<sup>16</sup> The CCRC will usually prioritise the application of an individual who is 21 or under at the time of application. The CCRC will also consider prioritising a case if the applicant was 18 or under at the time of conviction or sentence, but is over 21 when applying to the CCRC.

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- 4.3 We may decide that there is no investigation required. That might happen because we conclude that an application does not raise any significant new points that might allow us to send the case for an appeal.
- 4.4 When considering whether to carry out an enquiry, we will have regard to whether there is any real prospect that the investigation might produce evidence or argument capable of affecting the safety of the conviction (or the nature of the sentence). As the Supreme Court explained in *R (on the application of Nunn) v. Chief Constable of Suffolk Constabulary* [2014] UKSC 37:

“The safety net in the case of disputed requests for review lies in the CCRC. That body does not, and should not, make enquiries only when reasonable prospect of a conviction being quashed is already demonstrated. It can and does in appropriate cases make enquiry to see whether such prospect can be shown. It has ample power, for example, to direct that a newly available scientific test be undertaken. *R v Shirley* [2003] EWCA Crim 1976, a DNA case not unlike *Hodgson*, appears to be a case in which it did exactly that. What it ought not to do is to indulge the merely speculative. It is an independent body specifically skilled in examining the details of evidence and in determining when and if there is a real prospect of material emerging which affects the safety of a conviction. This exercise involves a detailed scrutiny of the other evidence in the case and a judgment on the likely impact of whatever it is suggested the fresh enquiries may generate.”

- 4.5 We carry out an independent review. Where we share details of our planned investigation with an applicant it is for information purposes. Applicants and their representatives cannot insist that the CCRC does (or does not) make a particular enquiry. In the limited circumstances where an applicant is able to prevent the CCRC from investigating something, for example by refusing to waive legal or medical confidentiality or refusing to provide information, the CCRC may take that into account when deciding whether to refer the case for an appeal.
- 4.6 We expect an application we receive to set out all the points that an applicant wants us to consider. Once a review has begun, we will **not usually** suspend work at the applicant’s request.<sup>17</sup> However, we will

<sup>17</sup> Requests of this nature include allowing the applicant to engage with new representatives, or for the applicant or their representative to conduct new enquiries.

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consider any such requests on a case-by-case basis, having regard to the reasons for the request and the length of time requested. Where appropriate, we may invite the applicant to withdraw the current application and re-submit it when they are ready. If the application is not temporarily withdrawn, we may decide to make a decision on the basis of submissions received to date and any additional submissions will be treated as a fresh application.

#### 4.7 The conduct of the review

- 4.7.1 The review is managed, and largely undertaken by at least one CRM. The work that a CRM could carry out includes:<sup>18</sup>
- a) Interviewing the applicant and/or witnesses.
  - b) Instructing new forensic tests or other experts.
  - c) Conducting credibility checks on key witnesses.
  - d) Reviewing the original case papers.
- 4.7.2 CRMs may delegate work to Casework Administrators, Interns, the Legal Team, and the Investigations Team. The CRM may also seek advice from a GL, other staff, or Commissioners.
- 4.7.3 In complex cases, a Commissioner may be appointed to act as Nominated Decision Maker (NDM).
- 4.7.4 During the review, the CRM will keep the applicant updated, at least every three months (see 'CW-POL-03 Communicating with Applicants').
- 4.7.5 Once the CRM (and NDM, where appointed) is satisfied that all relevant work has been completed, and a SOR has (normally) been drafted, the case leaves the "review phase" and enters the "decision-making phase".
- 4.7.6 The CRM can (drawing attention, if appropriate, to any particular issues of interest or concern):
- a) Make a recommendation **not** to refer, or
  - b) Make a recommendation **to refer**, or

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<sup>18</sup> This list is not exhaustive; the work required depends on the needs of the case.

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- c) Make **no** recommendation (reflecting arguments each way), or
- d) Make a recommendation to **exercise our discretion not** to refer even though there is a real possibility that the appeal court would allow the appeal.<sup>19</sup>

- 4.7.7 If the recommendation is not to refer, the case will usually be considered by a Single Commissioner (SC).<sup>20</sup> The SC can either make the decision not to refer, or request further work, or, if they consider it appropriate, direct that the case be referred to a decision-making committee.
- 4.7.8 Where the CRM recommends that the case should be referred, or considers that for other reasons the decision should be made by a committee, the CRM will discuss that recommendation with their GL.<sup>21</sup> Any disagreement will be resolved in favour of holding a decision-making committee.
- 4.7.9 When a case is ready for consideration by a decision-making Commissioner or committee, the CRM will notify the Decision Co-ordinator who will be responsible for assigning the case to a Commissioner(s).

