

Criminal Cases Review Commission
Annual Report and Accounts
2010/11

Criminal Cases Review Commission Annual Report and Accounts **2010/11**

Annual Report and Accounts of the Criminal Cases Review Commission
1 April 2010 – 31 March 2011

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Schedule 1 to the Criminal Appeal Act 1995.

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under paragraph 8(4) of the Criminal Appeal Act 1995 by the Department of
Justice.

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Our purpose:

is to review possible miscarriages of justice in the criminal courts of England, Wales and Northern Ireland, the Court Martial and the Service Civilian Court, and refer appropriate cases to the relevant appeal court.

Our vision:

is to give hope and bring justice to those wrongly convicted, to enhance confidence in the criminal justice system and, based on our experience, to contribute to reform of and improvements in the law.

Our aims:

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

Our values:

- independence
- integrity
- impartiality
- professionalism
- accountability

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Chair's Foreword

March 2011 marked the 20th anniversary of the freeing of the Birmingham Six. Their case was one of the most shocking miscarriages of justice in our legal history. Outrage at this injustice led directly to our creation. It is tempting to ask if we are any nearer to eradicating miscarriages of justice.

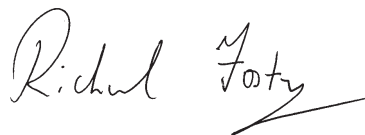
The causes of miscarriages of justice are many and varied and include inefficient or misguided investigations, fabricated or suppressed evidence, misconceived expert evidence and confessions obtained through duress. Any of these can result in an innocent person being wrongfully convicted. But unequivocal evidence of innocence is rare to find outside the pages of crime fiction. More common is evidence which may not prove innocence, but casts doubt on the safety of the conviction. What is at issue is the presumption of innocence and the integrity of the process. That is our strongest safeguard against miscarriages of the Birmingham Six kind and why safety, and not innocence, is the test Parliament requires the Court of Appeal – and thus us - to apply.

A miscarriage of justice cannot be demonstrated by belief. Unpicking wrongs requires painstaking, hard work: the laborious examination of material that is voluminous, complex and often hard to trace, scattered across the country among a variety of organisations, where all but a very few have lost interest in recovering it.

Last year we received 933 applications and completed 947 cases, many relating to the most serious offences: murder, manslaughter, rape, kidnap and robbery. We currently have seven investigations being carried out by the police, under our instruction and supervision. The most common basis of referrals remains the non-disclosure of material evidence at the

original trial. But we also see a growing trend of what might be termed mistaken expert evidence, such as in Cooper and the case of S; and we continue to see failure to investigate serious crime properly, such as in the case of P.

Miscarriages are not a relic of some bygone era. They are still with us and they remain as serious and as shocking as ever. The Commission was the first public body of its kind in the world; it remains one of only three such organisations and is by far the largest. Our knowledge of the causes of miscarriages, and how our justice system can safeguard against them is considerable. We understand the pressure generally on public expenditure; however, I remain extremely concerned given that 2010/11 was our sixth year of real term cuts.



Richard Foster CBE Chair



Chief Executive's Introduction

This has been a year of considerable change for the Commission. We have reviewed and improved our governance by implementing a new Board Committee structure which will mean better leadership across all our activities and more involvement from our non-executive directors. We have looked at our approach to casework and made a number of improvements, including involving Commissioners earlier in our case reviews, and we have restructured our business administration support to make us more efficient.

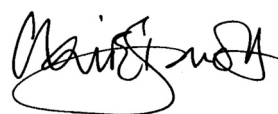
All of these changes have put the Commission in a strong position from which to face the latest round of cuts to our budget. However, as with many other organisations, we are already feeling the effects of these cuts. As the Chairman has already said, 2010/11 was our sixth year of real terms cuts and we faced further cuts to our budget during the course of the year. This has meant postponing the recruitment of two new Commissioners, not replacing one of our specialist Investigations Advisers and implementing a voluntary redundancy programme which will mean five members of staff leaving in early 2011/12.

It is a tribute to staff and Commissioners that casework performance has remained steady throughout the year. The Commission is committed to maintaining and improving the quality of its casework and determined that reductions in resources will not impact on this. We have closed more cases than we have received and the number of cases under review has remained fairly steady. However we are concerned that further cuts may lead to increased waiting times in the future. Referral numbers for 2010/11 are low, but there are a number of good reasons for this and, while not complacent, the

Commission does not see this as a cause for concern.

The year just passed was our last at Alpha Tower. We moved to new offices at St Philip's Place in the centre of Birmingham in early 2011/12. The move will save the public purse more than £1.5 million over three years, but has meant halving the amount of space occupied by the Commission.

Finally, I would like to pay tribute to Ralph Barrington who retired in March 2011. Ralph was with the Commission from the beginning and played a vital role in establishing the Commission as a highly respected investigative body. His knowledge and skills as an Investigations Adviser have played an important part in many of our cases. He will be much missed for his experience and professionalism and for his personality and presence.



Claire Bassett Chief Executive

The year in numbers:

In 2010/11 there were 933 applications compared with 932 in the previous year. A total of 947 cases were completed this year as compared with 892 cases in 2009/10. At 31st March 2011 there were 366 cases under review at the Commission. A further 119 were awaiting allocation for review and 163 were newly arrived or undergoing preparation.

In 2010/11 we referred 22 cases, or 2.32% of the cases closed. This compares with a referral rate of 3.5% of cases closed in 2009/10 and with a long-term average referral rate of 3.9%.

A total of 34 Commission referral cases reached the appeal courts during 2010/11. In 20 of these cases the convictions were quashed or the sentences amended. In 12 cases the appeals were dismissed. In one case the appeal was abandoned and in another judgment was reserved when this report was written. This means that, of the referral cases heard and concluded during 2010/11, 60.6% of appeals were allowed and 39.4% were dismissed. For comparison, in 2009/10, a total of 30 Commission referral cases were heard in the appeal courts. Of these, 23 (76%) appeals were upheld.

Section One

The Work of the Commission

Introduction

The Criminal Cases Review Commission was the first statutory body in the world created to investigate possible miscarriages of justice and, where appropriate, to refer cases back to the appeal courts. We remain one of only three such bodies in the world. The others are in Scotland and Norway.

Created by Parliament in 1997, our role is to look into cases where a miscarriage of justice is alleged or suspected and to decide if there is any new evidence or new argument which raises a real possibility that an appeal court would quash a conviction or reduce a sentence.

The Commission is entirely independent. We do not represent the defence or prosecution, the police, judiciary or any other part of the criminal justice system.

How we work

Anyone convicted in the criminal courts of England, Wales or Northern Ireland, or in the Court Martial or Service Civilian Court, who believes that he or she has been wrongly convicted or sentenced, can apply to have their case reviewed. Applicants usually need to have exhausted the normal appeal process before approaching us.

It is our role to review cases and to identify any new factors which might shed light on the safety of the conviction or the correctness of the sentence. The Commission considers cases impartially and employs people with a wide variety of skills

and experience, including lawyers and investigators, to carry out this task. In the course of a case review we may interview new witnesses or re-interview people involved in the original case. We may also commission new expert reports or arrange fresh forensic tests such as DNA profiling. The Criminal Appeal Act 1995 which created the Commission provided us with the power to obtain documents and information from any public body in England, Wales and Northern Ireland. In addition to material from police, court and prosecution files, there are times when we need to obtain other material such as medical records or files from social services or other agencies. Sometimes we also need to look at defence files or obtain material from private companies or individuals and will seek their co-operation in providing their records.

The majority of applications we receive can be dealt with quite quickly. Other cases, however, can be very complicated and can take months or sometimes even years to review. The Commission receives new applications every day and there is always a period after the arrival of an application and before the review can begin. However, during this period of time, staff at the Commission will usually start by obtaining or preserving some of the papers that are required for the review such as the prosecution files, transcripts from the trial and the judgment from the original appeal.

The Commission's casework is carried out by Case Review Managers and Commissioners who are chosen for their experience and skills in relevant areas. When a review is complete we will consider, in light of everything that is known about the case, whether there is anything that raises a "real possibility" that the appeal court would quash the conviction or reduce the sentence if we referred it.

Whenever, as a result of our review work, a referral seems possible, a committee of three Commissioners will meet to consider the case and decide whether or not to make a referral; this is a statutory requirement. A decision not to make a referral can be taken by a single Commissioner. When a referral is made, the relevant appeal court must hear the case. It is for the court to decide whether or not the conviction should be quashed or the sentence reduced. The Commission's decision about whether or not to refer a case is communicated to the applicant and his or her legal team or designated representative in a document called a Statement of Reasons. This sets out in detail the Commission's analysis of the case and the reasons for its decision.

When the Commission expects not to refer a case it will send a provisional Statement of Reasons setting out the reasons why the Commission is currently not minded to refer the case. At this stage the applicant is invited to make any further representations in the light of the provisional statement. The Commission will then consider those representations before making its final decision.

The fact that a review is under way does not necessarily mean that the case will be referred. In the majority of cases, the Commission concludes that there are no grounds to refer a case to the appeal court. In such cases it is usually only the applicant and a small number of people involved in the case who are aware that there has been a review. The Commission does not publish or actively publicise details of cases where a review has been held but no referral made. However, whenever we make a referral, we issue a press release.

Because most cases we review are not referred to an appeal court, we do not

routinely inform victims, or the families of victims, that we are reviewing an application from the person who was convicted. We recognise that, in some cases, the fact that the Commission is reviewing a case or has decided to refer a case, can have significant implications for the victim of the original crime and sometimes for others close to the victim.

The Commission will try to inform victims or other relevant people if a referral is imminent or if news of a Commission review is likely to come to their attention or enter the public domain. We try our best to minimise the distress that can be caused to victims and others and we work with other agencies such as the Police, Crown Prosecution Service and the Probation Service to do so. We are committed to the Government's Code of Practice for Victims of Crime. Our victim notification policy is available at www.ccr.gov.uk.

Other duties of the Commission

The Criminal Appeal Act 1995 sets out the Commission's powers and duties. As well as setting our remit to investigate alleged or suspected miscarriages of justice, the statute provides that the Commission can also be called upon by the Court of Appeal to look into ongoing appeals, into cases where leave to appeal has been sought, or to make further inquiries in cases that have been referred by the Commission. The Commission also has a wider role to inform the development of the criminal justice system and build public confidence in that system. We have the power to recommend the use of the Royal Prerogative of Mercy and can also be asked for advice on the use of the prerogative by the Secretary of State for Justice.

Our statutory background

The Commission is an Executive Non-Departmental Public Body financed by Grant in Aid through the Ministry of Justice. The Lord Chancellor and Secretary of State for Justice is answerable to Parliament for the Commission and responsible for making financial provision to meet its needs. The Secretary of State for Northern Ireland has similar responsibilities in respect of Northern Ireland.

The Criminal Appeal Act 1995 provides that the Commission shall have no fewer than 11 Commissioners (for further information about the current number of Commissioners and its relation to the provisions of the Act, please see page 11), appointed by the Queen on the recommendation of the Prime Minister, one of whom is appointed as Chair by the Queen.

The transfer of policing and justice functions to the Northern Ireland Assembly

The transfer of policing and justice functions from Westminster to the Northern Ireland Assembly and Executive happened on 12th April 2010. Despite this date falling within the current reporting year 2010/11, the Commission considered it expedient to draw attention to it in last year's Annual Report. The key facts are repeated here for completeness.

The transfer, which introduced some relatively minor changes to legislation affecting the Commission, was effected by subordinate legislation at Westminster, the main statutory instrument being the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010. This legislation means that the Commission retains its statutory function in relation to

alleged miscarriages of justice in Northern Ireland. The relevant unit at the Ministry of Justice remains responsible for sponsoring the Commission in relation to its function in Northern Ireland.

Schedule 6 of the 2010 Order provides that the Minister of Justice in Northern Ireland will consider applications for the Royal Prerogative of Mercy in relation to non-terrorist offences. Paragraph 6 of the schedule formalises the duties of the Commission towards the Minister in this regard under section 16 of the Criminal Appeal Act 1995.

Paragraph 8 of the schedule amends Schedule 1 of the 1995 Act and requires the Commission to give the Minister of Justice in Northern Ireland a statement under the newly created section 16(2A)(b) of the Criminal Appeal Act 1995. It also requires the Commission to send a copy of its Annual Report to the Department of Justice for Northern Ireland for laying before the Northern Ireland Assembly.

Section Two

Directors' report

Commissioners

Commissioners are appointed by the Queen on the recommendation of the Prime Minister. Each Commissioner is appointed for a period of five years and can serve for a maximum of ten years.

At the end of March 2011, there were nine Commissioners, including the current Chair of the Commission, Mr Richard Foster CBE.

In July 2010, David Jessel left the Commission after ten years of service. At that point, plans were in hand with the Ministry of Justice to recruit two new Commissioners to bring the Commission into line with requirements. As reported in last year's Annual Report and Accounts, recruitment was put on hold in light of anticipated budget cuts. As at 31st March 2011 recruitment of new Commissioners remained on hold. However, work will be undertaken to identify optimal Commissioner requirement, and how that can best be resourced, during 2011/12 and a round of Commissioner recruitment is expected to commence later in the year. The Criminal Appeal Act 1995 requires that the Commission has no fewer than 11 Commissioners. However, the Ministry of Justice has agreed that it is appropriate for the Commission to continue for the time being with nine Commissioners and that under statute the validity of decisions made with a reduced membership is unaffected.

During the year 2010/11, the Commissioners were:

Mr Michael Allen
Ms Penelope Barrett
Mr James England
Mr Richard Foster CBE (Chair)
Miss Julie Goulding

Mr David Jessel (until July 2010)
Mr Alastair MacGregor QC (Deputy Chair)
Mr Ian Nichol
Mr Ewen Smith
Mr John Weeden CB

Directors

During 2010/11 the Directors of the Commission were: Mrs Claire Bassett, Chief Executive and Accounting Officer, Mr Colin Albert, Director of Finance & IT, and Miss Karen Kneller, Director of Casework. Together they comprise the Senior Management Team responsible for the day-to-day running of the Commission.

Non-executive directors

The Commission had two non-executive directors during 2010/11. They were Dame Anne Owers DBE and Dr Maggie Semple OBE, FCGI.

Code of best practice

The Commission adopted a Code of Best Practice for Commissioners at its first meeting in January 1997 and undertook to review it annually. The Commission adopted a revised Code of Best Practice for Commissioners in January 2004. The Commission's Code of Best Practice includes a register of Commissioners' interests which is available for inspection at the Commission by arrangement.

Risks and uncertainties

The Commission's systems of internal control have been designed to manage the risks faced by the Commission in order to safeguard its assets against unauthorised use or disposition, to maintain proper accounting records and to communicate reliable information for internal use or publication.

Audit and Risk Committee

This Committee ensures high standards of financial reporting and systems of internal control and reporting procedures. It reviews internal and external audit reports on behalf of the Commission. Until the turn of the calendar year, the Audit and Risk Committee's chair was Mr Terry Price. Since January 2011 the chair has been Commission non-executive director Dr Maggie Semple.

Auditor

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. That 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 far as the Accounting Officer is aware, there is no relevant audit information of which the Commission's auditor is unaware. The Accounting Officer has taken all the steps which she ought to have taken to make herself aware of any relevant audit information and to establish that the Commission's auditor is aware of that information.

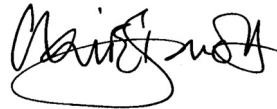
Personal data related incidents

The Commission takes great care to protect personal data relating to applicants, witnesses, victims and others connected with casework, and section 23 of the Criminal Appeal Act 1995 makes it an offence to disclose any information obtained by the Commission in the exercise of its

functions except in very specific circumstances. There were no personal data related incidents in 2010/11, or in any previous year, which had to be reported to the Information Commissioner or were otherwise recorded as being of significance.

