

CCRC

Criminal Cases Review Commission
Annual Report and Accounts
2011/12

Criminal Cases Review Commission Annual Report and Accounts **2011/12**

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Criminal Appeal Act 1995.

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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 purpose:

is to review possible miscarriages of justice in the criminal courts of England, Wales and Northern Ireland and refer appropriate cases to the appeal courts.

Our overall aims:

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

Our values:

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

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Chair's Foreword



The Commission performed well in 2011/12 despite further reductions in budget and staffing. We retained the strongest possible focus on delivery in this, our sixth successive year of cuts and referred 22 cases to the appeal courts without any material increase in queues or waiting times.

Most Commission investigations are in relation to convictions for serious crimes – murder, rape, robbery. It was one such in depth, detailed investigation that uncovered fresh evidence in the case of Sam Hallam, who was convicted, at the age of 17, of the murder of Essayas Kassahun. Our review, conducted with the assistance of Thames Valley Police, acting under our instruction, revealed serious deficiencies in the original police investigation and led to our referral of his case. Sam Hallam's conviction was quashed by the Court of Appeal in May 2012. He was freed from prison after serving seven years.

This is a case that exactly matches the public conception of a classic miscarriage of justice in the sense that Mr Hallam denied the offence all along and pleaded not guilty but was wrongfully convicted. Miscarriages of justice do not always match this "classic" paradigm. For instance, someone who pleads guilty can nevertheless be the victim of a miscarriage of justice.

This is illustrated by our recent identification of a series of cases where refugees or asylum seekers have been prosecuted for, and pleaded guilty to, offences relating to their entry to the UK, such as having a false passport or not having a passport; some even found themselves in the almost Kafkaesque position of being punished for arriving without a passport having fled from a country whose passports are not recognised by our own government.

International law (or the Refugee Convention) states that such prosecutions should not

happen where people are fleeing persecution and UK law provides defences designed to protect people in this unfortunate position.

We have recently referred several cases where convictions have been obtained and prison sentences imposed in these circumstances and where people appear not to have been adequately advised of the potential defences.

At the time of writing, we do not know how many others may have fallen foul of the law in this way. We will be working with various agencies and organisations to try to make sure that people who may have been affected by this know that they can apply to the Commission and that we will take an independent look at their cases.

Similarly, there can be occasions when, notwithstanding that someone may clearly have done what they are accused of, the circumstances surrounding the offence may mean that they should not have been convicted. Two recent Commission referrals illustrate this point. One is the case of Goldie Coats who was convicted of smuggling cocaine into the UK and sentenced to 11 years in prison. We referred her case to the Court of Appeal in March 2012 because we obtained new expert evidence that suggested she was suffering from battered woman syndrome at the time of the offence. That diagnosis led us to conclude that, in the particular circumstances of her case, there was a real possibility that the Court of Appeal would quash her conviction or reduce her sentence. As I write this foreword, the case has yet to reach the Court of Appeal so we do not know what they will make of it, but we will watch the outcome with interest.

The other is the case of a 17-year-old woman we refer to only as T in order to protect her identity. T was trafficked into this country, raped, assaulted and forced to work as a

prostitute. She eventually managed to escape her tormentor but she was arrested as she attempted to flee the country using a stolen passport. She pleaded guilty to possessing a false identity document with intent and was sentenced to four months' custody.

We were able to refer her case on the basis that factors such as her youth, her status as a victim of human trafficking, and her particular vulnerabilities amounted to a "nexus of compulsion". The Commission concluded that under these circumstances T's prosecution should be viewed as an abuse of process and her conviction was quashed in July 2011.

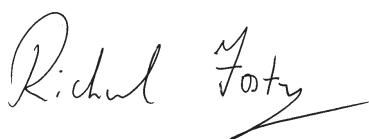
It is extraordinary that a young girl who was the victim of that sort of brutalising treatment should be treated by our justice system in this way.

It is a sobering fact that around three quarters of the people in our prisons struggle with reading and writing. In the knowledge that almost two thirds of our applicants are in custody, we took steps during 2011/12 to produce a new Easy Read application form that uses simple words and pictures to make the process of applying as straightforward as possible. Applications have risen significantly in consequence. This year we will also be working more closely with legal representatives, charities and support groups to ensure that the people who really need to reach us can do so.

Finally, it is with regret that I must mention the departure of our Chief Executive, Claire Bassett, who left to become Chief Executive of the Parole Board. We wish her every success. As noted elsewhere in this report, the Commission has transformed itself in recent years and, as Chief Executive, Claire has been at the heart of those changes.

We are delighted to have Karen Kneller as our Acting Chief Executive. Karen is already getting to grips with her new responsibilities,

the greatest of which will be to deal with potentially significant increases in our workload with the likelihood of further cuts to our budget. The risk, of course, is that in these circumstances queues will lengthen and those wrongfully convicted, like Sam Hallam, will have to wait yet longer for their release from prison.



Richard Foster CBE Chair

Chief Executive's Introduction

This is my last contribution to the Criminal Cases Review Commission's Annual Report and Accounts as I will be leaving the Commission at the end of March 2012.

The two-and-a-half years I have been at the Commission have been hugely rewarding and I have taken this opportunity to reflect on some of the things that we have achieved during this time.

Casework and the investigation of alleged miscarriages of justice are the core of what the Commission does. The commitment to quality shown by all case review staff and Commissioners has consistently impressed me during my time at the Commission. Reviewing, investigating and making decisions on complex and difficult cases is never easy, particularly if there is pressure from outside, but the level of focus, the commitment to the work and the independence I witnessed every day are all extraordinary.

Those who carry out the casework are also supported by an excellent team of people. Whether it is supporting the day-to-day running of the organisation, tracking down large volumes of files or answering the telephones, the commitment of everyone is one of the great strengths of the Commission and it is one of the things I will miss being a part of.

I have overseen some significant changes at the Commission during my time as Chief Executive. Some of the bigger projects have included a review of the Commission's governance and subsequent changes to our Board structures, getting a range of staff involved in identifying and implementing new ways of delivering business support, and introducing changes to our casework handling procedures.

During all this time the Board, senior managers and wider management team have worked very hard to improve internal

communications. This has meant much more information being shared across the organisation and has created more opportunities for staff to feed back. It led ultimately to the significant improvements in our staff survey results which were recognised by ORC International when they gave the Commission their award for staff engagement in 2011.

One very visible change has been the move from our old offices at Alpha Tower to a new home at 5 St Phillip's Place. This meant moving into a much smaller space within the Government estate which has contributed to overall savings for the public purse. The move to open plan working was not easy for some, but, as feedback has shown, many like the new offices and the improvements it offers.

The high number of applications we receive has always been a challenge for the Commission. Despite this, we believed it was important to ensure that more of those who want to reach us, can do so. The Easy Read application form we introduced in 2011/12 has meant a dramatic increase in applications, particularly from those with learning difficulties.

There is no doubt that there are still some challenges ahead for the Commission. Not the least of these will be the departure of those Commissioners who are coming to the end of their terms, the arrival of new Commissioners and the upcoming Ministry of Justice's Triennial Review. All of these will be happening in the next year. I am confident, however, that the Commission is in a very strong position to meet these challenges and that it is in safe hands. I very much look forward to observing the Commission's future successes and will probably do so with a tinge of regret that I am no longer a part of it.



Claire Bassett Chief Executive
until 31st March 2012

The year in numbers:

In 2011/12 the Commission received 1,040 applications, compared with 933 last year. A total of 878 cases were completed and closed, compared with 947 in 2010/11. There were 555 cases under review at 31 March 2012, compared with 366 at the same point last year. A further 196 cases were waiting at the end of March 2012 for a review to begin and 119 others were newly arrived or undergoing preparation. We referred 22 cases, or 2.5% of cases closed, to the appeal courts in 2011/12. Last year we also referred 22 cases but at a rate of 2.32%. The Commission's long term referral rate is now 3.64%. A total of 12 cases referred by the Commission reached the appeal courts in 2011/12. Last year the figure was 34. Of the 12 cases heard in 2011/12, seven appeals were allowed and five were dismissed. This means that of the cases referred by the Commission and heard in the appeal courts, 58.3% were allowed. The long term average is 70.20%.

Section One

Directors' Report

Commissioners

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

At the end of March 2012, there were nine Commissioners, including the current Chair of the Commission, Mr Richard Foster CBE.

The Criminal Appeal Act 1995 requires that the Commission has no fewer than 11 Commissioners. However, the Ministry of Justice has indicated that it is appropriate for the Commission to operate for a limited period with only nine Commissioners. By statute the validity of decisions made with a reduced membership is unaffected.

In last year's Annual Report and Accounts we explained that plans to recruit Commissioners to bring the Commission into line with statutory requirements had remained on hold while we considered how best to organise Commissioner resource in light of budgetary pressures then and in the future.

At the time that this 2011/12 Annual Report and Accounts is being produced, a recruitment process is underway to find and appoint up to four new Commissioners. The aim is to fill the two vacancies that have existed since 2010 and to replace two Commissioners who will be leaving in summer 2012 having worked at the Commission for the maximum period of ten years. As Commissioners are appointed by the Queen and not by the Commission, the recruitment process is being run by the Ministry of Justice with input from the Commission.

During the year 2011/12, the Commissioners were:

Mr Richard Foster CBE (Chair)
Mr Alastair MacGregor QC (Deputy Chair)
Mr Michael Allen
Ms Penelope Barrett
Mr James England
Miss Julie Goulding
Mr Ian Nichol
Mr Ewen Smith
Mr John Weeden CB

Non-executive directors

The Commission had two non-executive directors during 2011/12. They were Dame Anne Owers DBE and Dr Maggie Semple OBE, FCGI.

Directors

During 2011/12 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 comprised the Senior Management Team responsible for the day-to-day running of the Commission.