## 5 The Decision Stage

### 5.1 Single Commissioner Decisions

- 5.1.1 If a NDM has been appointed, they will usually become the SC (or Lead Commissioner (LC) if a case goes to a decision-making committee). Otherwise, Commissioners are appointed on a 'cab-rank' basis, subject to availability, potential conflicts of interest<sup>22</sup> or the need for specialist knowledge or experience.

<sup>19</sup> See 'CW-POL-07 The Discretion to Refer' for further information.

<sup>20</sup> In cases where a Commissioner has been appointed as a Nominated Decision Maker (NDM), they will be responsible for making any fundamental case decision(s) during the course of the review and will usually decide the case as an SC.

<sup>21</sup> And NDM where relevant.

<sup>22</sup> Our approach to potential conflicts of interest is set out in the Code of Conduct (available for free on our website) which applies to all staff and Commissioners.

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- 5.1.2 Where a case is being transferred to a SC, the CRM will make the draft SOR and all relevant information, available to the SC. The CRM will also make recommendations in respect of proposed disclosure<sup>23</sup> and victim notification<sup>24</sup> as appropriate.
- 5.1.3 If the SC is satisfied that:
- a) All relevant enquiries have been made; and
  - b) On the material currently available there is no real possibility that the conviction, verdict, finding, or sentence would not be upheld
- subject to any amendments considered necessary by the SC, the CRM will arrange for the SOR to be issued to the applicant (and/or their representative).<sup>25</sup> Any relevant material will be disclosed to the applicant at this stage.<sup>26</sup>
- 5.1.4 If the SC directs that further work is required before a decision can be reached, the reasons will be clearly recorded and that work will be undertaken by the CRM. The case will be returned to the SC when the further work has been completed.
- 5.1.5 The SC will endeavour to reach a view or decide that further work is required, and return the case to the CRM, within 20 working days of accepting the case for decision.
- 5.1.6 If the SC decides that a case cannot be sent to the appeal court, the SOR will explain why the CCRC cannot send the case for an appeal.
- 5.1.7 Where appropriate, the applicant will be given time to respond to the SOR. Where such further submissions are invited, as a general rule 20 working days are allowed. In complex cases 40 working days can be permitted.<sup>27</sup>
- 5.1.8 If the applicant is given time to respond and send in further submissions, they will be considered by the CRM and a further recommendation will be made to the SC. If the SC decides that the further submissions do not raise a real possibility, the applicant will be sent a final SOR. In very rare cases, where we have done a lot of

<sup>23</sup> See 'CW-POL-19 Disclosure by the CCRC' for further information.

<sup>24</sup> See 'CW-POL-09 Victim Notification' for further information.

<sup>25</sup> See 'CW-POL-03 Communicating with Applicants' for further information.

<sup>26</sup> See 'CW-POL-19 Disclosure by the CCRC' for further information.

<sup>27</sup> See 'CW-POL-08 Further Submissions' for further information.

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work in response to further submissions, the applicant may be given a second opportunity to respond.

5.1.9 At any stage the SC may decide that the case should be referred to a decision-making committee. The SC will usually take the role of LC at that committee, unless for any reason that would be inappropriate.

## 5.2 Decision-Making Committees

5.2.1 The decision must be made by a committee of no fewer than three Commissioners (a decision-making committee) when:

- a) Making a reference to an appeal court.<sup>28</sup>
- b) Reporting to the Court of Appeal.<sup>29</sup>
- c) Providing the Secretary of State with a statement concerning the exercise of the Royal Prerogative of Mercy.<sup>30</sup>
- d) Requiring the appointment of an investigating officer.<sup>31</sup>

5.2.2 Decision-making committees generally comprise three Commissioners including (where practicable) one Commissioner who meets the legal qualification requirements set out in section 8(5) of the Criminal Appeal Act 1995.

5.2.3 One of the Commissioners will take the role of LC.<sup>32</sup>

5.2.4 The rest of the committee will generally be selected on the usual 'cab rank' basis, considering Commissioner availability and capacity.

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<sup>28</sup> Under sections 9 to 12B of the Criminal Appeal Act 1995.

<sup>29</sup> Under section 15(4) of the Criminal Appeal Act 1995. See 'CW-POL-25 Investigations for the Court of Appeal (s.15)' for further information.

<sup>30</sup> Under section 16(1)(b) of the Criminal Appeal Act 1995. See 'CW-POL-26 Assisting the Royal Prerogative of Mercy (s.16)' for further information.