Expenses of Commission Chair and Chief Executive

The Commission decided in 2009/10 that it would from then on publish in each Annual Report and Accounts the total expenses claimed in the year by the Chair and the Chief Executive. In 2010/11, Richard Foster claimed a total of £1,460.30 in expenses while Mrs Claire Bassett claimed a total of £1,499.01.



Claire Bassett Chief Executive
30 June 2011

Section Three

Casework in 2010/11

Introduction

The Commission entered the current period of public sector financial austerity having already had its budget cut back significantly in recent years. In fact, allowing for inflation, we have seen a real terms reduction in our funding of almost 30% over the last six years.

This financial position makes it all the more remarkable that we have managed in recent years to maintain and even improve our casework performance. In 2010/11, in spite of having fewer casework staff and, particularly this year, fewer Commissioners, we have again improved in some areas and held our own in others. The fact that we have done so is a tribute to the staff and Commissioners who have worked hard to make sure that we continue to progress cases in a timely manner while preserving the high standard of our reviews. Indications are that our financial situation may get worse before it gets better. We remain determined that, if that is to be the case, there will be no compromise on the quality of our reviews. It may, therefore, be inevitable that our applicants will have to wait longer for their cases to be completed in the future, but we will continue to do our best to minimise this.

The Commission reviewed its business model and its approach to several aspects of casework in 2010/11. The review has led to a number of changes in our case “screening” process, including a reduction in the number of Commissioners involved in that process, and the introduction of Commissioners as Nominated Decision Makers (NDMs) in more complex review cases to facilitate decision maker involvement from an early stage in

case reviews. We anticipate that this will result in improvements to the review process in these cases and minimise duplication of Commissioner effort as the NDM will be able either to take the decision on the case or be part of a decision making committee. These changes were phased-in from the start of the calendar year 2011.

The Commission's performance is monitored using a set of Key Performance Indicators (KPIs). This year we made some changes to these KPIs to make our monitoring more straightforward and transparent.

Time to decision

Our fundamental aim continues to be to review all cases with speed and thoroughness. KPI 1 monitors the average time taken for a case to be dealt with, from receipt of application to the initial decision. Our target is that cases reach initial decision within an average of seven months. Whilst over the year the average in each month has fluctuated, the important indicator is the average over the year. The fact that for most of the year we only narrowly missed our target of seven months reflects the determination of staff and Commissioners to progress cases notwithstanding our funding and consequent staffing difficulties.

Age of next case for allocation

The second measure that we have previously reported on as a specific KPI is the age of the next case due to be allocated. Whilst we no longer measure this as a KPI, we do monitor it closely internally because it is important to applicants as an indicator of how soon a review of their case is likely to begin.

Our A cases are those that are relatively straightforward. We aim for these to be no more than five months old when allocated and we were on target with the oldest unallocated A case at five months at the end of the year.

Our B and C cases are our more complex and usually longer-running cases. For B and C cases where applicants are in custody we also met our target with the oldest unallocated B case being five months old and the oldest unallocated C case being only four months old; the target for both is five months.

We also met or exceeded our targets in relation to B and C cases where applicants are at liberty. At the end of the year our oldest unallocated B at liberty case was at 18 months and our oldest C at liberty case was at 17 months; our target for both is to allocate within 18 months. (This analysis excludes Northern Ireland youth confession cases which are discussed at page 16).

Cases in progress

KPI 2 monitors the number of cases in progress for each category of case and the age of those cases.

In previous years we have focused only on B and C cases. Now, to give a fuller picture, we have included applications categorised as A cases, and cases being dealt with at stage one.

As stated above, category A cases are those cases that seem relatively straightforward. Stage one is the start of our case handling process where staff deal with applications when they first arrive, correspond with applicants and obtain the information needed to take a first look at the case. Stage one includes initial assessment and categorisation of the case by a Commissioner. Stage one is also where, when appropriate, cases are closed without a full review because they are cases where we can see no reviewable grounds or cases where the applicant has not exhausted the usual appeal process and where there are no exceptional circumstances which might make it appropriate for the Commission to review the case prior to an attempt to appeal.

KPI 2 gives us and our stakeholders a profile of cases in progress. Whilst there can be fluctuations month-to-month, the measure which best reflects how we are performing as an organisation is the average over the twelve month period.

Thanks to particular efforts in the early stages of case handling we saw the number of cases in progress at stage one begin to fall and, by the end of 2010/11, there were 105 cases in progress at stage one. Our target was to have fewer than 115 cases in progress at this stage. The average age of cases at stage one was just over four and a half months whereas our target is that cases at stage one should be no older than three months.

A similar picture can be seen for those cases which go on to be categorized as A, B or C cases. For A cases we aim to have fewer than 90 cases in progress at any one time and we were well within that target with 65 such cases in progress at the end of 2010/11. The average age of these cases has remained level at 10.5 months. Whilst the average age is over target by two and a half months, the average is affected by a small number of A cases which are particularly old. These tend to be cases in which there have been complications in obtaining all the material we need from other bodies or where we have reached a provisional decision and we are waiting for, or are dealing with, further submissions. Each of these cases is carefully monitored and action is taken as appropriate.

The number of B cases in progress gradually fell over the last few months of 2010/11 until it reached 103; well below our target of 120. The average age of these cases has remained fairly consistent for much of the year at around 19.5 months which suggests that the target of (less than) 16 months we

set for ourselves may not be attainable given current levels of resource.

B cases are also in many ways the hardest type of case to categorise. They can often turn out to be more complex than first thought so that, with the benefit of hindsight, it looks as though they should have been categorised as C cases. Approximately 5% of B cases are over the target age of the oldest case (set at 36 months). The oldest case, at 64 months, was in fact closed just outside of the 2010/11 reporting period. The next oldest case was at that point more than a year younger.

Again, there are a number of factors at play here including the difficulty addressed above regarding some B cases being more complex than anticipated, waiting for submissions following a provisional decision not to refer, or considering, or carrying out investigations triggered by, further submissions.

For C cases, we have focused during 2010/11 on our older cases and as a result we have been able to reduce significantly the number of C cases in progress to 91; our target is to have fewer than 100.

We aim for the average age of these cases to be less than 24 months. The actual average age has been remarkably level at 34-35 months which suggests our 24 months target was overly ambitious. In respect of the age of the oldest case (target of less than 48 months) our oldest case is 88 months.

Cases categorised as C involve the most complex and time-consuming reviews which can involve s19 investigations (where we appoint a police officer to investigate on our behalf), or where there are overseas enquiries to be made. Our C cases are the hardest to predict in terms of how long reviews will take. The majority of C cases are less than 48 months old. Those which are

older than that tend to involve s19 investigations, to have an international dimension, or to be at the stage where a provisional decision has been sent and where we are waiting for or dealing with further submissions in response.

Caseflow balance

KPI 3 is a measure of the time taken to process cases and shows whether the overall number of cases closed exceeds the number coming in. If it does, then there will be fewer cases waiting to be allocated to case reviewers and if it does not, it will take longer for a case to be allocated for the review to begin. In 2010/11 we closed 14 more cases than we received.

Referrals

We anticipated that our referral rate would this year be lower than in previous years. In 2010/11 we referred 22 cases which is a referral rate of 2.3% of closed cases. Last year we made 31 referrals which was a referral rate of 3.5%. It is difficult when dealing with such small numbers to draw any firm conclusions, and impossible to say yet whether this is a temporary dip or the start of a trend. It is important that undue importance is not placed on our referral rate. However, the Commission is keen that we feed back our experiences into the criminal justice system, and so we are currently exploring this issue. From our internal work so far there appears to be no single reason but a number of factors which have culminated in a lower referral rate in 2010/11 (see analysis of referrals at page 17). We have seen a fall in the number of sentence-only referrals. In 2010/11 there were only three such referrals whereas in 2009/10 there were seven and in 2008/09 there were six.

We have also seen relatively few "multi-handed" cases involving more than one applicant. Although 2010/11 saw two referrals each with two applicants, we have

not seen, as we have in recent years, referral cases involving up to seven applicants.

For reasons discussed below, we have not sent any cases to the Court of Appeal in Northern Ireland when we would usually expect to make several such referrals. Last year we referred four “youth confession” cases and in 2008/09 there were 12 Northern Ireland referrals which included the referral of six linked convictions for a high-profile offence of false imprisonment in 1991.

Northern Ireland

We continue to receive applications from Northern Ireland. Many of these relate to the period of “The Troubles” and, primarily, to the 1970s and 1980s. The review of such very old cases presents its own difficulties and involves the use of considerably greater resources than the review of more recent convictions.

In May 2009 the Northern Ireland Court of Appeal quashed the convictions of Joseph Fitzpatrick and Terence Shiels. These were cases that the Commission had referred to the Court in September 2008 and which involved applicants who were said to have made admissions as juveniles in the absence of an appropriate adult. The Commission referred the cases because it considered that the circumstances under which the alleged admissions were recorded gave rise to a real possibility that the convictions would be quashed.

In 2009, following the Court of Appeal’s decisions in Shiels and Fitzpatrick, the Commission referred four further cases to the Court of Appeal in Northern Ireland on similar “juvenile confession” grounds. These were the cases of Eric Wright, James Henry Brown, Peter Joseph MacDonald and Stephen Paul McCaul. The Court heard argument in those cases in March 2010 and reserved judgment.

The Commission now has 30 applications waiting for review in which issues concerning the interviewing of juveniles in Northern Ireland have been raised, and two such cases are currently under review. Those applications, which include some of the Commission’s oldest cases waiting for review, cannot sensibly be progressed until the Court of Appeal delivers its judgment in the cases of Messrs Wright, Brown, MacDonald and McCaul.

Directions for investigation on behalf of the Court of Appeal

The Commission can be directed by the Court of Appeal Criminal Division to investigate and report on matters arising in first appeals referred to it by the Court under section 23A of the Criminal Appeal Act 1968 and section 15 of the Criminal Appeal Act 1995. In this year we were asked by the Court to investigate in cases involving 13 appellants; one more than in 2009/10.

We appreciate fully the importance of this work to the criminal justice system. As these directions relate to live proceedings they necessarily take priority over our cases waiting to be allocated and can require a significant amount of investigation time. These can be complex, sensitive and demanding pieces of work addressing questions such as the behaviour of jurors.

The Court of Appeal had this to say about the Commission in its Review of the Legal Year 2009/10 which was published in October 2010:

“The relationship between the Court and the CCRC is an important one. Not only does the Court deal with cases referred by the CCRC but the Commission also has an essential role as an independent investigatory body for the Court ...[.]... The CCRC’s powers of investigation was particularly useful in the co-joined appeals of R v Thompson

and others [2010] EWCA Crim 1623, in which the Court gave guidance as to some of the issues which may arise when jury irregularity is alleged...[]... difficult problems arise where allegation of irregularity were made after the verdict was returned. Responsibility for examining such an allegation must be assumed by the Court of Appeal. Where the allegation related to the deliberations of the jury, this was generally forbidden territory but there were two exceptions: where there may have been a complete repudiation of the juror's oath or where extraneous material may have been introduced. In these cases the Court was greatly assisted by the Criminal Cases Review Commission which conducted the necessary enquiries of the jurors."

Analysis of Commission referrals to the appeal courts in 2010/11

(A table of all Commission referrals in this year can be seen on page 60)

Crown Court Convictions

A striking feature of the referrals made over the last two years is that, with the exception of some cases from Northern Ireland, we have not seen large "batches" of referrals such as those which were made in earlier years in connection with "Operation Brandfield", the West Midlands Serious Crime Squad or the Flying Squad at Rigg Approach. The absence of such 'batch' reviews tends to reduce the overall number of Commission referrals. While the fact that such cases seem to be reducing in number is no doubt good news, there is no room for complacency. History suggests that some fresh origin for grouped referrals will arise in due course. This year, sexual offences happen to be the largest single category, with seven referrals made. In one way or another, all of these

referrals depended on new information about the reliability of the complainants or on the reliability of expert medical evidence.

All the other referrals of Crown Court convictions related to matters involving violence. Four were offences of murder, while the remainder included robbery, kidnapping, or making threats to kill. The commonest single factor among these referrals was some lack of disclosure at the time of trial, but we also saw cases of witness retraction, doubts about medical evidence, and fresh evidence indicating that a third party might have committed one of the offences.

Crown Court sentences

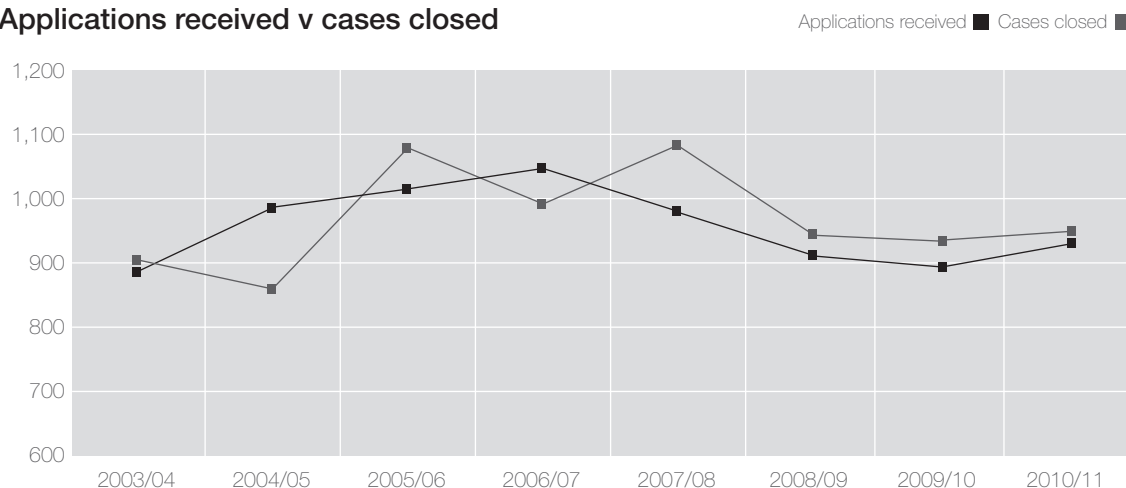
There were only three sentences referred this year. One was a technical matter relating to the calculation of credit for days spent on remand. Another arose from a Confiscation Order relating to tobacco duty evasion. The third stemmed from the victim of sexual offences retracting significant details of her allegations, which arguably had the effect of reducing the seriousness of the offences.