Chief Executive Claire Bassett left the Commission on March 31st 2012. Miss Karen Kneller, who was the Commission's Director of Casework, has been Acting Chief Executive and Accounting Officer since April 2012 and has therefore signed the Commission's Annual Report and Accounts for 2011/12.

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 proper systems of internal control and reporting procedures. It reviews internal and external audit reports on behalf of the Commission. Since January 2011 the chair has been Commission non-executive director Dr Maggie Semple.

Auditor

Arrangements for external audit are provided for under paragraph 9 of Schedule 1 to the Criminal Appeal Act 1995, which requires that the Comptroller and Auditor General examine, certify and report on the statement of accounts. The report, together with the accounts, is laid before each House of Parliament. No remuneration was paid to the auditor for non-audit work during the year. 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, 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 2011/12, 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 2010 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 2011/12 Mr Richard Foster claimed a total of £216 in expenses and Mrs Claire Bassett claimed a total of £510.



Karen Kneller

Acting Chief Executive
29 June 2012

Section Two Casework

One of the challenges for the Commission this year has been to maintain our casework performance against a continuing background of diminishing resources. It is pleasing, therefore, to be able to report that we have to a large extent "held our own" in these difficult circumstances.

Once again we ended the year with fewer Case Review Managers (CRMs) than we started and we have managed all year with only nine Commissioners. Given that Case Review Managers investigate and review the cases, and that Commissioners make the decisions about whether or not cases can be referred, it is remarkable that we have coped so well with so few resources in these key areas. We have done so thanks to the hard work of staff and Commissioners and also to the fact that we have, where possible, diverted resources to the "front line". As a result, we are now stretched thinly in those areas of the Commission that exist to support the organisation and the case review function.

We warned in last year's Annual Report and Accounts that we expected our financial situation to deteriorate further and that we anticipated that it would be a struggle to maintain performance – and so it proved. Unfortunately, we find ourselves once again in a position where we must issue the same warning and where we must again express the same determination that there will be no compromise on the quality of our reviews; as a result it may be inevitable that in the future our applicants will have to wait longer for their cases to be completed.

The Commission's casework performance is monitored using a set of Key Performance Indicators, or KPIs. The KPIs are discussed

below and are set out on pages 66 and 67 of this report.

KPI 1 Time from receipt to decision

We aim to review cases with speed and thoroughness. KPI 1 monitors the average time it takes us to deal with a case from the day the application arrives to the day a decision is communicated to the applicant. Our target for KPI 1 is to reach the initial decision within an average of seven months. In 2011/12 the actual average time was 7.52 months. Last year the figure was 7.37 months. The fact that we have again narrowly missed our target might suggest it is too ambitious, particularly in light of our diminishing resources and the need to ensure quality.

Age of next case for allocation

Although not a KPI, we keep a close watch on the age of the next case that is due to be allocated. We do so because it is a measure of how long it is taking us to begin a review once a case has been prepared. In previous years we have divided cases into categories A, B and C according to an estimate of their likely size and complexity. We aimed to allocate all A cases within five months regardless of whether the applicant was in custody or at liberty, but we distinguished between custody and liberty cases in categories B and C and aimed in both to allocate within six months for custody cases and within 18 months for liberty cases.

We still have three categories of case, but we now refer to these as small, medium and large, and we now distinguish between liberty and custody cases in all three categories. Our aim in all three is to allocate custody cases to a Case Review Manager within six months and liberty cases within 18 months. The change was introduced not only to refine our procedures but also to simplify our terminology and targets in order to provide applicants with a clearer picture of the likely timescales in their own cases. All our time to allocation targets were met or bettered in

2011/12. At the end of the year the oldest unallocated small and medium custody cases were six months old and the oldest large custody case was two months old. The oldest small liberty cases were 17 months old, the oldest medium liberty cases were 18 months old and the oldest large liberty case was 14 months old. The changes in this area have been phased in to make sure that no applicant has been disadvantaged by the introduction of the new custody/liberty distinction in allocating smaller cases.

In previous years we have reported on Cases in Progress as a KPI. This formal measure has been dropped in order to simplify our performance monitoring and reporting.

KPI 2 Time from allocation to provisional decision

We aim for 70% of all cases to reach the provisional decision stage within the milestones set by KPI 2. At the end of March 2012 only 59.61% of cases were on target. The main reason for this is that there has been a slight increase in the time taken to progress cases that look unlikely to be allocated to a Case Review Manager for a full review. This category of cases includes cases where applicants have not tried to appeal before applying to us, and cases where applicants do not appear to have raised any issues capable of giving rise to grounds to refer. Because cases of this type represent a large proportion of applications, a slight change in the length of time it takes to deal with each one has a significant impact on this KPI. The reason for the increase in time spent on such cases is that we have changed the way we deal with some of these cases in the interests of improved efficiency and thoroughness. They may now, where a Commissioner thinks additional input would assist, be allocated to a Case Review Manager to look into before they go back to the Commissioner. Previously Commissioners considered all such cases without assistance. This new approach means that, while Commissioners remain the decision makers in every case, they are free to spend

more time on other areas of casework. It also means that, where necessary, these cases are additionally considered by a Case Review Manager and so the process takes slightly longer. We have already taken steps to manage the situation and as a result expect to see improvements in this KPI next year.

KPI 3 Caseflow balance

KPI 3 shows how the overall number of cases completed in a year compares with the number of applications received. If the number of cases received is greater than the number dealt with in a year, queues and waiting times may well increase; if the number is smaller they may well decrease. During 2011/12 we completed 162 fewer cases than we received. For comparison, in 2010/11 we completed 14 more cases than we received. The fact that there is a significant difference between cases received and the number closed is largely accounted for by a surge in the number of applications received in the last quarter of 2011/12. This year we received 1,040 applications; 107, or 10.3%, more than in 2010/11. This is directly attributable to a deliberate attempt by the Commission to ensure that more of those who want to reach us can do so. This initiative is discussed on pages 31 to 32.

Referrals

In 2011/12 the Commission referred 22 cases to the appeal courts. This was, by coincidence, exactly the same as in the previous year. This means that in 2011/12, we referred 2.5% of the 878 cases concluded in the year. The referral rate in 2010/11 was 2.3%. In 2009/10 we referred 31 cases at rate of 3.5% and the Commission's long-term referral rate stands at 3.64%.

Two factors in particular seem to have influenced the number of referrals this year. One was that there have been relatively few "multi-handed" cases – this was also the case in 2010/11. These are cases where multiple applicants (often co-defendants) are

referred on the same basis, usually having had their cases reviewed together by the Commission. While we did see three referral cases each involving two applicants in 2011/12, we have in the past been used to seeing more multi-handed referrals involving up to seven applicants. The other factor was the ongoing situation with Northern Ireland “youth confession cases” which is discussed in some detail below.

The Commission has always reported its referral rate as a percentage of the total number of cases closed and will continue to do so. However, it is perhaps worth providing here some information about what the calculation involves. The total number of cases closed includes every application received regardless of whether it comes under the statutory remit defined for the Commission by the Criminal Appeal Act 1995.

This means that the total cases figure includes applications relating to civil matters or other proceedings outside our jurisdiction, cases where applicants have appeals pending and cases where they have not appealed and there are no exceptional circumstances (as required by the Criminal Appeal Act 1995) that would allow us to refer their cases. If cases of this type are removed from the calculation, along with re-applications that raise no new grounds, the Commission’s long-term referral rate can be expressed as approximately 7.5%.

Northern Ireland youth confession cases
In May 2009 the Court of Appeal in Northern Ireland quashed the convictions of Joseph Fitzpatrick and Terence Shiels; these were cases which the Commission had referred in September 2008. The applicants in those cases were interviewed as juveniles in

connection with incidents in Northern Ireland. Each was said to have made admissions in interview, which subsequently gave rise to their convictions. The Commission referred the cases on the basis that it considered that the circumstances under which the alleged admissions were recorded gave rise to a real possibility that the Court would quash the convictions. Following the Court’s decision in Fitzpatrick and Shiels, the Commission referred four further cases on the same basis. The Court heard argument in those cases in March 2010 and reserved judgment. Further argument was heard in October 2011 and judgment was again reserved. We have remained in contact with the Court, but, as of 31st March 2012, no date had been set for that judgment to be handed down. The Commission now has 28 applications waiting for review which raise issues concerning the interviewing of juveniles in Northern Ireland. Those applications, which include some of our oldest cases awaiting review, have been delayed until the result of the appeal is known. As a result, these cases have not been counted within our casework performance statistics.¹

Directions for investigation on behalf of the Court of Appeal

A lesser known function of the Commission is that it can be called upon by the Court of Appeal Criminal Division, under section 15 of the Criminal Appeal Act 1995 (and section 23A of the Criminal Appeal Act 1968), to investigate and report on matters arising from first appeals.

In recent years we have seen a significant increase in the number of section 15 investigations that we have been asked to carry out by the Court. In 2011/12, we were

¹ On 23rd May 2012, the Northern Ireland Court of Appeal handed down its judgement in relation to the four outstanding “youth confession” cases mentioned above; two convictions were quashed and two were upheld. The Commission will study the Court’s judgment in these cases (neutral citation currently unavailable) to see what implications it may have for other cases.

asked by the Court to carry out investigations into eight cases involving 17 appellants. Last year we carried out 7 section 15 investigations involving 13 appellants and in earlier years the number was much lower.

Our largest section 15 investigation to date concluded in March 2012 (detailed judgment reserved) when the Court of Appeal quashed the convictions of five men convicted in 2008 of a murder committed in 2002. This was a major investigation carried out by the Commission at the behest of the Court. It involved the Commission appointing, under section 19 of the Criminal Appeal Act 1995, the Chief Constable of Derbyshire Police to investigate matters under our direction. The investigation lasted more than two years. At its height, it involved 30 full-time detectives from Derbyshire and Leicestershire Police, plus support staff, based at their own incident room in Loughborough. The Commission provided its 247-page report to the Court in December 2011; the five convictions were quashed principally on the findings set out in that report. Our investigation also prompted an enquiry by the Independent Police Complaints Commission into alleged police misconduct relating to the circumstances of the original prosecution. At the time that this annual report is being produced, that IPCC enquiry is ongoing.