<sup>31</sup> Under section 19 of the Criminal Appeal Act 1995. See 'CW-POL-29 Power to Appoint an Investigating Officer (s.19)' for further information.

<sup>32</sup> Where an NDM has been appointed to the case, they will take this role unless any reason why this would not be appropriate is identified.

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- 5.2.5 The CRM will agree with the LC what papers are relevant for the committee and the papers will be circulated to the decision-making Commissioners in advance of the decision-making committee.
- 5.2.6 The CRM and the LC will agree an agenda for the decision-making committee which will be circulated in advance.
- 5.2.7 The committee meeting will be attended, at the very least, by the three Commissioners and the CRM. Others may attend to:
- a) Advise (e.g. the Head of Legal, or Head of Investigations).
  - b) Observe (e.g. the Head of Quality).
  - c) Assist with minute-taking / noting actions.
- 5.2.8 The LC will chair the meeting, ensure that all agenda items are addressed appropriately, and that the main points of the committee's discussion have been adequately summarised for recording.

### 5.3 Record of Decision

- 5.3.1 Unless other arrangements are made, the CRM will be responsible for recording the main points of the committee's discussion, and the reasons for the decision.
- 5.3.2 The record of decision will subsequently be approved by the decision-making Commissioners, as soon as reasonably possible but no later than 10 working days from the date of the committee.

### 5.4 Committee Decisions

A decision-making committee may determine that:

- 1) **The case should be referred to the appropriate appeal court**  
The LC will agree the wording of the referral SOR, consulting with other committee members as appropriate.
- 2) **The case should not be referred**  
The LC will agree the wording of the provisional SOR, consulting with other committee members as appropriate. The applicant will be invited to make further submissions.<sup>33</sup> If further submissions are received, the LC will decide whether or not it is necessary for

<sup>33</sup> See 'CW-POL-08 Further Submissions' for further information.

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the committee to re-convene to consider the case further or whether any subsequent decisions will be made by the LC acting solely as SC.

3) **Further information is required before the committee can make a properly informed decision**

The committee will specify what information is required and the reason(s) why a decision cannot be made without it. The CRM will carry out such work as is appropriate.

4) **Directions from the Court of Appeal have been satisfied**

The LC will agree the wording of the report to the Court of Appeal, consulting with other committee members as appropriate.

5) **A statement will be made to the Secretary of State concerning the exercise of the Royal Prerogative of Mercy**

The LC will agree the wording of the statement, consulting with other committee members as appropriate.

6) **The appointment of an investigating officer is required**

The LC will agree the wording of the directions, consulting with other committee members as appropriate.

If the committee decides that a case will be referred, then we will issue a final SOR. This will explain the reasons for referring the case. We will also send the SOR to the prosecution and the appeal court.

## 5.5 Other decision-making committees

5.5.1 The following are examples of other situations in which a decision-making committee might be convened (this list is not exhaustive):

- a) Cases that raise complex and/or serious issues, or complex ancillary issues such as disclosure.
- b) Cases that involve the interpretation of legal or factual issues that are likely to affect future CCRC decisions.
- c) Cases where public confidence in the administration of criminal justice would be enhanced if a case is decided by a decision-making committee.

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5.5.2 Wherever possible, the committee's decision (whether final or provisional) will be issued within two months of the committee meeting. It is the responsibility of the LC to manage the timetable from decision to issue of the SOR.

## 6 Other Provisions

### 6.1 Retiring Commissioners

6.1.1 No person may hold office as a member of the CCRC for a continuous period exceeding 10 years.<sup>34</sup>

6.1.2 In the event of an SC being unable to finalise a case commenced before their retirement, the case will be passed to another Commissioner.

6.1.3 In the event of a Commissioner sitting as a member of a committee who is due to retire:

- a) Before that committee has reached a decision whether or not to refer: their place will be taken by another Commissioner.
- b) After that committee has reached a decision **not** to refer but before the SOR is issued: one of the remaining two committee members (normally the LC) will sign the SOR.
- c) After that committee has reached a decision **to refer** but before the SOR is issued: their place will be taken by another Commissioner.

### 6.2 Oral representations at decision stage

6.2.1 We have a robust and proactive process for consulting with applicants (and their representatives) during the course of the review, which is designed to ensure that all relevant information is received and taken into account.<sup>35</sup>

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<sup>34</sup> Section 2(5) of Schedule 1 of the Criminal Appeal Act 1995.

<sup>35</sup> See 'CW-POL-03 Communicating with Applicants' for further information.