Summary convictions

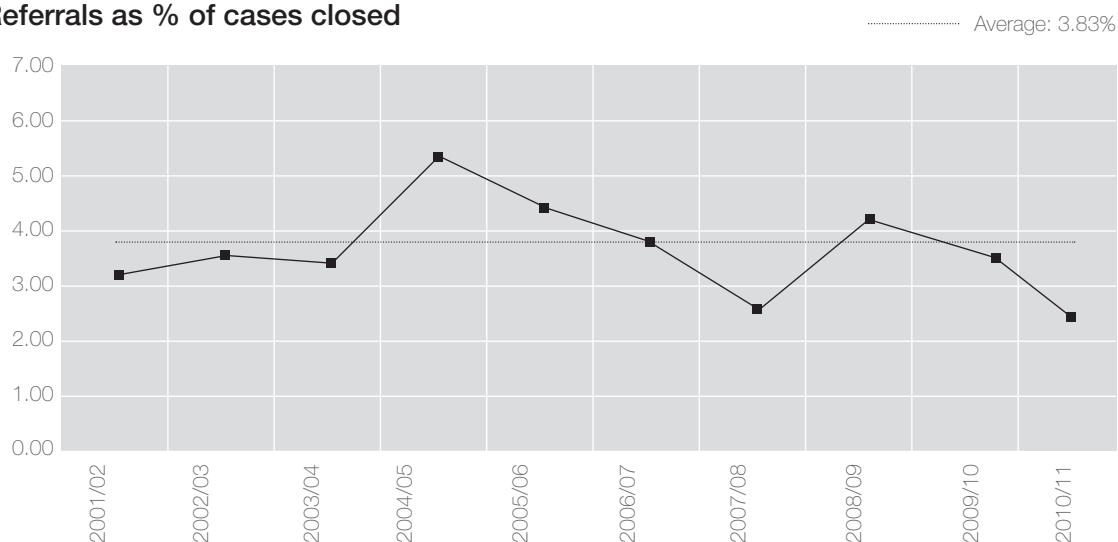
The Commission has reviewed a few cases involving immigration offences. Two cases, involving asylum seekers, were referred to the Crown Court this year on the basis that the court would conclude that there was a real possibility that they were convicted on an erroneous interpretation of the law; and that there had been an abuse of process. These convictions were quashed in December 2010.

In another summary case, the applicant was convicted at a Youth Court of possessing a false identity document with intent. The applicant had been trafficked into the UK and forced to work as a prostitute, but had managed to escape her captor. She was arrested trying to leave the country using a stolen passport. We referred the case

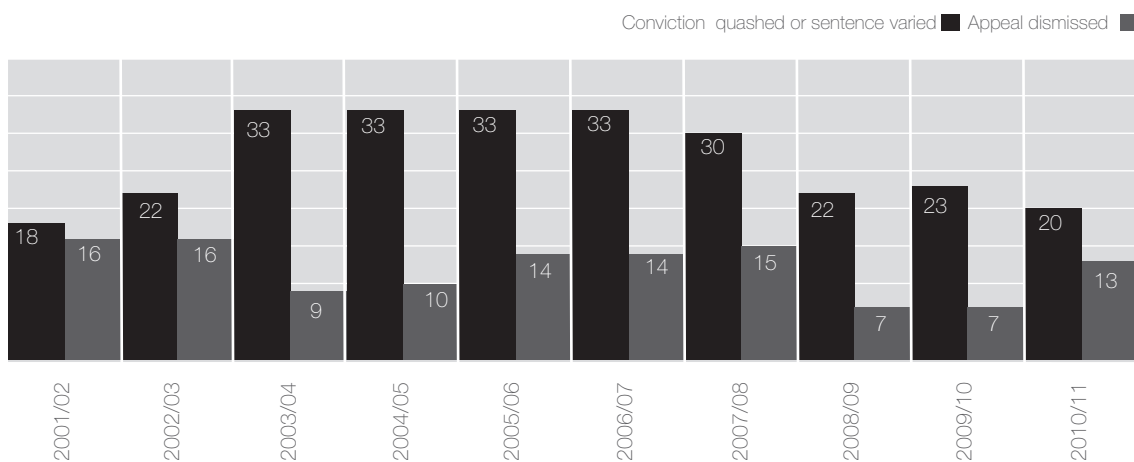
Applications received v cases closed



Referrals as % of cases closed



Outcome of referrals heard



because we considered that the appeal court would decide that she had acted under a 'nexus of compulsion' (as defined in the case of *R v LM, MB, DG, Tabot and Tijani* [2010] EWCA Crim 2327) and that therefore there was a real possibility that it would quash the conviction.

Analysis of appeal court decisions in 2010/11

(See table on page 61)

The referrals which came to be dealt with by the courts during 2010/11 had been referred by the Commission over several years, but few of the referrals made in 2010/11 reached the courts in the same year.

Conviction appeals

The tail ends of two prominent previous themes showed up again briefly in 2010/11. One was the London City Bond case of Donald Lowen who was convicted of involvement in excise diversion fraud (*R v Lowen* [2010] EWCA Crim 1854). The other was the case of Sultan Shah (*R v Sultan Shah* [2010] EWCA Crim 2326) which was an "Operation Brandfield" case stemming from the Pakistan Controlled Delivery cases. Both convictions were quashed.

Otherwise, there was a notable absence of grouped cases arising from single issues. Most of the appeals were classic individual cases turning on their particular circumstances. But it is still possible to detect occasional common factors. There is no doubt that the way in which expert evidence is presented to juries, and the weight that is attached to it, will become an increasingly important feature in appeals. In this respect, we have found it helpful to be able to share knowledge and experience with the Forensic Science Regulator and his staff who have offices within our building.

Examples of the ways in which expert evidence has come before the Court this year as a result of Commission referrals include:

- the re-assessment of the extent to which medical evidence can be diagnostic of sexual abuse, following the report entitled "*The Physical Signs of Child Sexual Abuse*" issued by the Royal College of Paediatrics and Child Health in 2008 – *R v Cooper* [2010] EWCA Crim 1379, *R v Mockford* [2010] EWCA Crim 1380, *R v Aston* [2010] EWCA Crim 3067;
- professional criticism of an expert (*R v Noye* [2011] EWCA Crim 650);
- evidence relating to whether informal confessions made by an appellant might have been unreliable (*R v Kenyon* 2010] EWCA Crim 914);
- methods of comparing fibres (*R v Hall* [2011] EWCA Crim 4), and
- neurological evidence affecting fitness to plead (*R v Sharif* [2010] EWCA Crim 1709)

It often seems to surprise observers that so few Commission referrals are based on DNA evidence. The two cases from this year which turned on DNA evidence help to explain why such evidence is not always determinative of outcome as it is often imagined to be.

- In *R v Pluck* [2010] EWCA Crim 2936 the Commission had found that the appellant's DNA was not present on some cigarette-ends left at a murder scene, even though they had formed part of the Crown's case against the appellant. Nevertheless, the Court of Appeal held that the remaining evidence against the appellant left no doubts as to the safety of the conviction.
- In *R v Earle* [2011] EWCA Crim 17, the Commission had shown that a murder victim's DNA was associated with bloodstains on the shoes of a witness, who had denied wearing them at the

murder scene. This could have suggested that the witness was unreliable, or had even played an active role in the death, as the appellant had claimed at trial. Again, the Court of Appeal found that in the context of the wider evidence in the case, the significance of the DNA evidence was insufficient to render the conviction unsafe.

The issue of the reliability of complainants in sexual cases, which was mentioned in relation to Commission referrals made this year, also arose in several of the appeals heard by the Court during 2010/11.

- *R v Cooper* [2010] EWCA Crim 1379, *R v Mockford* [2010] EWCA Crim 1380, and *R v Aston* [2010] EWCA Crim 3067, listed above in connection with medical evidence, also fall into this category.
- In *R v North* [2011] EWCA Crim 88 the fresh evidence of unreliability emerged from the files of Social Services and the Criminal Injuries Compensation Authority examined by the CCRC.
- In *R v Leighton* [2011] EWCA Crim 311 it took the form of a later trial in which the prosecution had decided it could not rely on the complainant as a witness of truth.
- Unusually for a sexual case, the fresh evidence in *R v Nkiwane* [2011] EWCA Crim 347 consisted of two eye-witnesses who had seen at least some of the activity and could confirm the appellant's account of consent. At the time of the trial neither party had been able to trace these witnesses.
- Not all such references resulted in convictions being quashed. In *R v Callaghan* [2010] EWCA Crim 2725 the fresh evidence related to later motor insurance frauds in which the complainant had played a part, but the Court of Appeal held that this could not have had enough impact on her trial evidence to affect the safety of the conviction.

R v Leighton is also of interest because the Court of Appeal took the trouble to comment that it agreed with the Commission's conclusion that exceptional circumstances existed justifying a reference even though there had been no previous appeal, because the fresh evidence could not have emerged without the use of the Commission's statutory powers. The Court was, however, less affirmative about exceptional circumstances in the case of *R v Callaghan*.

The differing tests which have to be applied by the Commission on the one hand, and the Court of Appeal on the other, were well illustrated in the 'fresh evidence' case of *R v Walla* [2010] EWCA Crim 1168. The Commission obtained statements from two people whose accounts tended to exonerate the appellant, a woman convicted of an assault in a nightclub. The Commission had felt the new evidence raised a real possibility that an appeal would succeed, but at the hearing itself the three judges were unconvinced that that evidence was capable of belief.

As always, several cases turned on miscellaneous points of law, procedure and evidential interaction.

- *R v Arden* [2011] EWCA Crim 578 and others concerned differences in the way the Crown's case was presented in three trials arising from the same alleged turf war within the Manchester drugs world. Part of the way through the Commission's review of one applicant's conviction, the Court of Appeal itself granted leave to appeal to a co-accused on closely related grounds. In the event, however, none of the convictions were held to be unsafe.
- *R v S* [2010] EWCA Crim 2630 concerned the way that 'bad character' evidence (later shown to have been unreliable) might have affected the jury's view of the balance between the

credibility of the appellant and the complainant in a sex abuse case.

- In *R v Francis* [2011] EWCA Crim 375 the Court of Appeal took great care in considering the separate impact on each of three counts when it emerged that a police officer's evidence was not as reliable as it had appeared to the jury: one count was quashed, but two were upheld.

The Commission also makes referrals to the Crown Court in relation to convictions in magistrates courts. One such case reached appeal in 2010/11. This was the case of Besnik Qema whose conviction for supplying cocaine and possessing a false passport arose out of a "sting" operation by *The News of the World*, which involved a journalist popularly known as "the fake sheikh". The successful appeal which resulted from the Commission's referral was heard in September 2010 and was uncontested by the prosecution.

It seems to be rare for a year to pass without at least one conviction of considerable age coming before the Court of Appeal on a referral from the Commission. The Court has expressed surprise in the past that we have seen fit to refer some older cases, and so, on referring the case of *R v Luckhurst* [2010] EWCA Crim 2618 (a conviction from 1966), the Court was invited by the Commission to comment on the way the Commission had exercised its discretion. The Lord Chief Justice declined to do so, beyond suggesting that the Commission should be looking for an additional positive justification for referring historic cases, rather than leaning towards making a reference simply because a 'real possibility' had been found that the conviction would be quashed. He commented that the Court itself would not have extended the time limit for an appeal had that option been open to it in the particular case.

Sentence appeals

Only three sentencing issues were considered by the courts during the year as a result of Commission referrals.

The case of *R v Rowbotham and others* [2010] EWCA Crim 978 turned on a technical point about liability for duty or VAT on imported tobacco. Although the appellant had been arrested while driving a vanload of cigarettes on which the duty had been evaded, he himself would not have been liable to pay the duty, and so was not liable for the confiscation order which had been made.

One case was a very brief technical correction relating to days served while on remand in custody. This case served to demonstrate that a referral can be made within days of an application being received if the grounds are sufficiently clear-cut (*R v Calder* [2011] EWCA Crim 750). It seems that the Court's pragmatic solution (in *R v Gordon & others* [2007] EWCA Crim 165) to one of the many problems caused by recent sentencing legislation has probably reduced the previous flow of such sentence referrals to a trickle.

The other, however, was a matter of some public importance. It was the case of *R v F* in which the Commission referred the 30 month custodial sentence imposed on an 11-year-old boy convicted of anal rape. As a consequence of the length of the custodial sentence, F also faced a mandatory requirement to remain on the sex offenders register for the rest of his life. The Commission referred the sentence in October 2008 and the Court dismissed the appeal in January 2009. The matter eventually found its way to the Supreme Court in April 2010 (*R v F* [2010] UKSC 17, on appeal from 2009 EWCA Civ 792). Their Lordships ruled that the absence of a mechanism by which life-long sex-offender notification requirements could be

reviewed represented a breach of Article 8 of the European Convention on Human Rights.

Military cases

The Armed Forces Act 2006 inserted new sections and amendments into the Criminal Appeal Act 1995 and the Court Martial Appeals Act 1986 which extended the jurisdiction of the Commission to cover convictions and/or sentences arising from the Court Martial or Service Civilian Court after 31st October 2009. The Commission has not yet received any applications in relation to these responsibilities.

Royal Prerogative of Mercy

Section 16 of the Criminal Appeal Act 1995 gives the Commission two areas of responsibility relating to the Royal Prerogative of Mercy. One is to recommend the use of the Royal Prerogative where the Commission sees fit. The other is to respond to requests from the Secretary of State in relation to the use of the Royal Prerogative.

The Commission has seldom had reason to use the powers available to it under this section of the Act. However, during 2010/11 the Commission used section 16(2) to recommend the use of the Royal Prerogative in relation to the sentence of an applicant who had provided valuable help to the authorities after sentence and appeal.

Judicial Reviews

Applications for judicial review are handled by the Administrative Court sitting at the Royal Courts of Justice in London and, more recently, in a few regional court centres. Following a successful judicial review of a decision taken by the Commission, the Administrative Court can require us to revisit the decision in question. During the year the Commission was the subject of 21 applications for permission to bring judicial review proceedings, and ten pre-action letters that have not yet resulted in any further

applications. That compares with 22 such applications in 2009/10. However, eight of this year's challenges stemmed from just three cases. As in previous years, the majority sought to challenge our decision not to refer convictions to the appeal courts.

In 2010/11 four cases related to our decisions not to accept reapplications on the basis that they raised nothing new, or not to accept an application where there had not yet been a first appeal. One case related to the level of disclosure we provided at the end of a review, one related to our interpretation of the law on Confiscation Orders, and one challenged our decision not to pursue any further a particular line of investigation.

Permission for a judicial review to proceed was granted in the case of Raymond Morris, who had been convicted of the 'Cannock Chase murders' in 1969. However, in a detailed judgment Mr Justice Simon dismissed the claim.

A number of last year's claims were brought to an end during 2010/11. These included the challenge to our decision that there was no real possibility that a distant cousin of Dr Crippen would be approved by the Court of Appeal to act on his behalf. Permission was refused on the papers in July 2010 by a Single Judge, and the application was not renewed to the full court. Another of last year's claims was settled by way of a consent order when the Commission agreed to reconsider the review in the light of observations made by the Single Judge when granting permission. Otherwise, outstanding claims from the previous year were refused permission.

Complaints to the Commission in 2009/10

During 2010/11 the Commission received a total of 66 complaints. While this represents a 22% increase in the number of complaints received in 2009/10, the number of individual complainants actually fell as compared with last year. In 2009/10 a total of 51 complainants generated 55 complaints whereas in 2010/11 there were 50 complainants, 16 of whom complained more than once. It is also worth noting that five applicants who made a complaint this reporting year had also made a complaint in the previous year.

A complaint is counted as upheld if any aspect of the Commission's handling of the case is found to be deficient regardless of whether the deficiency had any impact on the outcome of the case. A total of five complaints (8%) were upheld during 2010/11. In the previous year the Commission upheld 16% of complaints. Our commitment is to acknowledge complaints within ten working days of receipt. In 2010/11 the average response time for complaint acknowledgements was four working days. In 2009/10 it was three working days. The time needed to investigate a complaint depends on the nature and complexity of the issues raised. Because of this the Commission does not set a specific time limit on complaints investigations, but we do aim to complete investigations within 20 working days. In 2010/11, the average time taken from receipt of a complaint to the issuing of a substantive response was 19 working days. In 2009/10 it was 20 working days.

Our complaints procedure has two stages. Most complaints are dealt with at stage one by the Customer Services Manager. In the event that a complainant is not satisfied with the response provided, there is a second stage where the handling of the complaint at stage one is considered by the Chief Executive or by a non-executive

director. Ten complaints (15%) moved to stage two of the procedure in 2010/11. Last year only 4% of complaints moved to stage two. We believe that the increase is due largely to the provision of clearer information about stage two of the complaints process in a revised complaints leaflet that came into use in 2010/11.