The issues involved in section 15 investigations are usually complex, often sensitive and the cases always need to be expedited. The reports we produce tend to be at least as substantial as a Statement of Reasons in a normal referral case. Section 15 investigations are significant pieces of work that inevitably use resources that we would otherwise deploy in reviewing applications; they are an extremely important part of our work.

The Court of Appeal is often very appreciative of the investigations that we carry out under

section 15. For instance, Sir John Thomas, as President of the Queen's Bench Division, said this in relation to the case of *R v Spicer* [2011] EWCA Crim 3247 where the Commission was asked to investigate allegations of inappropriate behaviour by a juror:

"As is usual, the Criminal Cases Review Commission carried out a thorough and detailed investigation. It is again important to acknowledge publicly the benefits that the Criminal Cases Review Commission provides to our system of justice. Its task in investigating miscarriages of justice are well-known. But equally important in this day and age, is its investigation into matters which arise in relation to the conduct of jurors, which unfortunately seem to arise much more frequently ... than they used to only 1 or 2 years ago. We would like to pay tribute to the thorough and detailed investigation that has been undertaken. We are entirely satisfied that it has left no stone unturned to enquire into whether there was any possibility whatsoever that matters had gone wrong within the jury room or between the jurors, or there had been any improper communications. We are satisfied, on the enquires that the Criminal Cases Review Commission were able to carry out, that there was nothing of the kind...."

"We would wish therefore to record and underline the immense debt of gratitude this court owes to the Criminal Cases Review Commission and pay tribute to and emphasise the importance of [them] being well funded to be able to undertake such enquiries so essential to the administration of justice."

Analysis of Referrals to the Court of Appeal in 2011/12

(See table on pages 64 to 65)

Four related cases that we referred in 2011/12 represent an emerging theme and highlight a significant and potentially widespread misunderstanding or abuse of the law.

All four cases involve people who entered the UK as asylum seekers or refugees, but who were prosecuted and punished for offences linked to their entry to the UK, such as not having the correct travel documents. All pleaded guilty to the charges put to them, but none were advised that they may have had a defence available to them.

The cases concerned were the linked referrals of Alphonse Shuale-Mongoue and Nadine Djeumeni, and the separate cases of Fissaha Tesfagabir and Mahad Adan.

Mr Shuale-Mongoue and Ms Djeumeni were arrested together trying to board a flight to Canada from Heathrow Airport. In November 2004 at Uxbridge Magistrates' Court, both pleaded guilty to, and were convicted of, possession of false passports and attempting to obtain air services by deception. They were sentenced to eight months' imprisonment.

The Commission referred the convictions of both applicants because, having claimed from the outset that they were travelling as refugees from Cameroon to Canada via the UK, they were entitled to a statutory defence against the first charge under s.31 of the Immigration and Asylum Act 1999. Furthermore, the House of Lords had already ruled, in identical circumstances in the case of *R v Asfaw* [2008] UKHL 31, that the addition of a second charge in these circumstances, that of attempting to obtain

air services by deception, was an abuse of process.

Similar issues arose in the referrals of Fissaha Tesfagabir and Mahad Adan. Mr Adan pleaded guilty to failing to produce a passport contrary to section 2 of the Immigration and Asylum (Treatment of Claimants) Act 2004 at Uxbridge Magistrates' Court in September 2006 and was sentenced to five months' imprisonment. Mr Tesfagabir pleaded guilty to failing to produce a passport at Croydon Magistrates' Court on 4th November 2005 and was sentenced to 12 weeks' imprisonment.

However, because Mr Adan originated from Somalia he would not have been able to obtain a passport because there has not been a passport issuing authority in Somalia since 1991. Mr Tesfagabir was persecuted on religious grounds in Eritrea. He therefore would not have been able to obtain a passport from the Eritrean government. As a result they were both entitled to rely on the defence of "reasonable excuse". Neither man was apparently adequately advised by lawyers.

The Commission referred their convictions on the basis that they had a reasonable excuse for not producing a genuine document (pursuant to section 2(4)(c) Immigration and Asylum (Treatment of Claimants) Act 2004). We also considered that the prosecution was an abuse of process in Mr Adan's case because the UK government does not recognise Somali passports.

While practices may have changed at the organisations involved, such as the Crown Prosecution Service and the UK Border Agency, the Commission believes that relevant prosecution offices that service airports, ports and immigration offices may have been prosecuting offences of this kind without any regard to Article 31, Refugee Convention or the defences in domestic

legislation for several years. Defence lawyers appear to have advised asylum seekers/refugees in these cases to plead guilty when there were potential defences available to them. We therefore believe that there is likely to be a significant number of people who have been wrongly convicted in a similar manner. Having identified the problem, the Commission will during 2012/13 seek to engage with the relevant agencies in order to rectify the situation and identify individuals who may have been affected. We will also be contacting charities, churches and other groups who may have contact with individuals likely to have suffered wrongful convictions of this kind.

Other convictions

The first two referrals of 2011 continued a theme identified in last year's Annual Report; fresh medical evidence arising from the change in guidance given by the Royal College of Paediatric and Child Health in their 2008 report "The Physical Signs of Child Sexual Abuse". In the same month, the Royal College issued an update to that report, and we understand that a new edition will appear in 2013.

Complainant credibility also continues to represent a key feature in Commission referrals. One, the case of "Z", was based on material in Social Services records concerning the earlier history of the complainant when she lived abroad. Two cases ("A" and "B") identified new evidence about the complainants' credibility. The case of "C" highlighted a failure to disclose material relevant to the complainant's past. The referral in that case was also based on issues relating to the adequacy of directions provided to the jury.

Two Northern Irish convictions (those of James Martin and Veronica Ryan) arising from the same incident in 1989 were referred. Convictions of the same applicants

for a different offence committed in 1990 had been referred in 2008 and had been quashed by the Northern Ireland Court of Appeal in 2009.

Probably the most publicised referral this year was that of Sam Hallam, convicted of murder in 2005 after a young man was killed during group disorder in Islington, London. The Commission's in-depth and long-running investigation involved the appointment, under Section 19 of the Criminal Appeal Act 1995, of an investigating officer from Thames Valley Police. That section 19 investigation involved up to 20 officers, took more than a year and saw of dozens of witnesses interviewed in relation to the Commission's review. The referral was based on fresh information about the way Mr Hallam came to be named as taking part in the violence, and other new evidence.

The Commission referred two drug-related cases during the year, both involving the use of 'mules' to smuggle narcotics into the country. In the case of Goldie Coats the applicant's acute vulnerability coupled with fresh evidence of battered woman syndrome provided grounds for the referral and it was considered that there were 'exceptional circumstances' present to allow the referral in spite of there having been no prior appeal. In the second, the case of Adekunle Akanbi-Akinlade, a section 19 investigation into the credibility of a key prosecution witness was carried out under our direction by the Metropolitan Police.

Sentence only

Two sentence only referrals were made this year. Both involved situations where the sentencing court did not take account of all the relevant information. Following a "cold case review" of a 1978 incident of attempted rape, the offender was traced in 2009 when his DNA was found to match semen on the victim's clothes. In 2010 he was convicted

and sentenced to life imprisonment, but all those involved in the trial had overlooked the fact that between 1948 and 1985 (including the year when the offence had been committed) the maximum penalty for an attempted rape was seven years' imprisonment. As the life sentence was therefore unlawful, it was quashed. The Court of Appeal commented: "Justice will not appear to the victim to have been done, and for what it is worth, we do not think that the sentence which we must now impose appropriately represents this appellant's criminality. Nevertheless the decision is unavoidable. It is a consequence of the legislation in force at the time, which we are bound to apply." In fact, the individual concerned remains in prison for other offences.

The second case was that of David Pleasants, recalled to prison and then awarded a consecutive prison sentence for offences committed whilst on licence. The referral was made on the basis that section 116 of the Powers of Criminal Courts (Sentencing) Act 2000 did not apply to prisoners released under s.33(1A) of the Criminal Justice Act 2003 and so, in the circumstances, the Crown Court had no power to impose a consecutive prison sentence.

Summary convictions

There were five convictions from a magistrates' court referred to the Crown Court during the year.

Ricky Rowe's details were given to police officers during a stop check and he was charged with driving without insurance. Commission enquiries identified discrepancies in the evidence given at trial by a police officer, which led to the referral and the quashing of the conviction.

Montazar Chberei was convicted of speeding but denied being the driver. Commission

enquiries uncovered evidence which suggested that the driver was actually another individual who had provided Mr Chberei's details to police on more than one occasion.

Jawid Yusuf's convictions for false accounting were referred to the Crown Court as a direct result of the Commission's exercise of its s.17 powers which uncovered evidence which tended to undermine the credibility of two key prosecution witnesses. The case underlines the need for attention to detail on the part of the CPS when responding to defence requests for disclosure.

Analysis of appeal court decisions in 2011/12

(See table on page 65)

The referrals dealt with by the courts during 2011/12 had largely been referred by the Commission in previous years.

Conviction appeals

A story spanning five decades came to an end when George Davis's 1975 conviction for a wages robbery in Ilford was quashed in the light of fresh material and new evidence about the circumstances of his identification. Lord Justice Hughes, Vice President of the Court of Appeal Criminal Division explained:

"The fresh material relating to the identifications made by those at the scene of the robbery, together with the limited new evidence affecting the other very positive identification ... so far undermines the case that it is impossible to be satisfied that this conviction is safe. We do not know whether Davis was guilty or not, but his conviction cannot be said to be safe. As we have made clear, the fact that he was an active and known criminal does not affect this question, nor does it make it any the less important that his conviction should not be upheld unless it is clear that it is safe." R v Davis [2011] EWCA Crim 1258.