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- 6.2.2 In most cases, we will be able to decide whether or not to make a reference by evaluation of the representations communicated by, or on behalf of, the applicant during the review.
- 6.2.3 If we reach an initial decision not to refer, in appropriate cases the applicant is invited to make further submissions before any final decision is made.<sup>36</sup> A second SOR can be issued where appropriate.
- 6.2.4 Requests made by, or on behalf of, applicants to make oral representations to the SC or decision-making committee will be considered and decided by the SC or LC in each individual case. The applicant will be provided with written reasons for the CCRC's decision.
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<sup>36</sup> See 'CW-POL-08 Further Submissions' for further information.

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## Appendices

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## Relevant CCRC Documents

Q-POL-01	CCRC Quality Policy
CCRC-POL-01	CCRC Code of Conduct
CW-POL-03	Communicating with Applicants
CW-POL-06	Exceptional Circumstances
CW-POL-07	The Discretion to Refer
CW-POL-08	Further Submissions
CW-POL-09	Victim Notification
CW-POL-14	PAM (Persistent, Abusive, Malicious) Applicants
CW-POL-19	Disclosure by the CCRC
CW-POL-23	Witness Credibility Checks
CW-POL-25	Investigations for the Court of Appeal (s.15)
CW-POL-26	Assisting the Royal Prerogative of Mercy (s.16)
CW-POL-29	Power to Appoint an Investigating Officer (s.19)
N/A	CCRC's Records Management manual

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

Criminal Appeal Act 1968  
Criminal Appeal Act 1995  
Criminal Appeal (Northern Ireland) Act 1980.

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## Document Control

Document author: Head of Quality  
Issue authorised by: Casework Operations Director

## Version History

Date Issued	Version	Brief Details of Change	DCR
16/03/2022	1.0	First Issue	22-07
31/03/2023	2.0	New: Footnote 7 (at 2.4.2) Amend: 2.5.1c	22-95
05/12/2023	3.0	Amend: 2.3.2, 2.3.3, A1.3 to A1.5	23-75

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## Appendix 1 - Core Documents

- A1.1 This is a list of the main core documents which will be retained, providing they exist and were obtained during the case review; not every case will have all of the below documents.
- A1.2 This is also a list of the main core documents used in the screening process (see [section 2.5](#)). Not all core documents will be available in all cases, nor may they all be necessary to the determination of an application. The absence of a core document need not delay the determination of an application if the information it contains is not relevant to the determination of the issues raised or, if relevant, the information is available from another source.

### A1.3 Conviction applications

#### On indictment:

- a. Indictment and/or Trial Record Sheet
- b. Summing-up
- c. Counsel's advice and grounds of appeal
- d. Notice and Grounds of Appeal (Form NG Conviction)
- e. Respondent's Notice (Form RN)
- f. Correspondence in response to a waiver of legal privilege
- g. Criminal Appeal Office summary
- h. Court of Appeal Single Judge's ruling (Form SJ)
- i. Court of Appeal judgment (Full Court judgment)

#### Summary:

- a. Magistrates' court file including Register Entry / Memorandum of Conviction
- b. Crown Court Appeal file

### A1.4 Sentence applications

#### On indictment:

- a. Prosecution opening (if appropriate)
- b. Plea in mitigation
- c. The Judge's sentencing remarks
- d. Counsel's advice and grounds of appeal
- e. Notice and Grounds of Appeal (Form NG Sentence)
- f. Respondent's Notice (Form RN)
- g. Correspondence in response to a waiver of legal privilege
- h. Criminal Appeal Office summary
- i. Court of Appeal Single Judge's ruling (Form SJ)
- j. Court of Appeal judgment (Full Court judgment)

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Summary:

- a. Magistrates' court file including Register Entry / Memorandum of Conviction
- b. Crown Court Appeal file

**A1.5 All applications**

- a. Application form and any enclosures
- b. Witness statements, if relevant to the review/decision  
[text deleted]
- c. Transcripts of evidence, if relevant to the review/decision  
[text deleted]
- d. Expert reports (if relevant to the decision)
- e. Copy of signed decision documents

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**Appendix 2 - Retention of Core Documents**

- A2.1 The paper file will generally be retained by the CCRC for three months from the date of the final decision, following which it will be destroyed.
- A2.2 The core documents in the case (i.e. those relevant to the decision) will be scanned so that an electronic record is retained. The appropriate retention period is set out in the CCRC's Records Management manual.
- A2.3 As a general rule, it is the responsibility of the Case Review Manager to ensure that all core documents are identified and scanned during the course of the review and that all irrelevant information is removed at the end of a review.
- A2.4 See [Appendix 1](#) for an example of the core documents.

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**\*\*\*END OF DOCUMENT\*\*\***

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