As in previous years, the majority of complaints (74%) arose after the final decision stage of a case. Most of the complaints received at this stage related to the Commission's conclusion that there were no grounds on which to refer the case to the relevant appeal court. The vast majority of complaints are made by applicants on their own behalf with only a small handful made by family members or other representatives.

Allegations that the Commission has unfairly discriminated against an applicant are taken very seriously and recorded separately in the complaints register. In 2010/11, ten separate complainants (20%) alleged that they had been discriminated against by the Commission on the grounds of their ethnicity or because of a disability. In 2009/10 three complainants (6%) raised concerns of this nature.

The issue of effective and timely communication by the Commission is frequently raised by complainants and four of the five complaints upheld in 2010/11 related to the way in which we had communicated with applicants. In order to address these issues, the Commission has taken action to improve the way in which it communicates with applicants. A group led by the Customer Service Manager has considered various aspects of communication with applicants and as a result we expect in 2011/12 to see improvements in the quality, clarity and regularity of information supplied to, and individual correspondence with, applicants and potential applicants.

Section four**Resources****People**

There were 37 Case Review Managers at work at the Commission at the close of the reporting year 2010/11 - equating to 35.6 full time equivalent (FTE). At the same point in 2004/05 it stood at 42.0 FTE. At the end of March 2011, the Commission also employed two people in the new role of Assistant Case Review Manager, but one of these was a temporary fixed term post.

We have seen a significant reduction in the number of Commissioners in recent years. At the end of 2010/11, Commissioner capacity stood at 7.9 FTE. At the same point in 2004/5 it stood at 11.7 FTE.

During 2010/11 the Commission carried out a review of its administrative operations. As a result of that work it was decided to reduce the number of administration staff. In January 2011 we embarked on a consultation programme in relation to proposals for the re-organisation of the whole of casework and business support functions and a proposed voluntary redundancy scheme. This process resulted in five staff agreeing to be made redundant on a voluntary basis and notices of redundancy were issued accordingly on 28th March 2011.

In March 2011, Ralph Barrington, one of our two investigations advisers, retired. Financial constraints mean that the Commission currently has no plans to fill this vacancy.

The Commission has continued to run its ongoing legal training programme for casework staff. We have also provided equality and diversity training for all managers and staff in order to support the introduction of a new equality scheme and diversity

policies at the Commission. We also started carrying out Equality Impact Assessments on our current policies and a special Equality Impact Assessment training programme was provided in March 2011 to assist staff involved in the process.

We continued to work on reducing sickness absence. A new absence management policy introduced in April 2010 has helped improve the Commission's performance in this area. As at the 31st March 2011, the average sickness absence was 6.6 days per person (FTE), marginally better than our KPI target of seven days per person and almost two days better than it was at the same point in 2010 (see KPI 7 on page 63). A large proportion of the sickness absence total is accounted for by a small number of staff suffering long-term illness.

The staff appraisal system was launched in 2010 and full appraisals for all staff took place at the end of April that year. A review of the new system was made following these first appraisals and some amendments were made to the system. Appraisals are now carried out with all staff annually with an interim discussion in October.

In 2010/11 the Commission introduced a new Human Resources IT system called Snowdrop. All staff can now access their own records and use the system to book leave and change their own personal details when necessary.

In September 2010 the Commission conducted a staff survey to which 77 staff responded. When compared with the results of the previous survey carried out in March 2009, the responses showed significant improvement in many areas including staff morale and internal communications. Some 97% of respondents said they understood how their work contributes to the success of the Commission and 92% said they were

proud to work for the organisation. Internal communications measures have vastly improved; in 2009 only 28% of staff felt that the Commission did a good job of keeping them informed but in the 2010 survey that figure had grown to 71%. Some areas remain in need of further work and we aim to take action to improve where we can. A plan to do so has been developed and is being progressed through the Internal Communications Group.

IT

The continuing provision of a secure and stable IT environment that meets the business needs of the Commission remains a key objective.

During the year, replacement of our ageing (eight year old) estate of desktops was completed. This should ensure that desktops operate satisfactorily with planned software upgrades for the foreseeable future. Other parts of the hardware infrastructure were also replaced as they became obsolete and unsupported by manufacturers.

Some significant software upgrades were also undertaken to ensure that the products we operate continue to be supported. The upgrades included server operating systems, office suite and our document management system.

A pilot was undertaken to test new secure remote access equipment. This proved to be successful, with a planned implementation of Citrix to ensure good response times. Remote access will be made available to staff in the forthcoming year where the type of work warrants it. This will improve flexibility and reduce the impact of moving to offices with less floor space.

Towards the end of the year, a large amount of IT resource was directed to planning for the move to new offices at 5 St Philip's Place. It is a tribute to the IT team and Steria, our managed service partner, that the move was effected without any unplanned interruption to our IT services.

Financial Resources

The Commission is funded entirely by means of Grant in Aid from the Ministry of Justice, which is a cash grant. However, financial control is mainly exercised by means of delegated budgets. These are divided into three categories. The Resource Departmental Expenditure Limit (RDEL) covers most cash expenditure, but also includes depreciation; Resource Annually Managed Expenditure (RAME) covers movements in provisions; and Capital Departmental Expenditure Limit (CDEL) is for expenditure on non-current assets which are capitalised. The classification of individual lines of expenditure under these budgets was changed in the current year as a result of the government 'clear line of sight' project to align the different estimate, accounts and budget regimes previously in place.

At the time of writing the Commission has received an indicative budget for its 2011/12 RDEL, and understands that it is unlikely to receive any CDEL budget at all. The table overleaf shows a comparison of budget figures for the current year, the previous five years and the next year. In the absence of any further information it has been assumed that our RAME allocation for 2011/12 will be the same as for the current year.

During the current year the Commission was required to find in-year savings of £199k (3.1% of near-cash budget) under the emergency budget introduced as part of the government's national deficit reduction

strategy. Other spending restrictions were also introduced which meant that some planned projects were cancelled.

The principal risks and uncertainties which the Commission faces when planning and managing its financial resources concern the number and type of applications received, the Commission's ability to recruit and retain expert staff, the provision and maintenance of appropriate IT systems and the level of funding received. This last risk has assumed greater prominence in the light of the current economic conditions and the steps being taken by HM Treasury to reduce the country's deficit. The Statement on Internal Control on pages 39 to 41 describes how these risks and uncertainties are managed.

The cash Grant in Aid received from the Ministry of Justice in the year was £6.31m (in 2009/10 it was £6.78m). In accordance with government accounting rules which require Grant in Aid only to be drawn when needed, the Commission aims to maintain its monthly end of period cash balances below £200k. This is used as an internal indicator to measure the effectiveness of the Commission's cash management. The target was achieved for eight months in the year. However, the average month-end balance during the year was £157,000.

Financial performance

The primary indicator of financial performance is expenditure measured against the respective elements of the

delegated budget. The Commission's actual expenditure compared with budget is shown in the table on page 27. Total actual resource expenditure for the year of £6,169k represents net expenditure after interest as shown in the Statement of Comprehensive Net Expenditure on page 44.

Financial performance as measured by expenditure against budget is one of our KPIs. The KPI targets are that for each of RDEL, RAME and CDEL, expenditure should not exceed budget, nor fall below budget more than a specified amount or percentage of the budget. Actual expenditure in 2010/11 was below budget by more than the target amount in all categories except for CDEL. For RDEL, the underspend was partly the result of spending restrictions imposed as part of the emergency budget in 2010, and partly because contingent events budgeted for did not materialise. For RAME, there was a significant reduction in the value of the provision for Commissioners' pensions arising from the change in linking future pension increases to CPI rather than RPI announced recently by the government. In addition, a new provision was created in respect of the remaining costs of the lease on the old office in Alpha Tower from the date of the Commission's move to new offices to the date the old lease was determined. This effect of the change in linking future pension increases to CPI was a reduction in liabilities of £571k which has been treated as a negative past service cost. This has changed what would otherwise have been a charge in the accounts to a net credit.

	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12
	£000	£000	£000	£000	£000	£000	£000
RDEL	7,511	7,120	7,051	6,885	6,781	6,471	6,050
RAME	314	553	370	486	399	394	394
CDEL	163	56	90	95	348	205	0
TOTAL	7,988	7,729	7,511	7,466	7,528	7,070	6,444

Note: previous years budgets have been adjusted to reflect the reclassification of certain budget lines, and the removal of notional cost of capital, arising from the government's 'clear line of sight' project

Financial statements

The accounts for the year ended 31 March 2011 are set out on pages 44 to 59.

The Statement of Comprehensive Net Expenditure on page 44 shows total expenditure for the year of £5.95m (2010 - £6.60m). Staff costs show a decrease from £4.53m in 2009/10 to £3.88m in the current year. This is mainly explained by not filling vacancies during the year, including leaving two Commissioner posts unfilled following one resignation and one retirement. Other expenditure fell marginally from £1.98m in

development and software, and totalled £200k. The dilapidations asset in respect of the provision made for returning the offices occupied by the Commission back to their original condition at the end of the lease was reduced to reflect the expected actual cost. The net book value of non-current assets at the end of the year stands at £470k (2010 £423k).

The value of non-current liabilities has reduced significantly in the year. The pension liabilities reduced both as a result of the change to the indexation of future pensions mentioned above, and also as a result of actuarial gains

	2010/11			2009/10		
	Budget	Actual	Variance	Budget	Actual	Variance
	£000	£000	£000	£000	£000	£000
RDEL	6,471	6,291	(180)	6,781	6,521	(260)
RAME	394	(122)	(516)	399	312	(87)
Total resource	6,865	6,169	(696)	7,180	6,833	(347)
CDEL	205	204	(1)	348	270	(78)
TOTAL	7,070	6,373	(697)	7,528	7,103	(425)

Note: comparatives have been adjusted to reflect the reclassification of certain budget lines, and the removal of notional cost of capital, arising from the government's 'clear line of sight' project

2009/10 to £1.92m in the current year. Decreases arose as a result of one-off expenditure in the previous year working itself out of the figures, and also as a result of efforts to contain expenditure as part of the austerity measures introduced by the government. These were largely offset by the provision made for the remaining costs of the lease on Alpha Tower, which is now regarded as an onerous contract as the office move was completed in April 2011 before the lease ended.

Investment in non-current assets during the year was mainly in respect of IT hardware,

generated largely by the change in the discount rate used to value the liabilities. This has resulted in a reduction of non-current liabilities from £5.99m last year to £5.43m in the current year. The Statement of Financial Position on page 45 now shows overall net liabilities of £5.01m (2009 £5.57m). The net liabilities largely fall due in future years, and will be funded as necessary from future Grant in Aid provided by the Ministry of Justice. As a result, it has been considered appropriate to continue to adopt a going concern basis for the preparation of the accounts. This is discussed further in the Accounting Policies note on page 48 to 49.

	Target				Actual	
	Amount		Budget %		Amount	Budget %
	≤	≥	≤	≥		
Resource:						
RDEL	£0	-£135k	0%	-2%	-£194k	-2.8%
RAME	£0	-£15k	0%	-2%	-£462k	-131.0%
Capital CDEL	£0	-£15k	0%	-12.5%	-£1k	-0.5%

Compliance with public sector payment policy

The Commission follows the principles of the Better Payment Practice Code. The Commission aims to pay suppliers wherever possible within 10 days. Where this is not possible, the Commission works to targets to pay suppliers in accordance with either the payment terms negotiated with them or with suppliers' standard terms (if specific terms have not been negotiated).

Performance has exceeded our 95% target in terms of value, but has narrowly missed the target in terms of number (see table below). The issues causing this slight deterioration from the previous year have been identified and addressed.

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

The average credit period taken for trade purchases is calculated by expressing trade and capital payables as a proportion of the total value of supplier invoices in the year, multiplied by the number of days in the financial year. This period is 5.5 days for the current year (2010 23.7 days)

Legal advice line

The Commission operates a free expert advice telephone service for applicants and potential applicants, their supporters and representatives. This is a significant draw on the time of experienced casework staff who take the calls and provide advice, but it is an important service for applicants and potential

applicants. During 2010/11, staff working on the advice line rota logged more than 500 calls providing advice on issues ranging from how to apply to the Commission to legal procedures and rules on the admissibility of evidence.

Environmental performance

The Commission aims to minimise the environmental impact of its operations wherever possible.

Our consumption of electricity fell from 329,700KwH in 2009/10 to 302,146KwH in 2010/11 – a reduction of 27,554KwH or 8.36%. We continue to buy our paper only from recycled and sustainable sources and overall we used less paper in 2010/11 than we did in 2009/10. Where possible we recycle paper, toner cartridges and other materials. The pilot scheme to recycle glass and aluminium at the Commission launched in 2009/10 continued in spite of the fact that volumes of both were very low.

At the end of April 2011 the Commission moved its offices from Alpha Tower to 5 St Philip's Place in Birmingham city centre. Alpha Tower was constructed between 1965 and 1970 to the standards of the day. The Commission's new home at 5 St Philip's Place was built in 1999 and has far better environmental credentials than Alpha Tower. The keepers of St Philip's Place measure a range of environmental performance data relating to the premises and will provide the necessary information for the Commission to monitor its own offices and to meet the

	2010-11		2009-10	
	£000	Number	£000	Number
Total invoices paid in year	2,316	1,663	2,324	1,991
Total invoices paid within target	2,236	1,562	2,282	1,923
Percentage of invoices paid within target	96.5%	93.9%	98.2%	96.6%

statutory requirements of the HM Treasury's Public Sector Sustainability Reporting which are due to come into force for the Commission's Annual Report and Accounts for 2011/12.

Records and information management

The proper management of records plays a crucial role in the work of the Commission. Our records are subject to the Public Records Acts of 1958 and 1967 and we act in accordance with the requirements of those acts and in consultation with the National Archives in the way we create, use, manage and preserve or destroy records. We operate a retention and disposal schedule which sets out a programme for appropriately managing all paper and electronic records in our possession. We keep paper casework records for three months and keep our own electronic casework records for ten years.

Section five

Corporate

Planning and monitoring

Performance at the Commission is monitored by reference to a set of Key Performance Indicators (KPIs). The KPIs in use for the reporting year 2009/10 are set out on pages 62 to 63 of this report. The Senior Management Team monitor these KPIs and they are considered at every meeting of the Executive Scrutiny Committee and every meeting of the full Commission Board. Information on performance, including KPIs, is provided as part of the management information pack which is a standing item on the agendas of all management and Commission meetings.

Governance changes

During 2010/11 the Commission undertook a major review of its governance structures. As a result, new Board arrangements were introduced from 1 January 2011. These changes have allowed the Board to meet quarterly rather than monthly and have freed-up valuable resource and improved corporate decision making while continuing to ensure that all aspects of the Commission's activity are properly considered by the Board and its dedicated sub committees.

Select Committee evidence

In 2011, the Justice Select Committee asked the Commission to provide an update on progress at the Commission since our last appearance before the Committee in March 2009. The Commission's memorandum, submitted in February, covered the improvements at the Commission evidenced

by two staff surveys; the continued good relationship with the Court of Appeal and the growing demands of our role as an investigative body for the Court, the increasing amount of research facilitated by access to Commission material; developments with the Commission's website and engagement with our various stakeholders.

The memorandum explained that in spite of budget reductions our performance has improved since our last appearance before the Committee and that our workload has remained steady during that time. It outlined our observations in relation to the types of case we were receiving and the types of issues giving rise to referrals. It also explained the situation with regard to a range of other casework issues including juvenile confession cases in Northern Ireland, complaints handling and internal quality assurance work carried out by the Commission.