Non-disclosure continues to be a recurrent theme in Commission referrals.

John and Gerard Lane were convicted of kidnapping and blackmail. It was not disclosed at trial that a key witness had provided information to the police which was inconsistent with his evidence in the case. Whilst there was some evidence to suggest that the police had told the prosecuting authorities about this information, it did not reach the courts or the defence. Upholding the convictions, Lord Justice Moses commented: *"The CCRC were entirely correct in referring this matter to the court since it should always be revealed where something as sensitive and important as disclosure has gone very gravely wrong, as it did in this case. The matter needs to be investigated and needs to be aired in open court. But this court's jurisdiction, as we have already underlined, is not wide enough to allow us to put right matters of serious procedural error and concern merely because something went so gravely wrong. Our sole jurisdiction under statute is to consider whether the verdict was unsafe..."* R v Lane and Lane [2011] EWCA Crim 2745.

Different non-disclosure issues arose in a murder conviction surrounding the retraction of the evidence of an important witness: R v Edwards [2012] EWCA Crim 5. The Commission had previously considered the conviction but had decided not to refer in 2002. A re-application led to a referral because it was revealed that information about the witness' contact with police officers had not been disclosed. However, the information was not sufficient to lead the Court of Appeal to conclude that the conviction was unsafe.

Evidence of misconduct by the police will not *per se* be sufficient to result in a conviction being quashed. Possibly the last of the 'Rigg Approach' cases, based on misconduct by officers of the Flying Squad based in

Walthamstow, East London, twenty years ago, was examined in R v Gary Hutchings [2011] EWCA Crim 2535. The Court concluded that the untainted evidence was sufficiently compelling for the conviction to remain safe.

Two convictions for sexual offences were referred and quashed.

In the first, there arose the familiar issue of new information casting doubt on witness credibility. Lord Justice Elias expressed the Court's view that "...the [new] evidence undermining the truthfulness of the complainant and demonstrating her willingness to manufacture stories to obtain her own ends casts considerable doubt on the safety of this conviction." R v Wilkinson [2011] EWCA Crim 2289.

The second concerned fresh evidence which suggested that the accounts given by two sisters as to how one of them had hurt herself during a game might have provided an innocent explanation for what doctors had taken to be signs of sexual abuse. R v Robert C [2011] EWCA Crim 1525.

Last year's referral of Alan Traynor was heard by the Court in March 2012. The case involved an alternative suspect for a murder which took place in 1993. This was known at the time of trial, but the evidence was regarded as inadmissible. The Commission took the view that the evidence would now be admissible and that it could have affected the verdict. Upholding the conviction, the Court accepted that the evidence could have been used by the defence but ruled that it was not sufficiently compelling to cast doubt on the safety of the conviction.

Sentence appeals

The case of an unlawful sentence from 2010 for an attempted rape in 1978 has been mentioned above, and was dealt with by the Court of Appeal along with several non-

Commission cases involving sentencing issues – *R v Hall and others* [2011] EWCA Crim 2753.

The only other sentencing referral dealt with by the Court during this period concerned a confiscation order relating to tobacco smuggling which, for technical reasons relating to regulation 13 of the Tobacco Products Regulations, SI 2001/1712, should not have been made – *R v Homer* [2011] EWCA Crim 1729.

Crown Court decisions

During the reporting year 2011/12, three referrals from the Commission were dealt with in the Crown Court.

In the case of Gordon Malloch, heard at Swindon Crown Court, the only independent witness to an incident of ‘threats to kill’ in 1990 had retracted his evidence soon afterwards (although not before an unsuccessful appeal had taken place), and admitted perjury. Perhaps because he was young and had been supporting his employer (the alleged victim) he was not prosecuted for perjury. In 1992 the Home Office refused Mr Malloch’s application for a free pardon. Many years later, Mr Malloch applied again for a free pardon after responsibility moved to the Ministry of Justice, and this time he was directed towards the Commission. The conviction was quashed after the prosecution chose not to resist the appeal.

The second summary case concerned a young female victim of human trafficking who was convicted of possession of a false identity document with intent contrary to section 25(1) of the Identity Cards Act 2006. She is referred to as “T” in the tables and appendices section of our Annual Report and Accounts for this year. She pleaded guilty in the Youth Court. The Commission

referred the conviction on the basis that her circumstances revealed a “nexus of compulsion” (as distinct from duress) and that the prosecution would now be stayed as an abuse of process. In July 2011, at Isleworth Crown Court, the prosecution formally confirmed that no evidence would be offered, T’s previous guilty plea was set aside and the appeal was allowed.

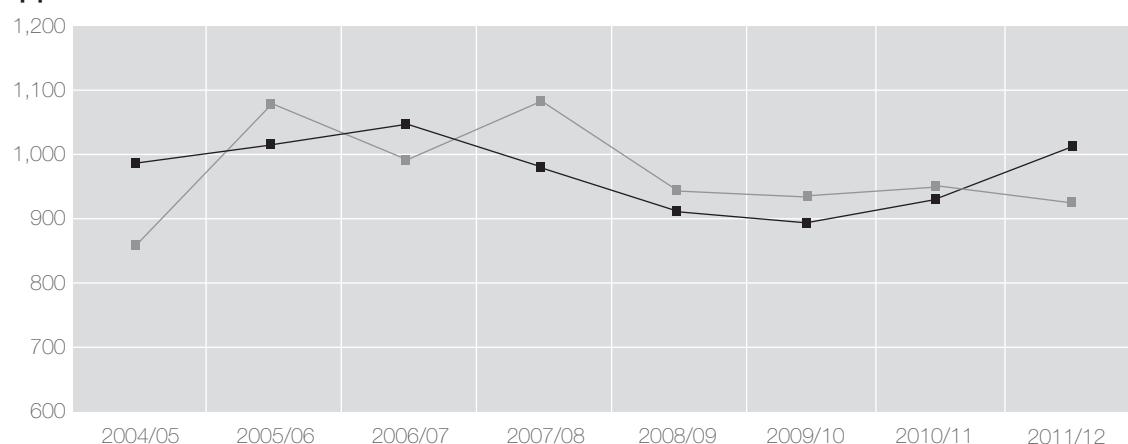
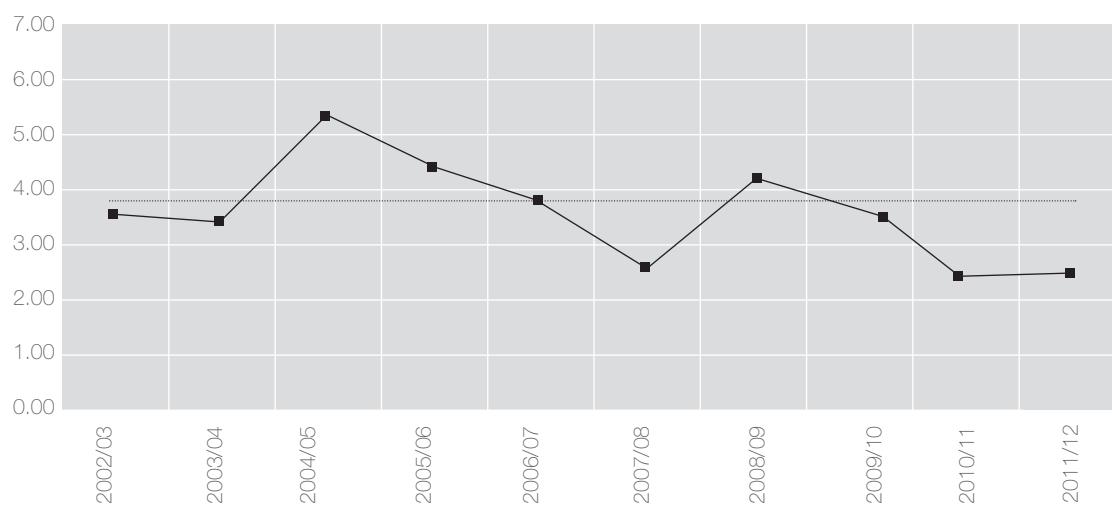
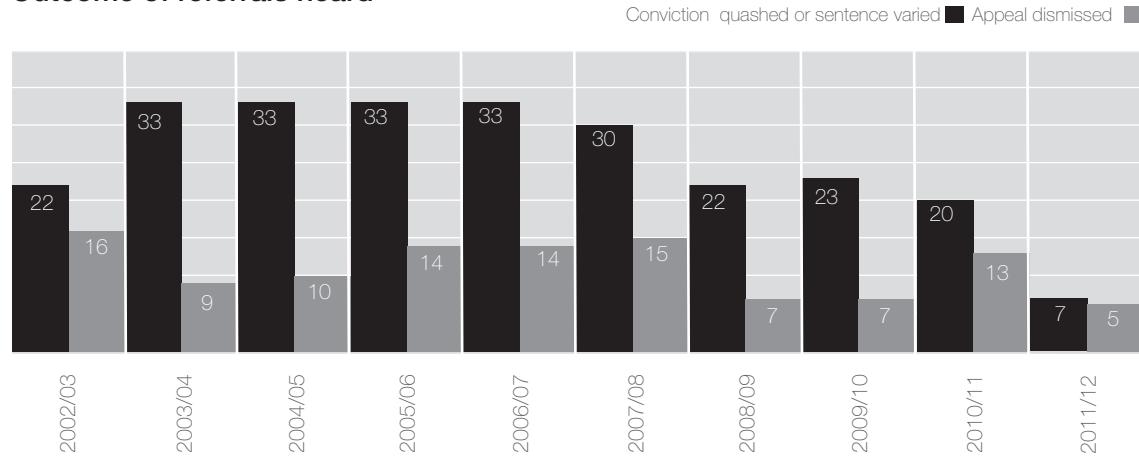
Finally, there was an ‘identity theft’ referral of a motoring conviction. This was the case of Rowe referred to on page 17. The conviction was overturned at Woolwich Crown Court.