Other sections of the Commission's memorandum updated the Committee on the arrival in November 2009 of Chief Executive Claire Bassett and of two non-executive directors in 2010. It also mentioned the major review of the Commission's governance structures and subsequent changes to Board arrangements, and the review of the Commission's business model and approach to casework (see pages six and 13 of this report).

The Commission's memorandum also explained that: our budget has been reduced over the past six years by nearly 30% or £2.6 million in real terms; we put on hold plans to recruit new Commissioners; we made a round of redundancies and anticipated further, voluntary, redundancies; we implemented strict spending controls and reviewed all areas of expenditure; and our

change of premises will save the Exchequer £1.5 million over three years.

The Commission was approached in January 2010 by the Science and Technology Select Committee and invited to make representations to it in relation to plans to abolish the Forensic Science Service (FSS). The Commission provided its comments identifying what it sees as some of the main risks to its ability to function effectively and the significant risks to the wider criminal justice system arising out of the decision to close the FSS. The Commission also drew attention to what it considered to be a number of opportunities arising from the proposals which may in the longer term improve forensic services. The full text of the Commission's submissions to the committee can be seen at:

<http://www.publications.parliament.uk/pa/cm201011/cmselect/cmsctech/writev/forensic/m83.htm>

Communications

The Commission recognises that good communication is the key to building appropriate informed awareness of its role across a range of audiences including applicants, potential applicants and their representatives, lawyers, criminal justice bodies and other stakeholders.

The Commission has adopted a strategy of more open and active public engagement. Relations with the media are important because coverage of the Commission by the news media is the principal way in which people learn about the Commission and form opinions about the value of our work. In 2010/11 we continued to issue a press release in relation to every referral and some other significant events. We continue to work with members of the media to ensure fair and accurate reporting of the Commission,

to correct inaccuracies where appropriate and to respond constructively to criticism. During 2010/11 we also started to take a more deliberate and proactive approach to generating media coverage and have sought appropriate opportunities to raise awareness of our work and promote the Commission as a professional, expert, independent body performing an important and necessary role in the criminal justice system.

This has meant that as well as news coverage of some high profile cases, such as that of Jeremy Bamber, we have seen some further coverage of the role of the Commission in its own right, most notably in *The Times*, in *The Guardian* and on BBC Radio 4. There have also been several articles in *Inside Time* newspaper (distributed in prisons) and in specialist publications such as *SAFARI* newsletter which supports the campaign group FACT (Falsely Accused Carers and Teachers).

We should continue into 2011/12 and beyond to seek appropriate opportunities to raise informed awareness of the Commission and its role across a range of mainstream and specialist media including print, web and broadcast.

Website

In last year's annual report we said that the launch of the Commission's redesigned website had been postponed because of the General Election in May 2010. We had hoped that the new website, created to give the Commission an effective, distinctive and modern web presence designed to meet the latest standards of accessibility, would go live soon after the election. However, it emerged that the new Government had decided to insist on the closure of the websites of many arms length bodies and to replace them with pages on the overarching Government

website direct.gov.uk and, in the case of the Commission, with material on the new justice.gov.uk website. The Commission sought exemption from the process but was unsuccessful. As this annual report was being produced the Commission was still seeking clarification from the Ministry of Justice as to the look, content and function of the alternative pages on justice.gov.uk. The Commission remains concerned about the impact that the loss of its own dedicated website may have on perceptions of its independence from the Government, and about whether or not the proposed alternative will be able adequately to meet all needs in relation to access to information about our work.

Stakeholder engagement

The subject of miscarriages of justice attracts passionate interest from various quarters and the Commission benefits from lively relationships with a range of stakeholders and critics.

Our strategy of open, active public engagement has been specifically designed to include those groups of stakeholders with a particular interest in miscarriages of justice. The Commission's move to 5 St Philip's Place in April 2011 offers a welcome opportunity for us to realise our ambitions in this regard. Following a successful stakeholder conference held at a hired venue in Birmingham in March 2010, the Commission aimed to stage similar events in the future. However, a Ministry of Justice prohibition on spending on conference activity meant that these plans had to be shelved. The Commission's new home at St Philip's Place in the city centre is well equipped with on-site conference facilities that will allow the Commission to hold substantial events at minimal cost. This means that we can now press on with a

programme of events including a free casework workshop aimed at law students and others involved in pro bono projects, or with a particular interest in miscarriages of justice. A second stakeholder conference to build upon the success of the 2010 event is also being planned and we look forward to organising regular events at which we can engage with various stakeholder groups.

In November 2010, the Commission hosted a modest but constructive tripartite meeting involving our counterpart organisations from Scotland and Norway. This annual fixture usually takes the form of a conference organised in turns, by ourselves, the Norwegian Criminal Cases Review Commission (Kommissjonen for Gjenopptakelse av Straffesaker) and the Scottish Criminal Cases Review Commission in order to exchange ideas and experiences in relation to tackling miscarriages of justice.

The role and work of the Commission is often of interest to other jurisdictions. In September 2010 Commission Chair Richard Foster attended, at the invitation and expense of the US Government, a two-day International Perspectives on Wrongful Convictions Workshop in Washington where he took part in discussions about how the US currently deals with alleged miscarriages of justice and how it might do so differently.

We have also continued to provide speakers and lecturers for various events around the country. In 2010/11 these included visits to universities and law schools at Cardiff, Leeds, and Northumberland. In May 2010 Commissioner Penelope Barrett and Chief Executive Claire Bassett spoke together at the Criminal Appeals Conference. In November 2010 Commissioner John Weeden addressed a conference at Shewsbury Crown Court organised by a local chambers. In March 2011, Chief Executive Claire Bassett and Commissioner

Ewen Smith attended two events at the Innocence Week organised by students from the Pro Bono Scheme at Cardiff Law School. Mr Smith and Mrs Bassett took part in a private session to discuss miscarriages of justice issues with students and then joined others for a public "Question Time" style debate. Commissioners and staff have also attended a range of other relevant events during the year and we have hosted visits to the Commission by representatives from several stakeholder groups.

We aimed to visit six prisons in 2010/11 in order to raise informed awareness of the Commission among the prison population. The availability of time and resources meant that in fact only two visits were completed in the reporting period. Both these visits were useful and informative and reinforced the rationale for the Commission's prison visits which will continue with renewed vigour in 2011/12.

Our wider contribution

The Commission is routinely represented at various criminal justice forums including meetings of the Criminal Justice Council and the Court of Appeal User Group.

Commissioner Julie Goulding is also a member of the Forensic Science Advisory Council and Commissioner Ewen Smith chairs the Forensic Science Regulator's end user group.

The Commission has set its sights on allowing appropriate access to its accumulated casework records and to its internal processes where this might help with useful research projects. It is expected that one such project, already partially complete, will result not only in an interesting and original piece of research, but will also lead to the creation of a detailed database capturing key features of all Commission referrals. We look forward to the publication of that work in 2011/12.

Another project studying underlying trends in the numbers of applications and referrals is due to start later this year and a further research project is in the planning stages.

Also during 2010 /11 Professor Jacqueline S. Hodgson and Juliet Horne of Warwick University were again given access to Commission cases and case committees to allow them to follow up on their earlier published research titled: *The extent and impact of legal representation on applications to the Criminal Cases Review Commission*.

In January 2011 Dr William O'Brian of Warwick University published his paper 'Fresh Expert Evidence in CCRC Cases' in *Kings College Law Journal* following extensive access to the Commission's case records.

We also look forward to seeing the publication during 2011 of work by Dr Malcolm Birdling of Keble College Oxford who spent some weeks at the Commission researching for his paper comparing the Commission with arrangements for remedying miscarriages of justice in New Zealand.

In 2011/12 we will continue to explore the merits of serious research proposals involving the Commission and its work.

Section six

Remuneration Report

Remuneration policy

The remuneration of Commissioners is set by the Secretary of State for Justice taking account of the recommendations of the Review Body on Senior Salaries. The Review Body takes account of the evidence it receives about wider economic considerations and the affordability of its recommendations, as well as factors such as the need to recruit, retain and motivate staff and the Government's inflation target.

Further information about the work of the Review Body can be found at **www.ome.uk.com**.

Although Commissioners are appointed with different weekly time commitments, all Commissioners, with the exception of the Chairman, are paid salaries at the same full-time equivalent rate.

Non-executive directors are paid a daily fee which is reviewed annually in the light of increases in the Retail Price Index.

Salaries of senior management and advisors are set by the Remuneration Committee, which is made up of the Chairman, three other Commissioners and the Chief Executive. The Committee takes into account Treasury pay growth limits, affordability, and performance in determining annual salary increases.

Service contracts

Commissioners are appointed by the Queen on the recommendation of the Prime Minister, one of whom is appointed by the Queen as Chairman. Appointments may be full-time or part-time, and are for a fixed period of not longer than five years. Retiring Commissioners are eligible for re-appointment, provided that no person may hold office for a continuous period which is longer than ten years.

Non-executive directors are office holders appointed for a fixed term of five years, which may be renewed. The posts are non-pensionable.

Senior management are employed on permanent contracts of employment with a notice period of three months. The normal retirement age is 65, although pensionable age remains as 60. Early termination, other than for misconduct, would result in the individual receiving compensation as set out in the Civil Service Compensation Scheme.

Remuneration (salary and payments in kind)

The following sections provide details of the remuneration and pension interests of the Commissioners, non-executive directors and the senior management team. These details have been subject to audit.

	2010-11		2009-10	
	Salary £000	Benefits-in-kind to nearest £100	Salary £000	Benefits-in-kind to nearest £100
Commissioners				
Mr Richard Foster	100 - 105	-	100 - 105	-
Mr Michael Allen	85 - 90	-	85 - 90	-
Ms Penelope Barrett	85 - 90	-	85 - 90	-
Mr Mark Emerton [to 4.12.09]	-	-	35 - 40	13,500
Mr James England	85 - 90	-	85 - 90	-
Miss Julie Goulding	85 - 90	-	85 - 90	-
Mr David Jessel [to 31.07.10]	20 - 25	900	60 - 65	3,000
Mr Alastair MacGregor	85 - 90	-	85 - 90	-
Mr Ian Nichol	40 - 45	-	45 - 50	-
Mr Ewen Smith	85 - 90	-	85 - 90	-
Mr John Weeden	75 - 80	-	75 - 80	-
Non-executive directors				
Dame Anne Owers [from 01.04.10]	5 - 10	800	-	-
Ms Margaret Semple [from 01.01.10]	5 - 10	1,800	0 - 5	500
Senior management				
Mrs Claire Bassett [from 9.11.09]	85 - 90	-	30 - 35	-
Mr Colin Albert	65 - 70	-	70 - 75	-
Miss Karen Kneller	65 - 70	-	65 - 70	-

'Salary' includes gross salary or remuneration.

None of the Commissioners, non-executive directors or senior management was entitled to a bonus in the current or previous year, and there is no performance related component to salaries

The monetary value of benefits-in-kind covers any benefits provided by the Commission and treated by the Inland Revenue as a taxable emolument. Benefits relate to costs incurred to enable part-time Commissioners to work in the Commission's office in Birmingham, and for the non-

executive directors to attend meetings in the Commission's office and elsewhere as necessary. These costs are reimbursed to Commissioners and the non-executive directors or incurred on their behalf free of tax and national insurance, and the amounts disclosed above include the income tax and national insurance contributions which are paid by the Commission. The total net costs actually incurred on behalf of the Commissioner and the non-executive directors or reimbursed to them in the year was £2,000 (2009 - £9,000).

Pension benefits

These details have been subject to audit.

	Accrued pension at normal retirement age at 31/3/11 and related lump sum £000	Real increase in pension and related lump sum at normal retirement age £000	CETV at 31/3/11 to nearest £000	CETV at 31/3/10 to nearest £000	Real increase in CETV to nearest £000
Mr Michael Allen	20-25	0-2.5	370	314	12
Ms Penelope Barrett	5-10	0-2.5	150	116	18
Mr James England	5-10	0-2.5	95	67	19
Miss Julie Goulding	5-10	0-2.5	93	64	20
Mr David Jessel	5-10 plus 20-25 lump sum	0-2.5 plus 0-2.5 lump sum	170	163	4
Mr Alastair MacGregor	10-15	0-2.5	223	171	30
Mr Ian Nichol	5-10	0-2.5	119	97	9
Mr Ewen Smith	15-20	0-2.5	338	285	20
Mr John Weeden	5-10	0-2.5	191	164	17
Mrs Claire Bassett - Chief Executive	0-5	0-2.5	13	5	5
Mr Colin Albert - Director of Finance & IT	5-10	0-2.5	161	126	17
Miss Karen Kneller - Director of Casework	15-20 plus 55-60 lump sum	0-2.5 plus 0-2.5 lump sum	299	252	10

Notes

- 1 For Mr David Jessel, the figures are shown at the date his appointment ended of 31.07.10
- 2 Mr Richard Foster is entitled to a pension but has not opted-in.
- 3 Ms Margaret Semple and Dame Anne Owers, as non-executive directors, are not entitled to pension benefits.
- 4 The actuarial factors used to calculate CETVs were changed in 2010/11. The CETVs at 31/3/10 and 31/3/11 have both been calculated using the new factors, for consistency. The CETV at 31/3/10 therefore differs from the corresponding figure in last year's report which was calculated using the previous factors.
- 5 Total accrued pension may include benefits arising from transfers-in from other schemes, and may also be augmented by additional voluntary contributions paid by the individual.

Pension arrangements

Commissioners may choose pension arrangements broadly by analogy with the Principal Civil Service Pension Schemes and are entitled to receive such benefits from their date of appointment.

Commissioners' pension arrangements are unfunded, and the Commission is responsible for paying retirement benefits as they fall due. Contributions are paid by commissioners at the rate of 1.5% and 3.5% of pensionable earnings respectively depending on whether the individual's scheme is by analogy to the classic or premium/classic plus PCSPS schemes.

Pension benefits for senior management are provided through the Principal Civil Service pension arrangements. Scheme members contribute 1.5% of salary to classic and 3.5% of salary to premium and to classic plus.

Cash equivalent transfer values

A Cash Equivalent Transfer Value (CETV) is the actuarially assessed capitalised value of the pension scheme benefits accrued by a member at a particular point in time. The benefits valued are member's accrued benefits and any contingent spouse's pension payable from the scheme. A CETV is a payment made by a pension scheme or arrangement to secure pension benefits in another pension scheme or arrangement when the member leaves a scheme and chooses to transfer the benefits accrued in their former scheme. The pension figures shown relate to the benefits that the individual has accrued as a consequence of their total membership of the pension scheme, not just their service in a senior capacity to which disclosure applies. The figures include the value of any pension benefit in another scheme or arrangement which the member has transferred to the Civil Service pension arrangements. They also

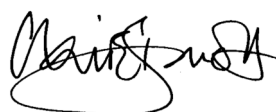
include any additional pension benefit accrued to the member as a result of their purchasing additional years of pension service in the scheme at their own cost. CETVs are calculated within the guidelines and framework prescribed by the Institute and Faculty of Actuaries and do not take account of any actual or potential reduction to benefits resulting from Lifetime Allowance Tax which may be due when pension benefits are taken.

Real increase in CETV

This reflects the increase in CETV that is funded by the employer. It does not include the increase in accrued pension due to inflation, contributions paid by the member (including the value of any benefits transferred from another pension scheme or arrangement) and uses common market valuation factors for the start and end of the period.

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.



Claire Bassett Chief Executive
30 June 2011

Section Seven

Accounts

Statement of the Commission's and Accounting Officer's responsibilities

Under the Criminal Appeal Act 1995, the Secretary of State (with the consent of HM Treasury) has directed the Criminal Cases Review Commission to prepare for each financial year a statement of accounts in the form and on the basis set out in the Accounts Direction. The accounts are prepared on an accruals basis and must give a true and fair view of the state of affairs of the Criminal Cases Review Commission and of its net expenditure, 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 in particular to:

- observe the Accounts Direction issued by the Secretary of State (with the consent of HM Treasury), including the relevant accounting and disclosure requirements, and apply suitable accounting policies on a consistent basis;
- make judgements and estimates on a reasonable basis;
- state whether applicable accounting standards as set out in the *Government Financial Reporting Manual* have been followed, and disclose and explain any material departures in the accounts; and
- prepare the accounts on a going concern basis.

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

Statement on Internal Control 2010/11

Scope of responsibility

As Accounting Officer, I have responsibility for maintaining a sound system of internal control that supports the achievement of the Commission's policies, aims and objectives, whilst safeguarding the public funds and departmental assets for which I am personally responsible, in accordance with the responsibilities assigned to me in Managing Public Money. The Commission provides information regularly to its sponsoring Department, the Ministry of Justice, on financial and casework performance. Regular meetings are held with the sponsor unit at which performance measured against key performance indicators and progress against the Commission's objectives are discussed.

The purpose of the system of internal control

The system of internal control is designed to manage risk to a reasonable level rather than to eliminate all risk of failure to achieve policies, aims and objectives; it can therefore only provide reasonable and not absolute assurance of effectiveness. The system of internal control is based on an ongoing process designed to identify and prioritise the risks to the achievement of departmental policies, aims and objectives, to evaluate the likelihood of those risks being realised and the impact should they be realised, and to manage them efficiently, effectively and economically. The system of internal control has been in place in the Commission for the year ended 31 March 2011 and up to the date of approval of the annual report and accounts, and accords with Treasury guidance.

Capacity to handle risk

Following the introduction of a new risk strategy and policy in the previous financial year, new risk registers were constructed following a workshop attended by managers and directors. Individual risks are assigned to named individuals, and risks are reviewed on a systematic and regular basis in conjunction with the relevant groups and committees. Each review is endorsed by the Audit & Risk Committee and a report is made annually by the Audit & Risk Committee to the Commission. In addition, the assessment and monitoring of risk is embedded in the Commission's project management processes.

The risk and control framework

The Commission's risk management framework ensures that risks to the Commission achieving its business objectives are properly identified, managed and monitored. Risks are assessed in the light of their impact and likelihood using a scale which embeds the Commission's appetite for risk. Risk appetite is determined by reference to the Commission's objectives, the degree to which it is able to absorb financial shock and its need to maintain its reputation in order to continue to command respect and support amongst its stakeholders.

The Commission's 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 Commission at which the Commission's strategic direction and plans are reviewed, and performance against goals is reported.

During the year, the Commission continued to ensure that it is managing the risks relating to information security appropriately. Information security and governance arrangements are broadly in compliance with the ISO 27001 Information Security Management standard. An audit of the statement of compliance was completed during the year with no significant

recommendations. Self-evaluation of the Commission's compliance with the mandatory requirements of the Security Policy Framework relating to information assurance was positive. During the year our protective marking regime was updated to include the "protect" marking, and additional staff training on the use of protective marking is planned for the forthcoming year. All staff completed an on-line security awareness training session during the year.

A desktop test and evaluation of the Commission's business continuity plans was completed during the year. Areas for improvement identified by this exercise will be actioned during the forthcoming year, and the plans revisited to update them following the Commission's move to new offices.

The Commission's control framework also continues to identify those risks over which the Commission has limited control. These are principally the level of case intake and provision of financial resource. The Commission uses its management information to plan for the uncertainties associated with these areas of risk.

The provision of adequate financial resource by its sponsor department remains a major risk for the Commission as, alongside most public bodies, it continues to operate under budgetary pressures. The Commission received an in-year near-cash budget reduction of 3.1%, and the indicative budget for 2011/12 shows a further reduction of 6%. These budget reductions are being accommodated by efficiencies introduced following a wide-ranging review of our business model and support functions, with an ensuing programme of voluntary redundancies for non-frontline staff.

Further work has been undertaken during the year to strengthen our quality assurance processes, which provide comfort that our standard casework procedures are followed and case decisions properly and consistently made.

Work has also been undertaken during the year to minimise and manage the risks arising from the planned office move which will take place just after the year-end. The move is a result of the government-wide estate rationalisation programme, which required us to exercise the break clauses in our current leases. We are receiving assistance from the Ministry of Justice estates team in planning and executing the move. This assistance includes the appointment of a specialist project manager, which will reduce any risk of business disruption as a result of events associated with the move.

The Commission's governance arrangements were further strengthened this year as a result of a wide-ranging governance review. The review identified the need for a rationalisation of the Commission's sub-committees and a more careful definition of the roles of each committee. The Commission Board now meets only once per quarter to address strategic issues, with an Executive Scrutiny Committee acting as the Board's standing committee dealing with other issues in between Board meetings. The membership of the Executive Scrutiny Committee (which comprises the Commission chair, two Commissioners, two non-executive directors and the chief executive) has been designed to ensure sound and balanced decision-making. This arrangement has also reduced the impact of Board meetings on Commissioner time. Three other main committees (Policy & Casework, Finance & Resources and Audit & Risk) provide a detailed scrutiny and advisory role, and report to the Executive Scrutiny Committee. The non-executive directors have assumed a more active governance role. Both sit on the Executive Scrutiny Committee, and each chairs one of the other main committees. This arrangement helps to ensure a robust challenge environment

and provide a useful external perspective to aid decision-making. The new structure was introduced at the beginning of the 2011 calendar year and is now bedding in.

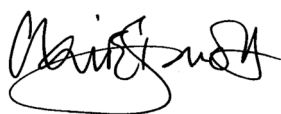
Following a mini-competition conducted within the framework agreement for audit and assurance services operated by Buying Solutions, the national procurement partner for UK public services, the Commission reappointed Tribal as internal auditors for a three-year term commencing 1 April 2011. Tribal operate in accordance with Government Internal Audit Standards. Their work is informed by an analysis of the risks to which the Commission is exposed, and annual internal audit plans are based on this analysis. The analysis of risks and the internal audit plans are endorsed by the Commission's Audit and Risk Committee and approved by me. At least annually, Tribal provide me with a report on the internal audit activity in the Commission. Their reports include their independent opinion on the adequacy and effectiveness of the Commission's system of internal control based on the work undertaken together with appropriate recommendations for improvement. In their report for the year 2010/11, Tribal have given their opinion that the Commission has adequate management and governance processes to manage the achievement of its objectives.

Both internal and external audits provide a service to the Commission by assisting with the continuous improvement of procedures and controls. Actions are agreed in response to recommendations made, and these are followed up to ensure that they are implemented.

Following a resignation in the previous financial year, and a retirement in the current year, the Commission is currently operating with two fewer Commissioners than the statutory minimum as required by section 8(3) of the Criminal Appeal Act 1995 ("the Act"). Section 4(a) of Schedule 1 to the Act provides that the validity of the proceedings of the Commission, including decisions to refer cases to the Court of Appeal, is not affected by any vacancy among the members of the Commission. I am therefore satisfied that there is not a risk of the Commission's decisions being challenged by virtue of the continuing unfilled Commissioner positions. The related risk arising from a lack of capacity to make casework decisions has been addressed as part of the business model review, and an exercise to determine the appropriate number and working pattern of Commissioners required for the future will be undertaken during the forthcoming year. The results of the exercise will inform a recommendation to Ministers for future appointments.

Review of effectiveness

As Accounting Officer, I have responsibility for reviewing the effectiveness of the system of internal control. My review of the effectiveness of the system of internal control is informed by the work of the internal auditors and the executive managers within the department who have responsibility for the development and maintenance of the internal control framework, and comments made by the external auditors in their management letter and other reports. I have been advised on the implications of the result of my review of the effectiveness of the system of internal control by the Board and the Audit & Risk Committee and a plan to address weaknesses and ensure continuous improvement of the system is in place.



Claire Bassett Chief Executive
30 June 2011

The Certificate and Report of The Comptroller and Auditor General to The Houses Of Parliament

I certify that I have audited the financial statements of the Criminal Cases Review Commission for the year ended 31 March 2011 under the Criminal Appeal Act 1995. These comprise the Statement of Comprehensive Net Expenditure, the Statement of Financial Position, the Statement of Cash Flows, the Statement of Changes in Taxpayers' Equity and the related notes. These financial statements have been prepared under the accounting policies set out within them. I have also audited the information in the Remuneration Report that is described in that report as having been audited.

Respective responsibilities of the Commission, Accounting Officer and auditor

As explained more fully in the Statement of the Commission's and Accounting Officer's Responsibilities, the Accounting Officer is responsible for the preparation of the financial statements and for being satisfied that they give a true and fair view. My responsibility is to audit, certify and report on the financial statements in accordance with the Criminal Appeal Act 1995. I conducted my audit in accordance with International Standards on Auditing (UK and Ireland). Those standards require me and my staff to comply with the Auditing Practices Board's Ethical Standards for Auditors.

Scope of the Audit of the Financial Statements

An audit involves obtaining evidence about the amounts and disclosures in the financial statements sufficient to give reasonable assurance that the financial statements are free from material misstatement, whether caused by fraud or error. This includes an assessment of: whether the accounting policies are appropriate to the Criminal Cases Review Commission's circumstances and have been consistently applied and adequately disclosed; the reasonableness of significant accounting estimates made by the Criminal Cases Review Commission; and the overall presentation of the financial statements. In addition I read all the financial and non-financial information in the Annual Report to identify material inconsistencies with the audited financial statements. If I become aware of any apparent material misstatements or inconsistencies I consider the implications for my certificate.

In addition, I am required to obtain evidence sufficient to give reasonable assurance that the expenditure and income 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.

Opinion on Regularity

In my opinion, in all material respects the expenditure and income have been applied to the purposes intended by Parliament and the financial transactions conform to the authorities which govern them.

Opinion on financial statements

In my opinion:

- the financial statements give a true and fair view of the state of the Criminal Cases Review Commission's affairs as at 31 March 2011 and of its net expenditure for the year then ended; and
- the financial statements have been properly prepared in accordance with the Criminal Appeal Act 1995 and the directions issued thereunder by the Secretary of State with the approval of HM Treasury.

Opinion on other matters

In my opinion:

- the part of the Remuneration Report to be audited has been properly prepared in accordance with Criminal Appeal Act 1995 and directions issued thereunder by the Secretary of State with the approval of HM Treasury.
- the information given in the Directors' Report and the Resources section, included in the Annual Report for the financial year for which the financial statements are prepared, is consistent with the financial statements.

Matters on which I report by exception

I have nothing to report in respect of the following matters which I report to you if, in my opinion:

- adequate accounting records have not been kept; or
- the financial statements and the part of the Remuneration Report to be audited are not in agreement with the accounting records or returns; or
- I have not received all of the information and explanations I require for my audit; or
- the Statement on Internal Control does not reflect compliance with HM Treasury's guidance.

Report

I have no observations to make on these financial statements.

Amyas C E Morse
Comptroller and Auditor General
National Audit Office
157 - 197 Buckingham Palace Road
Victoria
London
SW1W 9SP
4th July 2011

Statement of Comprehensive Net Expenditure

for the year ended 31 March 2011

	Note	2010-11 £000	Restated 2009-10 £000
Expenditure			
Staff Costs	3	3,876	4,530
Depreciation & Amortisation	8, 9	157	98
Other Expenditure	5	1,921	1,976
Total Expenditure		5,954	6,604
Income			
Income from Activities	7	(27)	(24)
Net Expenditure		5,927	6,580
Interest Payable	6	242	253
Net Expenditure after Interest		6,169	6,833
Other Comprehensive Expenditure			
Pensions: actuarial (gains) / losses	4	(418)	1,213
Total Comprehensive Expenditure		5,751	8,046

The notes on pages 48 to 59 form part of these accounts.

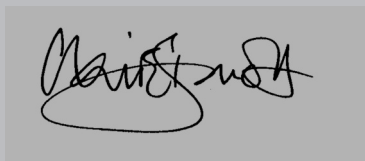
Statement of Financial Position

as at 31 March 2011

	Note	2011 £000	2010 £000
Non-current assets			
Property, plant & equipment	8	225	253
Intangible assets	9	232	165
Trade & other receivables	10	13	5
Total non-current assets		470	423
Current assets			
Trade & other receivables	10	241	231
Cash	11	150	200
Total current assets		391	431
Total assets		861	854
Current liabilities			
Trade & other payables	12	441	434
Non-current assets less net current liabilities		420	420
Non-current liabilities			
Provisions	13	629	491
Pension liabilities	4	4,798	5,484
Other payables	12	7	18
Total non-current liabilities		5,434	5,993
Assets less total liabilities		(5,014)	(5,573)
Taxpayers' equity			
General reserve		(5,014)	(5,573)
Total taxpayers' equity		(5,014)	(5,573)

The notes on pages 48 to 59 form part of these accounts.

The financial statements on pages 44 to 59 were approved by the Board on 21 June 2011, and were signed on behalf of the Criminal Cases Review Commission by:



Claire Bassett
Chief Executive and Accounting Officer

Statement of Cash Flows

for the year ended 31 March 2011

	Note	2010-11 £000	2009-10 £000
Cash flows from operating activities			
Net cash outflow from operating activities	14	(6,151)	(6,452)
Cash flows from investing activities			
Purchase of property, plant and equipment	8	(91)	(123)
Purchase of intangible assets	9	(118)	(91)
Total cash outflow from investing activities		(209)	(214)
Cash flows from financing activities			
Capital Grant in Aid from parent department	2	215	270
Revenue Grant in Aid from parent department	2	6,095	6,511
Total financing		6,310	6,781
Net (decrease)/ increase in cash	11	(50)	115

The notes on pages 48 to 59 form part of these accounts.

Statement of Changes in Taxpayers' Equity

for the year ended 31 March 2011

	Note	General reserve £000
Balance at 1 April 2009		(4,308)
Changes in taxpayers' equity for 2009-10		
Total comprehensive expenditure for 2009-10 (restated)		(8,046)
Grant from parent department	2	6,781
Balance at 31 March 2010		(5,573)
Changes in taxpayers' equity for 2010-11		
Total comprehensive expenditure for 2010-11		(5,751)
Grant from parent department	2	6,310
Balance at 31 March 2011		(5,014)

The notes on pages 48 to 59 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 the Ministry of 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 2010-11 Government Financial Reporting Manual (FReM) issued by HM Treasury. The accounting policies contained in the FReM apply International Financial Reporting Standards (IFRS) as adapted or interpreted for the public sector context. Where the FReM permits a choice of accounting policy, the accounting policy which is judged to be most appropriate to the particular circumstances of the Commission for the purpose of giving a true and fair view has been selected. The particular policies adopted by the Commission are described below. They have been applied consistently in dealing with items that are considered material to the accounts.

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

Going concern

The Statement of Financial Position at 31 March 2011 shows negative total taxpayers' equity of £5,014,000. This reflects the inclusion of liabilities falling due in future years which, to the extent that they are not to be met from the Commission's other sources of income, may only be met by future Grants-in-Aid from the Commission's sponsoring department, the Ministry of Justice. This is because, under the normal conventions applying to parliamentary control over income and expenditure, such grants may not be issued in advance of need.

Grant in Aid for 2011-12, taking into account the amounts required to meet the Commission's liabilities falling due in that year, has already been included in the department's Estimates for that year, which have been approved by Parliament, and there is no reason to believe that the department's future sponsorship and future parliamentary approval will not be forthcoming. It has accordingly been 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 Financial Reporting Manual.