The CCRC and the Supreme Court

Although we cannot refer cases to the Supreme Court, it does sometimes happen that our referrals raise issues which eventually fall to be decided there. During the year, the Supreme Court examined the law relating to the payment of compensation for miscarriages of justice (*R v Adams, MacDermott and McCartney* [2011] UKSC 18) and the circumstances in which it is appropriate to order a re-trial after a conviction has been quashed on appeal (*R v Maxwell* [2010] UKSC 48). In Maxwell the Supreme Court’s decision had been made during 2010/11, but the judgment was not published until July 2011.

Military cases

The Armed Forces Act 2006 amended the Criminal Appeal Act 1995 and the Court Martial Appeals Act 1986 to give the Commission jurisdiction over convictions and/or sentences arising from the Court Martial or Service Civilian Court after 31st October 2009. The Commission has yet to receive any applications in relation to these responsibilities.

Applications received v cases closed**Referrals as % of cases closed****Outcome of referrals heard**

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 had no cause to do either in 2011/12.

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 2011/12 Commission decisions have been subject to a total of 25 challenges. In 12 cases judicial review proceedings have been issued. In 13 cases correspondence has been exchanged under the pre-action protocol for judicial review. That compares with 31 such challenges in 2010/11. As in previous years, the majority of these claimants have sought to challenge our decision not to refer convictions to the appeal courts.

In December 2011 the Administrative Court in Leeds refused the claim of Raymond Morris, who was convicted (among other offences) of murdering a schoolgirl whose body was found on Cannock Chase in 1969. In a detailed judgment Mr Justice Simon dismissed the claim, saying: "The criticisms advanced on [Mr Morris's] behalf are in reality disagreements with the evaluative judgments of the Commission".

The Commission conceded one case after judicial review proceedings were issued. This was the case of Dean Williams. It was felt that there was some merit in the arguments made by the applicant's solicitors and counsel. The case has been allocated to a different Case Review Manager and put to a fresh committee for a fresh decision, which will be made in due course.

Permission for a judicial review to proceed has been granted by the Administrative Court in the case of Jordan Towers, who was convicted of murder on the basis of joint enterprise in 2007. There will be a contested hearing in the summer of 2012².

Complaints to the Commission

The Commission received a total of 50 complaints during 2011/12. This was a decrease of 24% on the previous year when 66 complaints were received. The drop in number appears to be due to the fact that in 2010/11 a significant number of complaints were generated by a relatively small number of 'persistent' complainants who each contacted us several times in relation to their cases. The number of individuals who have made a complaint about the Commission has actually remained relatively static in recent years. In 2011/12 the complaints received related to 47 different cases; in 2010/11 the complaints received related to 50 different cases and in 2009/10 the complaints received related to 51 cases.

A complaint is counted as having been upheld if any aspect of the Commission's handling of the case is found to have been deficient regardless of whether the deficiency had any impact on the outcome of the case. In 2011/12 three complaints (6% of the total) were upheld. Last year five complaints (8% of the total) were upheld. No cases were re-opened as a result of complaints being

² The case was dismissed at the High Court in London on 2nd May 2012.

upheld. At the time of writing, six complaints received at the end of March 2012 are yet to be concluded.

The Commission aims to handle complaints in a fair, thorough and timely manner. We are committed to acknowledging receipt of a complaint within ten working days. In 2011/12, the average time it took to acknowledge a complaint was three working days; in 2010/11 it was four working days.

The time it takes to consider a complaint in detail and send a substantive response depends on the nature and complexity of the issues raised. For this reason we do not set a specific target for the time it should take us to provide a substantive response. We do, however, aim to complete complaints investigations within 20 working days. In 2011/12 the mean average time taken from receipt of complaint to the provision of a substantive response was 16 working days. In 2010/11 it was 19 working days and in 2009/10 it was 20 days.

The Commission's complaints procedure has two stages. The majority of complaints are dealt with at stage one by the Customer Service Manager. If a complainant is not satisfied with the response provided at stage one, there is a second stage where the handling of the complaint at stage one is considered by the Chief Executive (or acting Chief Executive) or by a non-executive director of the Commission. In 2011/12, five complaints (10%) moved to stage two of the procedure. Last year ten complaints (15%) moved to stage two.

As in previous years, most complaints (74%) received in 2011/12 arose following the final decision stage of a case and most were made by applicants on their own behalf. The complaints received in 2011/12 were spread across a range of offences varying in

seriousness. A significant proportion (26%) of the complaints received came from applicants who had not received a custodial sentence. Last year the figure was 28% whereas in 2009/10 only 8% of complainants fell into this category.

Applicants can make a complaint up to three months after a final decision is reached in their case. During 2011/12 four complaints were declined because they were submitted after that three month time limit had elapsed. Two complaints were declined during the year on the basis that a provisional decision had just been reached in the case concerned, and the interests of the applicant would be better served by treating the substance of their complaint as further representations in response to the provisional decision in their case.

Allegations that the Commission has in some way discriminated unfairly against an applicant are taken very seriously and recorded in a separate complaints register. During 2011/12 the Commission received five complaints (10%) that raised issues concerning equality and discrimination. No complaints of this type were upheld. In 2010/11 the Commission received ten complainants raising concerns of this nature and in 2009/10 there were three such complaints.

Section Three: Resources

This has been a challenging year for staffing at the Commission. The continuing reduction in available funds has required us where possible to redirect resources to the primary case review function at the expense of some other areas that provide valuable support for that work. At 31st March 2012, the Commission employed 36 Case Review Managers: one fewer than at the same point in 2011. However, the full time equivalent (FTE) Case Review Manager figure at the close of 2011/12 was 33.31; 2.29 less than the FTE at the close of 2010/11.

Regrettably, the financial situation meant that the Commission had to seek volunteers for redundancy among Group Leaders (who manage teams of case reviewers) and among legal advisers. The result was that two Group Leaders agreed to be made redundant and one of the Commission's two legal advisers agreed to be redeployed as a Case Review Manager. These losses are in addition to the four casework administrative staff and one records manager who agreed to be made redundant on a voluntary basis in 2010/11, and the non-replacement of one of our investigations advisers who retired last year.

The Commission's system of staff appraisal has been refined since its introduction in 2009/10. The results of a modest survey carried out to gauge opinion on the scheme showed that staff generally valued the appraisal process. Feedback from the survey has informed changes designed to further improve the system. The introduction of the Snowdrop Human Resources IT system in 2010/11 has also been well received by both staff and managers. We have continued to develop our legal and other training for casework staff and in 2011/12 we introduced a mentoring programme to help with the development of all staff. We have also continued with our rolling programme of applying Equality Impact Assessments to our policies and procedures.

Despite the improved monitoring of sickness absence we missed our Key Performance Indicator target for the year. The target for KPI 7 is that sickness absence should average less than 7.5 days per staff member per year. The actual figure for 2011/12 was 7.8 days (in 2010/11 it was 6.68 days). This was a disappointing result given the progress we have made in this area in recent years. We will continue with our efforts to address the issue.

Notwithstanding the difficult financial climate and the resultant pressures on staffing at the Commission, there was some good news in 2011/12. In partnership with The Kalisher Scholarship Trust, a charity dedicated to helping young people who aspire to join the Criminal Bar, the Commission has been able to offer two six-month internships. The role of the interns at the Commission is in two parts. The first is to provide casework assistance to Case Review Managers and, where necessary, to provide support for Commissioners and advisers. The second is to complete a research project agreed at the outset of the internship. In order to be considered for the scholarships, individuals had to have completed the Bar Professional Training Course in 2011 or the Bar Vocational Course in 2010. Interviews were then conducted by representatives of the Commission and the Kalisher Scholarship Trust to select the interns. The first started in January 2012 and the second started at the end of March. The early signs from the scheme have been very promising and the Commission hopes to continue working with the Kalisher Scholarship Trust to offer further internships at the Commission. The Commission also employed its first apprentice in 2012 as part of the National Apprenticeship Service. The 16-year-old apprentice joined the Business Administration Team in September and the initiative has so far been a great success.

In May 2011, the Commission moved offices from Alpha Tower, where it had been since it started work in 1997, to premises at 5 St Philip's Place in the centre of Birmingham.

The move was driven by budgetary factors. Although it did not save the Commission any money, it has led to a considerable saving to the public purse because the Commission is now leasing space within the government estate. As well as the significant technical challenges of moving facilities, including secure IT networks and other material, the move also represented a substantial cultural change for the Commission because it involved moving to an open plan environment from a long established position in Alpha Tower where all Commissioners and some staff enjoyed their own office space. Around six months after the move in May 2011, we carried out a short survey asking how people felt about the move and the new building. The feedback was very positive. It showed that a significant majority of people at the Commission were content with their personal space, their storage space, the meeting rooms, security, IT and other facilities at the new building. Most also considered that the move from Alpha Tower had been well managed. The results of the survey are a tribute to the way the move was handled and to the way staff and Commissioners have adapted to a significant change in their working environment.

Another highpoint in 2011/12 was the receipt of ORC International's Employee Engagement Award for 2011. ORC International is the company that the Commission turned to in 2009 to help it run its first staff survey in several years. The ORC award followed the substantial improvement in morale and in general attitudes within the Commission revealed when ORC helped the Commission to repeat its staff survey in September 2010. The Commission intends to run the staff survey again in the first quarter of 2012/13.

IT Resources

The continuing provision of a secure and stable IT environment that meets the business needs of the Commission while keeping costs as low as possible remains a key objective. During the year, new and

much improved, secure remote-access/home-working equipment has been made widely available, improving flexibility for the workforce. The long-standing Managed Services contract has been allowed to come to a natural end with all IT services being brought in-house. This will allow the Commission to make significant cost savings over the coming years (see overleaf). In support of this move, significant training and development of the internal IT staff has been undertaken throughout the year.