Income

Income from activities relates to an office sharing arrangement with the Forensic Science Regulator (FSR), whereby the Commission received from FSR a contribution towards the accommodation costs in return for occupation of office space and use of services. Income is recognised on an accruals basis. This arrangement ended in April 2011.

Non-current Assets

Assets are capitalised as non-current assets if they are intended for use on a continuing basis and their original purchase cost, on an individual or grouped basis, is £500 or more.

Depreciated historical cost is used as a proxy for fair value 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 anticipated life as follows:

IT hardware / development	four years
Software systems and licences	four years
Furniture and office equipment	up to 10 years
Refurbishment costs	over the original term of the lease
Dilapidations	over the period remaining to the next break-point of the lease

Pensions**(i) Staff pensions**

Staff are members of the Principal Civil Service Pension Scheme (PCSPS). The PCSPS is an unfunded multi-employer defined benefit scheme, and the Commission is unable to identify its share of the underlying assets and 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 are provided with individual defined benefit schemes which are broadly-by-analogy with the PCSPS. These schemes are unfunded, and the Commission is liable for the future payment of pensions. The cost of benefits accruing during the year is charged against staff costs in the Statement of Comprehensive Net Expenditure. The increase in the present value of the schemes' liabilities arising from the passage of time is charged to the Statement of Comprehensive Net Expenditure after operating expenditure. Actuarial gains and losses are recognised in the Statement of Changes in Taxpayers' Equity, and taken direct to reserves.

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

Operating Leases

Payments made under operating leases on Land and Buildings and Equipment are charged to expenditure as incurred.

Provisions

Provision has been made for the estimated costs of returning the leased office premises to an appropriate condition. The original lease expired in August 2006, and the provision was charged over the period of that lease to net expenditure. On renewal of the lease, the estimated cost was revalued to the amount required at the first break point in the lease in August 2011. This revalued amount was discounted to the present value using the official Government discount rate for long term liabilities (2.2%). The provision held at 1 April 2006 was increased to this amount. As the building alterations concerned gave access to future economic benefits, a tangible asset was also created corresponding to the amount by which the provision was increased, in accordance with IAS 37 (Provisions, contingent assets and contingent liabilities). This tangible asset is depreciated over the period to the first break point in the lease on a straight line basis, and the depreciation charged to Statement of Comprehensive Net Expenditure. The interest cost arising from the unwinding of the discount is also charged each year to the Statement of Comprehensive Net Expenditure.

Contingent liabilities

Contingent liabilities are not recognised in the financial statements, but disclosure is made in the notes in accordance with IAS37 unless the possibility of an outflow of funds is remote.

Taxation

The Commission is not eligible to register for VAT and all costs are shown inclusive of VAT. In 2010-11 the Commission registered with HM Revenue & Customs for corporation tax. There is no taxable income in this year.

Standards in issue but not yet effective

The Commission has reviewed the IFRSs in issue but not yet effective, to determine if it needs to make any disclosures in respect of those new IFRSs that are or will be applicable. References to 'new IFRSs' includes new interpretations and any new amendments to IFRSs and interpretations. It has been determined that there are no new IFRSs which are relevant to the Commission and which will have a significant impact on the Commission's financial statements.

2 GRANT IN AID

	2010-11	2009-10
	£000	£000
Received for revenue expenditure		
Ministry of Justice main estimate (Request for Resource 1, subhead S)	6,095	6,511
Received for capital expenditure		
Ministry of Justice main estimate (Request for Resource 1, subhead S)	215	270
Total	6,310	6,781

3 STAFF COSTS

	2010-11 £000	2009-10 £000
Commissioners		
Salaries and emoluments	775	887
Social security contributions	82	91
Pension costs	(345)	173
Total Commissioners cost	512	1,151
Non-executive directors		
Salaries and emoluments	13	2
Social security contributions	2	-
Pension costs	-	-
Total Non-executive directors cost	15	2
Staff		
Staff with permanent employment contracts		
Salaries and emoluments	2,627	2,640
Social security contributions	182	185
Pension costs	473	478
Other staff (contract, agency/ temporary)		
Salaries and emoluments	67	74
Social security contributions	-	-
Pension costs	-	-
Total Staff Costs	3,349	3,377
Total	3,876	4,530

At 31 March 2011, the Commission employed 80 staff (2010 79). The average number of employees, expressed as full time equivalents, during the year to 31 March 2011 by category of employment and status was:

	2010-11	2009-10
Category of employment:		
Executive	12	12
Case Review Managers & Assistant Case Review Managers	36	36
Administrative support staff	27	28
	75	76
Status:		
Staff with permanent employment contracts	73	74
Other staff (contract, agency/temporary)	2	2
	75	76

Reporting of Civil Service & other compensation schemes – exit packages:

	No. of compulsory redundancies	No. of other departures agreed	Total £000
Exit package cost band			
< £10,000	0 (0)	0 (0)	0 (0)
£10,000 - £25,000	0 (0)	4 (0)	4 (0)
£25,000 - £50,000	0 (0)	1 (1)	1 (1)
Total no. of exit packages	0 (0)	5 (1)	5 (1)
Total resource cost - £000	0 (0)	105 (35)	105 (35)

2009-10 comparative figures are shown in brackets.

During the year, severance payments totalling £107,000 (2010 £45,000) were payable to staff as part of a programme of restructuring and workforce reduction. Payments were in respect of entitlements under the Civil Service Compensation Scheme and payments in lieu of notice (£2,000). As payments in lieu of notice were extra-contractual they constitute special payments, and were made with the prior consent of the sponsor department.

Redundancy and other departure costs have been paid in accordance with the provisions of the Civil Service Compensation Scheme (£105,000), a statutory scheme made up under the Superannuation Act 1972. Exit costs are accounted for in full at the point at which an irrevocable commitment to pay the exit cost is made. Where the department has agreed early retirements, the additional costs are met by the Commission and not by the Civil Service pension scheme.

4 PENSIONS

(i) Staff

The Principal Civil Service Pension Scheme (PCSPS) is an unfunded multi-employer defined benefit scheme but the Commission is unable to identify its share of the underlying assets and liabilities. The scheme actuary valued the scheme as at 31 March 2007. Details can be found in the resource accounts of the Cabinet Office: Civil Superannuation (www.civilservice.gov.uk/my-civil-service/pensions).

The cost of the Commission's pension contributions to the Principal Civil Service Pension Schemes is included in employment costs. For 2010-11, employers' contributions of £455,000 (2009-10 £462,000) were payable to the PCSPS at one of four rates in the range 16.7% to 24.3% (2009-10 16.7% to 24.3%) 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 2010-11 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 £16,000 (2009-10 £15,000) were paid to one or more of the panel of three appointed stakeholder pension providers. Employer contributions are age-related and range from 3% to 12.5% of pensionable pay. Employers also match employee contributions up to 3% of pensionable pay. In addition, employer contributions of £1,000 (2009-10 £1,000), 0.8% of pensionable pay, were payable to the PCSPS to cover the cost of the future provision of lump sum benefits on death in service and ill health retirement of these employees.

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 may choose pension arrangements broadly by analogy with the Principal Civil Service Pension Schemes and are entitled to receive such benefits from their date of appointment.

Commissioners' pension arrangements are unfunded, and the Commission is responsible for paying retirement benefits as they fall due. Contributions are paid by commissioners at the rate of 1.5% and 3.5% of pensionable

earnings respectively depending on whether the individual's scheme is by analogy to the classic or premium/classic plus/nuvos PCSPS schemes.

The value of the scheme liabilities for the current and four previous years are as follows:

	2010-11	2009-10	2008-09	2007-08	2006-07
	£000	£000	£000	£000	£000
Liability in respect of					
Active members	1,965	2,297	1,476	1,102	862
Deferred pensioners	110	117	-	38	576
Current pensioners	2,723	3,070	2,494	2,422	1,999
Total present value of scheme liabilities	4,798	5,484	3,970	3,562	3,437

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

	2010-11	2009-10	2008-09	2007-08	2006-07
Discount rate	5.60%	4.60%	6.04%	5.30%	4.60%
Rate of increase in salaries	4.90%	4.29%	4.30%	4.30%	4.30%
Price inflation	2.65%	2.75%	2.75%	2.75%	2.75%
Rate of increase in pensions (deferred and in payment)	2.65%	2.75%	2.75%	2.75%	2.75%

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

	2010-11	2009-10
	£000	£000
Current service cost	256	199
Past service cost	(571)	-
Commissioners' contributions retained	(30)	(26)
Total charge to operating expenses	(345)	173
Interest on pension scheme liabilities	232	242
Total charge to finance and other costs	232	242

Past service costs arise when an employer undertakes to provide a different level of benefits than previously promised. It was announced in the Budget on 22 June 2010 that the Government will adopt the Consumer Price Index (CPI), rather the Retail Prices Index (RPI), for the indexation of public service pensions from April 2011. The change from RPI to CPI for the purposes of uprating index-linked features of post employment benefits has been recognised as a negative past service cost in accordance with IAS 19, and has resulted in a £571,000 decrease in liabilities.

Actuarial gains and losses recognised in the Statement of Changes in Taxpayers' Equity 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:

		2010-11	2009-10	2008-09	2007-08	2006-07
Experience (gains)/losses	£000	(92)	(186)	122	3	72
on pension liabilities	%	-1.9%	-3.4%	3.1%	0.1%	2.1%
Changes in demographic	£000	(326)	1,399	(422)	(130)	470
and financial assumptions	%	-6.8%	25.5%	-10.6%	-3.7%	13.7%
Net actuarial (gains)/losses	£000	(418)	1,213	(300)	(127)	542

The movement in scheme liabilities is analysed as follows:

	2010-11	2009-10
	£000	£000
Present value of scheme liabilities at start of year	5,484	3,970
Current service cost	256	199
Past service cost	(571)	-
Interest cost	232	242
Actuarial (gains) / losses	(418)	1,213
Benefits paid	(185)	(140)
Present value of scheme liabilities at end of year	4,798	5,484

5 OTHER EXPENDITURE

	2010-11	2009-10
	£000	£000
Accommodation - operating lease	596	398
IT costs	526	529
Accommodation costs - general	197	219
Travel, subsistence and external case-related costs	148	162
Training and other HR	96	105
Office Supplies	86	75
Office Services	82	142
Information and publications	46	108
Library and reference materials	43	43
Legal and professional costs	39	26
Audit fee – external	27	27
Case Storage	21	15
Telephones	19	30
Payroll & pension costs	13	12
Audit fee – internal	10	12
Loss on disposal of non-current assets	10	-
Recruitment	8	68
Equipment rental under operating lease	6	5
Dilapidations provision released	(52)	-
Total	1,921	1,976

The amount shown under 'Audit fee - external' includes £0 (2010 £5,000) which relates to work done towards the transition to International Financial Reporting Standards.

6 INTEREST PAYABLE

	2010-11	2009-10
	£000	£000
Interest on Pension Scheme Liabilities	232	242
Interest on Dilapidations Provision	10	11
Total	242	253

7 INCOME FROM ACTIVITIES

	2010-11	2009-10
	£000	£000
FSR Income	27	24
Total	27	24

8 PROPERTY, PLANT & EQUIPMENT

	Refurbishment Costs £000	Furniture and Office Equipment £000	IT Hardware £000	Total £000
Cost/valuation at 1 April 2010	865	454	568	1,887
Additions	-	15	64	79
Disposals	-	(1)	(67)	(68)
Impairment	(9)	-	-	(9)
Cost/valuation at 31 March 2011	856	468	565	1,889
Depreciation at 1 April 2010	856	377	401	1,634
Charged during the year	-	47	51	98
Depreciation on disposals	-	(1)	(67)	(68)
Depreciation at 31 March 2011	856	423	385	1,664
Net Book Value at 31 March 2011	-	45	180	225
Net Book Value at 31 March 2010	9	77	167	253
Cost/valuation at 1 April 2009	894	452	434	1,780
Additions	-	6	134	140
Disposals	(29)	(4)	-	(33)
Cost/valuation at 31 March 2010	865	454	568	1,887
Depreciation at 1 April 2009	860	346	371	1,577
Charged during the year	(4)	35	30	61
Depreciation on disposals	-	(4)	-	(4)
Depreciation at 31 March 2010	856	377	401	1,634
Net Book Value at 31 March 2010	9	77	167	253
Net Book Value at 31 March 2009	34	106	63	203

All assets are owned by the Commission.

Capital payables of £37,000 (2010 £50,000) are included above.

At the end of April 2011 the Commission moved to new premises. The majority of the office furniture and some equipment existing at 31 March 2011 are no longer in use. The expected useful lives of those specific assets have been amended to reflect this, and the depreciation adjusted accordingly. The total impairment recognised in £21,000. The net book value included above which relates to assets disposed in April 2011 due to the premises move is £1,000.

9 INTANGIBLE NON-CURRENT ASSETS

	IT Development £000	Software Licences £000	Total £000
Cost / valuation at 1 April 2010	837	419	1,256
Additions	23	113	136
Disposals	(511)	(68)	(579)
Cost / valuation at 31 March 2011	349	464	813
Amortisation at 1 April 2010	784	307	1,091
Charged during the year	29	30	59
Disposals	(502)	(67)	(569)
Amortisation at 31 March 2011	311	270	581
Net Book Value at 31 March 2011	38	194	232
Net Book Value at 31 March 2010	53	112	165
Cost / valuation at 1 April 2009	805	321	1,126
Additions	32	98	130
Disposals	-	-	-
Cost / valuation at 31 March 2010	837	419	1,256
Amortisation at 1 April 2009	761	293	1,054
Charged during the year	23	14	37
Disposals	-	-	-
Amortisation at 31 March 2010	784	307	1,091
Net Book Value at 31 March 2010	53	112	165
Net Book Value at 31 March 2009	44	28	72

All assets are owned by the Commission.

Capital payables of £26,000 (2010 £7,000) are included above.

10 TRADE & OTHER RECEIVABLES

	31 March	31 March
	2011	2010
	£000	£000
Amounts falling due within one year		
Intra-government balances:		
Local authorities	27	26
Trade Receivables	2	-
Travel loans to staff	22	24
Other prepayments	190	181
Total	241	231
Amounts falling due after one year		
Other prepayments	13	5
Total	13	5

11 CASH & CASH EQUIVALENTS

	31 March	31 March
	2011	2010
	£000	£000
Balance at 1 April 2010	200	85
Net change in cash balances	(50)	115
Balance at 31 March 2011	150	200

The entire balance was held at commercial banks and as cash in hand.
No cash equivalents were held at any time.

12 TRADE & OTHER PAYABLES

	31 March	31 March
	2011	2010
	£000	£000
Amounts falling due within one year		
Intra-government balances:		
UK taxation & social security	99	111
Total	99	111
Trade payables	65	94
Accruals & other payables	214	172
Capital payables	63	57
Total	441	434
Amounts falling due after one year		
Accruals & other payables	7	18
Total	7	18

13 PROVISIONS

The movements in the provisions are analysed as follows:

	2010-11 Dilapidations £000	2010-11 Onerous contract £000	2010-11 Total £000	2009-10 Total £000
Balance at 1 April 2010	491	-	491	510
Provided in year	-	189	189	(29)
Provision released – impairment of asset	(9)	-	(9)	-
credited to expenses	(52)	-	(52)	-
	430	189	619	481
Unwinding of discount	10	-	10	10
Balance at 31 March 2011	440	189	629	491

The Commission is exercising the break clause in the lease of its premises at Alpha Tower at 7th August 2011, and moved to new premises in Birmingham at the end of April 2011. Consequently, the dilapidations provision has been adjusted to a best estimate of the actual cost of discharging its obligation under the lease to return the leased office premises to an appropriate condition. The adjustment has been treated as an impairment of the corresponding asset (see note 8), which has now been fully eliminated, with the balance credited to expenses. It is anticipated that all dilapidations cash flows will take place within the next financial year.