Financial Resources

The Commission is funded entirely by means a cash grant, called a Grant in Aid, from the Ministry of Justice. 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 DEL (CDEL) is for expenditure on non-current assets which are capitalised.

At the time of writing the Commission has received a firm indicative budget for 2012/13. For the remaining years of the 2010 spending review period (i.e. to the end of 2014/15), proposals for Fiscal DEL (i.e. RDEL less non-cash costs) have been provisionally agreed. The table overleaf shows a comparison of budget figures for the current year, the previous three years and the following three years. In the absence of any further information it has been assumed that our RAME and capital allocations for the two last years of the spending review period will be same as for 2012/13.

	2008/09 £000	2009/10 £000	2010/11 £000	2011/12 £000	2012/13 £000	2013/14 £000	2014/15 £000
Fiscal RDEL	6,031	5,942	5,601	5,264	5,277	5,049	5,049
Non-cash RDEL	186	186	180	130	162	162	162
RDEL total	6,217	6,128	5,781	5,394	5,439	5,211	5,211
RAME	486	399	394	361	319	319	319
CDEL	95	348	205	100	42	42	42
TOTAL	6,798	6,875	6,380	5,855	5,800	5,572	5,572

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 governments 'clear line of sight' project. The figures have also been adjusted to remove estates costs in order to provide comparability with later years when the estates budget was transferred to the Ministry of Justice.

During the current year the Commission conducted an exercise to establish budget savings that could reasonably be made over the remaining years of the spending review period. These formed the basis of negotiations with the sponsor department in which the fiscal RDEL figures for 2012/13 to 2014/15 were provisionally agreed. The budgets for the last two years of the spending review period are nevertheless subject to change. The savings agreed took into account savings already made earlier in the spending review period. A significant saving arises from the non-renewal of the Commission's outsourced IT contract. Provision of the IT service has been brought in-house with effect from the end of 2011/12, and after initial costs this change is expected to yield substantial budget savings.

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. The level of funding remains the greatest risk faced by the Commission bearing in mind the continuing need for budgetary savings to be made across government, and the uncertainty surrounding measures planned elsewhere

within the Ministry of Justice. The Governance Statement on pages 40 to 43 describes how the Commission manages these risks and uncertainties.

The cash Grant in Aid received from the Ministry of Justice in the year was £5.30m (2010 £6.31m). 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 six months in the year. This was worse than we had hoped due to the need to hold cash for severance payments when we did not know exactly when those payments would need to be made. However, the average month-end balance during the year was £194,000.

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 was as follows (see table on next page):

	Budget	2011/12	Variance		Budget	2010/11	Variance
	£000	£000	£000		£000	£000	£000
RDEL	5,394	5,280	(114)		6,471	6,291	(180)
RAME	361	274	(87)		394	(122)	(516)
Total resource	5,755	5,554	(201)		6,865	6,169	(696)
CDEL	100	49	(51)		205	204	(1)
TOTAL	5,855	5,603	(252)		7,070	6,373	(697)

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. The 2010/11 budget differs from that shown in the table on page 25 as it includes estate costs.

Total actual resource expenditure for the year of £5,554k reconciles to net expenditure after interest as shown in the Statement of Comprehensive Net Expenditure on page 46 as follows:

	2011/12	2010/11
	£000	£000
Total resource expenditure	5,554	6,169
Notional expenditure Note 18	763	-
Net expenditure after interest	6,317	6,169

Notional expenditure is a presentational item included to ensure that the financial statements show the true cost of the Commission's operations. It is not scored against the Commission's budgets as it is not actually incurred by the Commission. Notional costs are a new feature in the 2011/12 accounts, and arise mainly from changes following the Commission's move into new offices during the year. The cost of office accommodation is now borne by the sponsor department, and in exchange the relevant parts of our RDEL budget have been surrendered. The costs is nevertheless included in the Statement of Net Expenditure as a notional cost, with an equivalent reversing entry in the Statement of Changes in Taxpayers' Equity. Full details are given in notes 1 and 18 to the accounts.

Financial performance as measured by expenditure against budget is one of our Key Performance Indicators (KPIs). The targets for KPI 6 are that for each of RDEL and CDEL, expenditure should not exceed budget, nor

fall below budget more than a percentage target of the budget. Actual RDEL expenditure in 2011/12 was below budget by an amount within the target amount (2.1% as compared with the target of 2.5%). This was despite a change in the treatment of certain accounting entries relating to Commissioner pensions to comply with the relevant Treasury guidance. Although this change does not affect the overall cost recorded in the accounts, it does reflect which part of the budget scores the relevant entries. This RDEL underspend under the old treatment would have been £25k or 0.5%. Actual CDEL (capital) expenditure fell significantly below budget, partly as a result of deferring or cancelling certain projects, and partly because the opportunity was taken to make a software purchase budgeted for 2011/12 in the preceding year. See page 67 for results of KPI 6.

Financial statements

The accounts for the year ended 31 March 2012 are set out on pages 46 to 63.

The Statement of Comprehensive Net Expenditure on page 46 shows total expenditure for the year of £6.05m (2010/11 £5.95m). Staff costs show an increase from £3.88m in 2010/11 to £4.16m in the current year. There has in fact been a real decrease in staff costs resulting from reduced staff numbers, but this is concealed by the fact that last year there was a large credit arising

from an actuarial adjustment to pension liabilities in respect of the change in the indexation of future pensions from using RPI to using CPI.

Depreciation and amortisation has reduced significantly in the year as a result of a revision to the estimated useful lives of certain asset classes. This is explained in note 1 to the accounts.

Other expenditure has fallen from £1.92m in 2010/11 to £1.81m in the current year. Much of this difference is attributable to the release of part of the dilapidations provision relating to the previous office accommodation, as the final settlement figure negotiated with the landlord was less than the amount of the provision being carried. Also reflected is a reduced spend on training compared with the previous year, when there were a number of initiatives connected with the introduction of a new appraisal system and other management programmes.

Investment in non-current assets during the year relates mainly to costs related to the move to new offices. These include alterations to the new offices required to meet the Commission's requirements, and the acquisition of furniture from the previous occupants. Much of the alteration cost was actually incurred by the sponsor department, and the furniture was transferred to the Commission at nil cost. However, these assets are notionally included in the Statement of Financial Position at fair value, with a reversing entry in the Statement of Changes in Taxpayers' Equity. The treatment of notional costs is explained in notes 1 and 18 to the accounts. The net book value of non-current assets at the end of the year stands at £614k (2011 £470k).

The value of non-current liabilities has reduced in the year. This is mainly due to the utilisation and release of provisions (for

dilapidations and onerous contracts, both related to the previous office accommodation). The reduction in provisions is partly offset by an increase in pension liabilities in respect of current service and the unwinding of the discount. The overall effect has been a reduction of non-current liabilities from £5.43m last year to £5.06m in the current year. The Statement of Financial Position on page 47 now shows overall net liabilities of £4.53m (2011 £5.01m). 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 50.

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 against these targets is shown in the table below:

	2011-12	
	£000	Number
Total invoices paid in year	1,906	1,371
Total invoices paid within target	1,785	1,344
Percentage of invoices paid within target	93.7%	98.0%
	2010-11	
	£000	Number
Total invoices paid in year	2,316	1,663
Total invoices paid within target	2,236	1,562
Percentage of invoices paid within target	96.5%	93.9%

Performance has exceeded our 95% target in terms of number of invoices, but has narrowly missed the target in terms of value. The issues causing this slight under-performance 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 13.2 days for the current year (2011 20.2 days).

Applicants advice line

The Commission has continued to provide free expert advice by telephone to 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 2011/12, staff working on the advice line recorded more than 700 enquiries in response to which they provided advice. The advice covered a range of issues from how to apply to the Commission to legal procedures and the admissibility of evidence.

Environmental performance

The Commission is not required to produce a formal sustainability report. However, we have chosen to report on our environmental performance in our annual reports. The Commission aims to minimise the environmental impact of its operations

wherever possible. The move from Alpha Tower to 5 St Philip's Place has significantly changed, in environmental terms, the efficiency of our operation. Whereas our old home, Alpha Tower, was built in 1960s and to the standards of the day, our new home at 5 St Philip's Place was substantially refurbished in 1999 and has far better environmental credentials. The Commission's environmental footprint has undoubtedly been reduced as a result of the move which took place on 3 May, 2011. However, a set of comparable figures for energy and other utility usage at Alpha Tower is not available.

The figures shown here for the Commission's consumption of electricity, gas and water, and for waste arisings (other than secure disposal of paperwork) relate to the 11 months between 3 May 2011 and 31 March 2012.

During that period we used an estimated 64,489 kWh of gas, 149,981 kWh of electricity and 327m³ of water. In those 11 months in St Philip's Place the Commission's offices produced an estimated 41.20 tonnes of waste, including all our non-sensitive waste paper; 75% of this was recycled. Because of the sensitive nature of some of the material we handle at the Commission we have special secure arrangements for dealing with some paperwork. During the whole of 2011/12 the contractors we use for this secure disposal recycled 2,929kg of paper for us. It is worth bearing in mind that 1,908kg of that arose in April 2011 as we prepared for the move to 5 St Philip's Place. Since the move we have sent an average 92.8kg of material per month for confidential paper recycling.

The Commission also aims where possible to use the most sustainable means of transport available when Commissioners and staff need to travel on business. During 2011/12 they travelled an estimated 48,741

miles by rail. They took 23 return flights totalling an estimated 10,030 miles. The Commission hired cars on ten occasions during the year; journeys taken in them amounted to an estimated 1,365 miles. Staff and Commissioners also travelled an estimated 4,620 miles in their own cars and made a total of 78, mainly short, taxi journeys.

Record and Information Management

The appropriate 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 four

Corporate

Communications

The Commission recognises that good communication is crucial, not only for raising informed awareness about our role, but also for building and maintaining relationships with our many and varied stakeholders.

We remain committed to informing people about our role and to promoting the Commission as a professional, expert and independent body performing an important and necessary role in the criminal justice system. The media are important in relation to this aim because news coverage of the Commission and its cases is the principal way in which most people learn about our role and form opinions about the value of the work we do. We have always made our referrals public by issuing a press release about each one. We have continued to do this during 2011/12 just as we have continued to engage with the media and to assist them, where appropriate, in order to ensure fair and accurate reporting of the Commission and its work.

A more proactive approach to media relations began in 2010 and has continued throughout 2011/12. This approach is informed by a desire to shed more light on the working of the Commission where we can. This is a significant challenge given the sensitive nature of much of the material that we handle and the stringent restrictions that the law, quite properly, places upon what we can say publicly about individual cases. This more proactive approach led, in October 2011, to the publication of an article in *The Mail on Sunday* regarding the case of Sam Hallam whose murder conviction was referred by the Commission in September of

that year. With the agreement of Mr Hallam and his representatives, the journalist David Rose attended the Commission's decision making committee and was assisted in his research by Commissioners involved in the case and by the Case Review Manager who conducted the investigation. The resulting story illuminated the detail of a Commission review in a way that has perhaps not been done before. The same case is due to be the subject of a film documentary and the Commission has given interviews to the independent filmmaker concerned. We will continue in 2012/13 to seek appropriate opportunities to work with the media to shed light on the case review process and on the role of the Commission.

During 2011/12 we saw for the first time significant media interest in the Commission's role in conducting investigations on behalf of the Court of Appeal under section 15 of the Criminal Appeal Act 1995. These are investigations which the Commission carries out at the behest of the Court of Appeal in relation to appeals and applications for leave to appeal. This is an area of the Commission's work that has been increasing significantly in recent years (see pages 13 to 14) but has remained little-known compared to our main work. The Commission has never sought media coverage for this area of its work, but two such investigations did receive media attention in 2011/12. The first was the case of *R v Morris and Ashworth* [2011] EWCA Crim 3250 which was reported by media in the Yorkshire area. In this case the issues investigated by the Commission for the Court of Appeal related to allegations that a juror had, during the trial, used the internet to research a defendant's background; the appeal was eventually dismissed. The second was the Commission's section 15 investigation in relation to the appeals of Adam Joof and others (detailed judgment

reserved). This was a long-running and substantial investigation by the Commission into issues of how a key prosecution witness was handled by police in the run up to the trial. The Commission's investigation for the Court led in turn to an investigation by the Independent Police Complaints Commission into alleged police misconduct. The news story broke on the front page of *The Guardian* in late December 2011 and subsequently received widespread national coverage. There was significant coverage of the case again in March 2012 when the convictions of all five appellants were quashed by the Court of Appeal, largely because of the findings of the Commission's investigation.

Website

The Commission was reluctant to give up its own dedicated website as part of the Government's drive to save public money by reducing the number of individual websites related to Government and Government-funded bodies. The Commission took the view that, as a body that is funded by, but independent of, Government it should be allowed to keep its own site. Having explored, but been unable to identify, alternative ways of maintaining a dedicated web presence while saving external web hosting costs, the Commission reluctantly agreed to the closure of www.ccrc.gov.uk and the site was switched off in April 2012. The Commission's web presence is now on the CCRC pages of the www.justice.gov.uk website. That site is home to a variety of organisations that lost their own websites in similar circumstances including HM Prison Service, The Parole Board and HM Courts and Tribunals Service. The Commission retains the right to create, edit and manage its own content and retains ownership of the www.ccrc.gov.uk address. Anyone seeking

that address will be automatically redirected to the Commission's pages of www.justice.gov.uk. A copy of the www.ccrc.gov.uk website has been archived by The National Archives and that version of the site will remain available online for the foreseeable future.

Stakeholder engagement

The issue of miscarriages of justice attracts considerable and sometimes passionate interest from various quarters and the Commission benefits from lively relationships with numerous stakeholders including applicants, potential applicants and their representatives, miscarriage of justice campaigners, legal academics and students, lawyers, criminal justice bodies, law officers and members of the judiciary.

The most important stakeholders for the Commission are our applicants - the men and women who have been convicted of a criminal offence and who say they have been wrongly convicted or wrongly sentenced. The Commission embarked in 2011/12 on a major initiative designed to ensure, as far as possible, that anyone who might have need of the Commission should be able to make an application to us. The Commission considered that, in light of statistics about levels of literacy and educational attainment in the prison population, it should redesign its application form and written materials to make it as easy as possible to make an application. We used the Easy Read approach for the application form. Easy Read is a system which, using simple words and pictures, makes it easier for people who have difficulty with reading and writing to understand forms and literature. We are indebted to the individuals who have such

difficulties who helped us to design the form. The new form, which is printed in a colour scheme that assists people who have dyslexia, gathers the same information as its predecessor, but does so in a way that is clearer and easier for everyone.

During January 2012 we sent a batch of the new forms and a handful of new Easy Read posters to every prison in England, Wales and Northern Ireland. We asked each facility to display the posters and to make the new application forms available. We also tried to make our supporting literature as straightforward as possible. That supporting literature has now also been translated into twelve languages that are commonly used in the UK.

The initial results of the new form and poster have been notable; in the two months following the mail-out to prisons in January, there was a surge in applications which saw the intake almost doubling in February. Encouragingly, an increased proportion of those applications have come from groups such as young people, and individuals who identify themselves as requiring some kind of special support with their application to us. Alongside this we visited four prisons in 2011/12 and will continue with the programme of these awareness-raising visits. To support these ongoing efforts, an article explaining the new form and reminding prisoners about the role of the Commission appeared in the May 2012 edition of the prison newspaper *Inside Time*.

Another important group of stakeholders for the Commission are the Innocence Projects and other *pro bono* organisations that involve themselves in casework and, in most cases, aim to assist individuals in making successful appeals whether via the Commission or, if there has not been a previous appeal, direct

to the appeal court. In recent years the Commission has sent speakers to several universities to talk about miscarriages of justice and explain its role. We decided to go further in 2011/12 and held our first ever Casework Workshop in October 2011. Thanks to the onsite conference facilities available at the Commission's new home in 5 St Philip's Place, we were able to design and run this day-long workshop free of charge for various Innocence Projects and other *pro bono* organisations including the Centre for Criminal Appeals.

The Commission put a significant amount of work into the event in which participants worked in small groups. We used real but anonymised casework material in order to illuminate the Commission's investigative procedure, use of its legal powers, reasoning, analysis of relevant legal points and decision making process. The sessions and discussions involved Commissioners, Case Review Managers and others involved in carrying out investigations and making decisions in relation to Commission cases.

As planned, around 50 people attended from more than 20 Innocence Projects and other bodies. The event was well received by the participants. Of the 39 who completed feedback forms, 100% said the event was interesting, 100% said it was informative and 100% said it was useful. Written comments included: "Really interesting. Excellent use of case studies"; "Eye opening in terms of how the CCRC works in regards to their neutral approach and lack of political motivation/targets"; "Very, very good. Gave a real insight into the complex realities of casework." Several participants from universities have asked about similar events and visits or lectures by the Commission. We will be doing our best to satisfy demand and we intend to run a similar workshop in future.

The Commission engages with the wider criminal justice system at various levels and in various ways including by hosting visits to the Commission and by sending representatives to participate in relevant activities and events.

Visitors to the Commission this year included the Solicitor General Edward Garnier QC MP in June; Alison Lamb, Chief Executive of the Miscarriages of Justice Support Service in June; Lord Justice Hughes, Vice President of the Court of Appeal Criminal Division, and Master Venne QC, Registrar of the Court of Appeal, in July; Shafique Ahmed, Minister of Law, Justice and Parliamentary Affairs of Bangladesh in July; the Attorney General Dominic Grieve QC MP in October; Jonathan Djanogly MP, Minister responsible for sponsoring the Commission, in January 2012 and Max Hill QC, Chairman of the Criminal Bar Association and CBA colleagues in February.

Commissioners and staff also represented the Commission at a range of events and appointments during the year. Commissioner John Weeden represented the Commission at an international innocence conference in Cincinnati, USA. An essay by John Weeden based on his presentation to the conference was published in the *Canadian Criminal law Quarterly* (vol. 58. no 2, February 2012) and a version of the essay is due to be published in the *University of Cincinnati Law Review*. Commission Deputy Chairman Alastair MacGregor QC contributed an essay for a collection called: *Wrongly accused: Who is responsible for investigating miscarriages of justice?* published and distributed by the *Solicitor's Journal*. Alastair MacGregor also took part in a panel debate to launch the collection on March 29th at the College of Law in London. Northern Ireland Commissioner Mike Allen attended and spoke as the keynote speaker at the 21st Annual Inter Schools' Sixth Form Law

Conference hosted by Methodist College Belfast. It was attended by 180 sixth formers from 30 grammar schools from all over Northern Ireland, plus teachers. Seven universities (five from England and Scotland) were represented. Other speakers at the conference were Mr B Kennedy QC (who has appeared in a Commission referral), Ms Fiona Fee, Barrister, Mr Justice Weatherup, and Mr K McGarry, Solicitor.

Our Chief Executive and our Head of Communication spoke at a meeting of campaign group West Midlands Against Injustice. One of our Case Review Managers gave a presentation to the Criminal Appeal Lawyers Association Criminal Appeal Seminar and one of our legal advisers spoke at a conference for lawyers and other legal professionals organised in Winchester by 2 Kings Bench Walk Chambers.