The lease for Alpha Tower is considered to be an onerous contract as defined in IAS37 "Provisions, Contingent Liabilities and Contingent Assets"; the economic benefits of the remaining term of the lease to the break point in August 2011 are nil as the Commission has already relocated to new offices. Consequently, provision has been made for the unavoidable costs of meeting the obligations under the contract (the remaining lease payments).

14 RECONCILIATION OF NET EXPENDITURE TO NET CASH OUTFLOW FROM OPERATING ACTIVITIES

	Note	2010-11 £000	Restated 2009-10 £000
Net expenditure after interest		(6,169)	(6,833)
Interest payable	6	242	253
Depreciation and amortisation		157	98
Loss on disposal of tangible non-current assets		10	-
(Increase) / decrease in receivables	10	(18)	88
Decrease in payables	12	(10)	(117)
Pension provision -			
Current service cost	4	256	199
Past service cost	4	(571)	-
Benefits paid	4	(185)	(140)
Release of dilapidations provision	13	(52)	-
Onerous contract provision	13	189	-
Net cash (outflow) from operating activities		(6,151)	(6,452)

The decrease in payables shown above excludes capital payables increase of £6,000 (2010 £57,000).

15 CAPITAL COMMITMENTS

Capital commitments contracted for at 31 March 2011 were as set out below.

	2010-11 £000	2009-10 £000
Property, plant and equipment	3	55
Total	3	55

16 COMMITMENTS UNDER OPERATING LEASES

At 31 March 2011 the Commission had the following total future minimum lease payments under non-cancellable operating leases for each of the following periods:

	31 March 2011 Total £000	31 March 2010 Total £000
Buildings		
Not later than	197	543
Later than one year and not later than five years	-	226
Total buildings	197	769
Equipment		
Not later than	5	3
Later than one year and not later than five years	4	1
Total equipment	9	4
Total commitments under operating leases	206	773

The above commitment in respect of building leases relates to the lease on the Commission's office accommodation in Alpha Tower, Birmingham which it occupied until the end of April 2011.

17 CONTINGENT LIABILITIES DISCLOSED UNDER IAS 37

There were no contingent liabilities at the Statement of Financial Position date.

18 RELATED PARTY TRANSACTIONS

The Ministry of Justice is a related party to the Commission. During the year ended 31 March 2011, the Ministry of Justice provided the Commission with Grant-in-Aid as disclosed in the financial statements.

In addition, the Commission has had a small number of transactions with other government departments and other central government bodies.

During the year ended 31 March 2011, none of the Commissioners, key managerial staff or other related parties undertook any material transactions with the Commission.

19 FINANCIAL INSTRUMENTS

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

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

20 PRIOR PERIOD ADJUSTMENT

In accordance with the 2010-11 Government Financial Reporting Manual (FRm) issued by HM Treasury, the Commission is no longer recording a notional cost of capital. The previous accounting treatment was to make a notional charge for the cost of capital employed in the period to the Comprehensive Statement of Net Expenditure, using the Treasury's discount rate applied to the average carrying value of all assets and liabilities. An equivalent reversing notional income to finance the charge was included in the Statement of Changes in Taxpayers' Equity.

The effect of this change on the 2009-10 published statements is as follows:

	£000
2009-10 Net Expenditure after Cost of Capital Charge and Interest, per published accounts	6,660
Adjustment for removal of Cost of Capital	173
Restated 2009-10 Net Expenditure after Interest	6,833

There is no effect on the Statement of Financial Position. Consequently, restated Statements of Financial Position for the previous year and the year prior to that, as would otherwise be required by IAS 8, have not been presented.

21 EVENTS AFTER THE REPORTING PERIOD

As reported under notes 8, 13 and 16, the Commission moved from its existing offices at Alpha Tower, Birmingham, to a shared Government office in central Birmingham at the end of April 2011. This is part of the Government estate rationalisation programme aimed at reducing accommodation costs throughout central Government. The main costs of this move were borne by the Ministry of Justice. Cost of £7,000 relating to the move had been incurred by the Ministry of Justice in 2010/11.

As outlined in note 4, the decision to uprate public service pensions using the Consumer Prices Index rather than the Retail Prices Index has been recognised in these accounts. This decision is currently before the courts in judicial review proceedings. The Government is robustly defending the case and therefore no adjustment has been made to the accounts for this matter. The financial implications consequent on the review finding against the government have not been assessed.

The accounts were authorised for issue by the Accounting Officer on the same day that the Comptroller and Auditor General certified the accounts.

Section Eight

Tables and Appendices

Table 1: Commission referrals to the appeal courts 2010/11.

Name	Reference	Referral date	Offences Referred	Sentence only
N	263/08	13.05.10	Attempted rape; sexual assault of child under 13 (x5)	
O	633/08	11.06.10	Indecent assault (x7); rape	
MOHAMED Yaasin Ali	717/08	10.08.10	Failure to produce a document contrary to section 2 Immigration and Asylum (Treatment of Claimants) Act 2004	
AHMED, Nafiso Abdullahi	718/08	10.08.10	Failure to produce a document contrary to section 2 Immigration and Asylum (Treatment of Claimants) Act 2004	
P	976/05	25.08.10	Rape	
Q	432/09	07.09.10	Rape; indecent assault	•
R	63/07	20.09.10	Attempted buggery; indecent assault	
DAVIS, George John	722/07	12.10.10	Robbery; wounding with intent to resist arrest.	
NOYE, Kenneth	294/08	13.10.10	Murder	
EDWARDS Alan	643/05	03.11.10	Murder; disposing of a corpse to obstruct the coroner	
LANE, John Joseph	829/07	08.12.10	Kidnapping and blackmail	
LANE, Gerard Anthony	942/07	08.12.10	Kidnapping and blackmail	
ARDEN, Paul	695/08	10.01.11	Conspiracy to murder	
MALLOCH, Gordon	15/10	04.02.11	Making a threat to kill	
HUTCHINGS Gary	507/04	11.02.11	Conspiracy to rob	
HOMER, Colin	138/10	15.02.11	Fraudulent evasion of duty (tobacco) x2; keeping dutiable goods with intent to defraud x2	•
S	34/08	02.03.11	Indecent assault on a female under 14	
CALDER, Terrence	151/11	04.03.11	Wounding with intent to do grievous bodily harm contrary to section 18 of the Offences Against the Person Act 1861	•
T	667/09	21.03.11	Possessing a false identity document with intent contrary to section 25(1) of the Identity Cards Act 2006	
U	868/07	23.03.11	Rape	
V	231/07	24.03.11	Rape [anal], contrary to section 1(1) of the Sexual Offences Act 2003	
TRAYNOR, Alan	56/11	31.03.11	Murder	

Table 2: Commission referrals heard by the appeal courts 2010/11.

Name	Date of referral	Offence	Sentence only	C of A decision	Decision
KENYON, Julie	17.12.08	Murder		U	11.05.10
DRURY, Christopher	23.02.09	Supplying Class B drugs and perverting the course of public justice		Q	16.11.10
CLARK, Robert	23.02.09	Supplying Class B drugs and perverting the course of public justice		Q	16.11.10
PLUCK, Michael	13.03.09	Murder (2 counts)		U	17.12.10
O	25.06.09	Rape	•	Q	09.02.11
E	13.07.09	Rape, indecent assault and indecency with a child		U	06.05.10
F	23.07.09	Rape (anal); indecent assault (3)		Q	06.05.10
WALLA, Sophie	28.07.09	Section 47 ABH		U	12.05.10
G	30.07.09	Rape, 5 counts of indecent assault, wounding with intent and robbery	•	A	Abandoned 09.02.11
SHAH, Sultan	25.08.09	Conspiracy to import heroin		Q	13.10.10
HALL, Simon	14.10.09	Murder		U	14.01.11
LUCKHURST, Frederick	22.10.09	Larceny (theft)		U	21.10.10
FRANCIS, Devon Lloyd	04.12.09	Concerned in the production of cocaine; possession of cocaine with intent to supply and of conspiring to supply		Q	08.02.11
MILLER, David	15.12.09	Possession of indecent pseudo photographs of a child (x4)		U	25.11.10
QEMA, Besnik	11.01.10	Supply of Class A drug (Cocaine); possession of Class A Drug with intent to supply (cocaine); possession of a false instrument (French passport) with intent to supply		Q	09.09.10
LOWEN, Donald	03.02.10	Cheating Her Majesty's Revenue, contrary to common law		Q	25.05.10
J	24.02.10	Indecent assault x8, rape x4, incest, buggery and attempted rape		Q	14.05.10
L	12.03.10	rape (x2); attempted rape, gross indecency with a child and indecent assault		Q	02.12.10
AHMED, Mushtaq	16.03.10	Murder		U	14.12.10
K	16.03.10	Wilful interference with the comfort and convenience of passengers in contravention of a bye law of the Transport Undertaking pursuant to s.57 of the Transport Act (Northern Ireland) 1967		Q	04.05.10
EARLE, John	18.03.10	Murder		U	25.01.11
M	23.03.10	Sexual assault of a child under 13 contrary to section 7(1) of the Sexual Offences Act 2003 x 2; Failure to comply with a notification requirement under the Sexual Offences Act 2003		Q	07.02.11
SHARIF, Mohammed	31.03.10	Conspiracy to defraud		Q	01.07.10
N	13.03.10	Attempted rape; sexual assault of child under 13 (x5)		Q	29.10.10
O	11.06.10	Indecent assault (x7); rape		U	04.11.10
MOHAMED, Yaasin Ali	10.08.10	Failure to produce a document contrary to section 2 Immigration and Asylum (Treatment of Claimants) Act 2004		Q	14.12.10
AHMED, Nafiso Abdullahi	10.08.10	Failure to produce a document contrary to section 2 Immigration and Asylum (Treatment of Claimants) Act 2004		Q	14.12.10
P	25.08.10	Rape		Q	10.02.11
Q	07.09.10	Rape; indecent assault	•	Q	24.03.11
R	20.09.10	Attempted buggery; indecent assault		Q	25.01.11
NOYE, Kenneth	13.10.10	Murder		U	22.03.11
ARDEN, Paul	10.01.11	Conspiracy to murder		U	16.03.11
CALDER, Terrence	04.03.11	Section 18 Wounding with intent	•	Q	11.03.11

N.B. The Commission referred the conviction of George Davis was referred on 12th October 2010. The appeal hearing took place on the 23rd and 24th of February 2011, but the judgment was not delivered until 24th May 2011. Mr Davis' conviction was quashed. For the purposes of Commission case statistics, Mr Davis' case will be recorded as heard in 2011/12.

Appendix 1: Key Performance Indicators

KPI 1 Time to decision

Purpose: This KPI records the average time taken for an application to be dealt with, measured from the time of receipt of the application to the initial decision. **Definition:** The time from the date of receipt of the application to the date of the issue of a provisional statement of reasons, averaged for all applications in the reporting period for which a provisional statement of reasons has been issued. **Calculation:** Recorded for each month and the rolling 12 month period. **Frequency:** Monthly. **Data source:** Case statistics compiled from the case management system. **Target:** Cases reach decision within an average of 7 months.

Average time (months):

Apr 10	May 10	Jun 10	Jul 10	Aug 10	Sep 10	Oct 10	Nov 10	Dec 10	Jan 11	Feb 11	Mar 11
7.49	6.33	7.20	7.23	7.51	8.91	6.68	7.04	8.16	5.51	9.65	9.03

Rolling 12 months average time to decision for all cases – 7.37 months.

KPI 2 Cases in progress

Purpose: This KPI records the profile of cases in progress. **Definition:** For each of the types of cases (stage 1, categories A, B and C), the number and average age of cases under review, and the age of the oldest case under review. Stage 1 cases comprise No Appeal and No Reviewable Grounds cases. **Calculation:** Recorded for each month (not shown here) and the rolling 12 month period; given in months. **Frequency:** Monthly. **Data source:** Case statistics compiled from the case management system.

	Stage 1			Cat A			Cat B			Cat C		
	No.	Avg age (months)	Oldest (months)	No.	Avg age (months)	Oldest (months)	No.	Avg age (months)	Oldest (months)	No.	Avg age (months)	Oldest (months)
Targets	<115	<3	<12	<90	<8	<18	<120	<16	<36	<100	<24	<48
Avg 12 Months	122	4.08	28.71	67	10.59	31.30	115	19.60	70.24	96	33.81	82.70

KPI 3 Caseflow balance

Purpose: A high-level measure of the time it takes to process cases efficiently is whether overall case closures exceed case intake. If they do, then backlogs will be eroded. If they do not, then cases will begin to accumulate and waiting-times will be extended. **Definition:** The total number of cases closed at all stages minus the number of applications received. Applications include s15 directions from the Court of Appeal. **Calculation:** Recorded for each month and the rolling 12 month period. **Frequency:** Monthly. **Data source:** Case statistics compiled from the case management system.

Plan: Monthly: > -20, full year: >0. **Actual:** We met the target in ten out of 12 months and over the whole year closed 14 more cases than we received.

KPI 4 Complaints and judicial reviews

Purpose: The number of complaints and judicial reviews serves as a measure of the quality of service provided. **Definition:** 1 The number of cases re-opened as a proportion of complaints and pre-action protocol letters resolved and judicial reviews heard. 2 The number of complaints otherwise upheld as a proportion of complaints resolved. **Calculation:** Recorded for the current period and for the last 12 months. **Frequency:** Quarterly. **Data source:** Records of official complaints maintained by the Complaints Manager and of judicial reviews maintained by the Legal Advisers.

Plan and performance:

	Target number	Actual number	Target rate	Actual rate
Cases re-opened	<3	0	<4%	0
Other	<7	6	<9.5%	10%

KPI 5 Referral conclusions

Purpose: The proportion of referrals which result in a conviction being quashed or a sentence varied is a measure of our interpretation of the 'real possibility' test. **Definition:** The number of referrals on which judgment has been given in the period which have resulted in a quashed conviction or varied sentence as a proportion of the total number of referrals heard in the period. **Calculation:** Recorded for the 12 months to date and cumulative. **Frequency:** Quarterly. **Data source:** Judgments delivered by the Court of Appeal.

Plan: >60% and <80%. **Actual:** 59.40% for the 12 months with a cumulative figure of 68.60%.

KPI 6 Expenditure against budget

Purpose: A key indicator of financial management is the extent to which expenditure in the period is aligned to the delegated budget, with neither overspends nor significant underspends. **Definition:** Total expenditure less delegated budget, measured separately for resource and capital, expressed as a % of budget. **Calculation:** Forecast for the year. **Frequency:** Monthly. **Data source:** Management accounts.

Plan and performance:

	Amount £000		Budget %	
	Target Range	Actual	Target Range	Actual
Resource:				
RDEL	0 to-135	-192	0 to-2	-3
RAME	0 to-15	-1069	0 to-2	-271.4
Capital	0 to-15	-1	0 to-12.5	-0.5

KPI 7 Staff absence

Purpose: The extent to which staff and Commissioners are absent affects the productivity of the Commission and its ability to meet its casework targets. **Definition:** The aggregate number of days of employee and Commissioner absence through sickness, divided by the full time equivalent number of employees and Commissioners. **Calculation:** Recorded for the current period and for the year to date. **Frequency:** Monthly. **Data source:** Internally generated data based on personnel records.

Plan: Sickness absence: <7.5 days per annum.

Actual: Sickness absence: 6.58 days per annum.



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