The work of the Commission also continues to be of interest to academics in this country and abroad. Professor Carolyn Hoyle of the University of Oxford Centre for Criminology is currently undertaking research at the Commission and William Schmidt, a Gates Scholar and PhD student currently attending Cambridge University's Institute of Criminology, is also carrying out a research project based on the Commission's casework. We have also hosted visits to the Commission from Professor Lissa Griffin, of the law school at Pace University in the USA, and from Australian academic Dr Bob Moles.

The Norwegian Criminal Cases Review Commission was due to host the annual tripartite meeting in 2011/12 which usually involves ourselves and our counterparts in Norway and in Scotland. Norwegian Commission leader Helen Saeter has said that the meeting, which was due to have been held in the autumn 2011, will not be held until spring/summer 2012.

We look forward to holding a Stakeholder Conference at the Commission's offices in November 2012. The event follows the successful Commission Stakeholder Conference held at a hired venue in Birmingham in March 2010.

Our Wider Contribution

The Commission has been closely involved during the year with the work led by the Home Office in connection with the managed wind-down of the Forensic Science Service. We were represented on the Forensic Transition Board Advisory Group and on the group formed to devise an archive solution to ensure the files and materials held by the FSS would properly be preserved for the CJS.

During 2011/12 we also completed our trawl of closed cases following the decision of the Court of Appeal in *R v Hodgson* [2009] EWCA Crim 490. We considered 262 closed applications to ascertain whether there were opportunities to conduct DNA testing which had not previously been identified. In 238 cases we took no further action following an initial assessment. In the majority of cases this was because on the known facts of the case there was no prospect that DNA testing might give rise to relevant fresh evidence (for example because identification was not in issue at the trial). In 13 cases further information was sought from other CJS organisations. In six cases that further information led to the conclusion that no further action was necessary. In four cases no further information was held in the CJS. In two cases the Commission arranged for the Forensic Science Service to conduct further scientific testing. In neither case did it prove possible to obtain a DNA profile. One further case remains under consideration. We also provided advice and assistance to the CPS who set up an inter-agency group

to look at convictions of defendants who had not applied to the Commission.

During the year our Chief Executive attended meetings of the Criminal Justice Council. The Commission is also routinely represented on the Court of Appeal end user group, the Forensic Science Advisory Council and the Forensic Science Regulator's end user group.

Section five 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 were previously set by the Remuneration Committee, which was made up of the Chairman, three other Commissioners and the Chief Executive. From 1 January 2012 the work of the Remuneration Committee was absorbed by the Finance & Executive Scrutiny Committee³. 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. Pensionable age is 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 Board members i.e. the Commissioners, non-executive directors and the senior management team. These details have been subject to audit.

³ Details of the Commission's committee structure are given in the Governance Statement on pages 40 to 43.

	2011-12		2010-11	
	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 James England	85 - 90	-	85 - 90	-
Miss Julie Goulding	85 - 90	-	85 - 90	-
Mr David Jessel [to 31.07.10]	-	-	20 - 25	900
Mr Alastair MacGregor	85 - 90	-	85 - 90	-
Mr Ian Nichol	40 - 45	-	40 - 45	-
Mr Ewen Smith	85 - 90	-	85 - 90	-
Mr John Weeden	75 - 80	-	75 - 80	-
Non-executive directors				
Dame Anne Owers	0 - 5	500	5 - 10	800
Ms Margaret Semple	0 - 5	1,200	5 - 10	1,800
Senior management				
Mrs Claire Bassett	85 - 90	-	85 - 90	-
Mr Colin Albert	65 - 70	-	65 - 70	-
Miss Karen Kneller	65 - 70	-	65 - 70	-

'Salary' includes gross salary or remuneration.

	2011-12	2010-11
Band of highest paid Board member's total full time equivalent (FTE) remuneration (£000)	170 - 175	170 - 175
Median total remuneration	£37,731	£37,628
Ratio	4.6	4.6

Reporting bodies are required to disclose the relationship between the salary of the most highly-paid Board member in their organisation and the median earnings of the organisation's workforce.

The FTE salary of the most-highly paid Board member in the Commission in the financial year 2011-2012 was £170,000 - £175,000. This was 4.6 times the median salary of the workforce, which was £37,731.

The FTE salary of the most-highly paid Board member in the Commission in the financial year 2010-2011 was £170,000 - £175,000. This was 4.6 times the median salary of the workforce, which was £37,628.

In 2011-12, no employees (2010-11, none) received remuneration in excess of the highest-paid director.

Actual Remuneration paid ranged from £11,700 to £103,656 (2010-11 £15,370 to £103,656)

Total remuneration includes annualised salary, non-consolidated performance-related pay, benefits-in-kind as well as severance payments. It does not include employer pension contributions and the cash equivalent transfer value of pensions.

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 a part-time Commissioner to work in the Commission's office in Birmingham, and for the non-executive directors to attend meetings in the Commission's office and elsewhere as necessary. 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 £920 (2011 - £2,000).

Pension benefits

These details have been subject to audit.

	Accrued pension at normal retirement age at 31/3/12 and related lump sum	Real increase/(decrease) in pension and related lump sum at normal retirement age	CETV at 31/3/12	CETV at 31/3/11	Real increase/(decrease) in CETV
	£000	£000	£000	£000	£000
Mr Michael Allen	20-25	0-2.5	395	361	1
Ms Penelope Barrett	10-15	0-2.5	178	151	12
Mr James England	5-10	0-2.5	126	96	19
Miss Julie Goulding	5-10	0-2.5	123	93	19
Mr Alastair MacGregor	10-15	0-2.5	248	213	14
Mr Ian Nichol	5-10	0-2.5	132	116	5
Mr Ewen Smith	15-20	0-2.5	356	325	18
Mr John Weeden	10-15	0-2.5	205	187	9
Mrs Claire Bassett - <i>Chief Executive</i>	5-10	2.5-5.0	43	16	22
Mr Colin Albert - <i>Director of Finance & IT</i>	5-10	0-2.5	188	155	18
Miss Karen Kneller - <i>Director of Casework</i>	20-25 plus 60-65 lump sum	(2.5)-0 plus (2-5)-0 lump sum	329	307	(4)

Notes

- 1 Mr Richard Foster is entitled to a pension but has not opted-in.
- 2 Ms Margaret Semple and Dame Anne Owers, as non-executive directors, are not entitled to pension benefits
- 3 The actuarial factors used to calculate CETVs were changed in 2011/12. The CETVs at 31/3/11 and 31/3/12 have both been calculated using the new factors, for consistency. The CETV at 31/3/11 therefore differs from the corresponding figure in last year's report which was calculated using the previous factors
- 4 Total accrued pension may include benefits arising from transfers-in from other schemes, and may also be augmented by additional voluntary contributions paid by the individual.

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. CETVs are calculated in accordance with The Occupational Pension Schemes (Transfer Values) (Amendment) Regulations 2008 and do not take account of any actual or potential

reduction to benefits resulting from Lifetime Allowance Tax which may be due when pension benefits are taken.

The figures include the value of any pension benefit in another scheme or arrangement which the member has transferred to the Civil Service pension arrangements. They also include any additional pension benefit accrued to the member as a result of their purchasing additional years of pension service in the scheme at their own cost.

Real increase in CETV

This is the element of the increase in accrued pension that is funded by the employer. It excludes increases due to inflation and contributions paid by the member (including the value of any benefits transferred from another pension scheme or arrangement). It is worked out using 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.



Karen Kneller

Acting Chief Executive

29 June 2012

Section Six 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 Acting 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.

Governance Statement 2011/12

Governance framework

The Commission's founding legislation, the Criminal Appeal Act 1995, does not prescribe any particular governance structure. The current structure employed by the Commission was developed as part of a review of its governance arrangements which was completed in 2010.

The Board is made up of all the Commissioners, two non-executive directors and the three members of the senior management team. Details of these posts are given on page 9 of the annual report.

There are three Board sub-committees: the Finance & Executive Scrutiny Committee (FESC), the Policy & Casework Committee (PCC) and the Audit & Risk Committee (ARC). Until the beginning of 2012 there

were separate Executive Scrutiny (ESC) and Finance & Resources (FRC) Committees, but these were merged to form the FESC following a review of the effectiveness of the previous arrangement.

The Board meets quarterly and deals with strategic issues (including the annual business plan and three-year strategic plan), reviews key management information including Key Performance Indicators, deals with matters of casework policy and approves the annual report and accounts.

The Finance & Executive Scrutiny Committee acts as the standing committee of the Board and usually meets each month when there is no Board meeting.

Membership of the committees and the attendance record of members is shown in the table:

	Board					ESC / FESC					FRC					PCC			ARC							
	21.06.11	20.09.11	13.10.11	20.12.11	26.03.12	17.05.11	19.07.11	18.10.11	15.11.11	24.01.12	28.02.12*	14.04.11	17.05.11	19.07.11	10.08.11	12.09.11	18.10.11	17.05.11	19.07.11	15.11.11	26.03.12	21.06.11	20.09.11	20.12.11	26.03.12	
Commissioners																										
Michael Allen	✓	✓	✓	✓	✓														✓	✓	✓	✓				
Penelope Barrett	✓	✓	✓	✓	✓																					
James England	✓	✓	✓	✓	✓																			✓	✓	✓
Richard Foster	✓	✓	✓	X	✓	✓	✓	✓	✓	✓	✓															
Julie Goulding	✓	✓	✓	X	✓														✓	✓	✓	✓				
Alastair MacGregor	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓															
Ian Nichol	✓	✓	✓	✓	✓																			✓	✓	✓
Ewen Smith	✓	✓	✓	✓	✓														✓	✓	✓	✓				
John Weeden	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓															
Non-executives																										
Anne Owers	✓	X	✓	✓	✓	✓	✓	✓	✓	✓	✓								✓	✓	✓	✓				
Maggie Semple	X	✓	X	✓	✓	✓	✓	X	✓	✓	✓							+	+				✓	✓	✓	
Senior management																										
Colin Albert	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓							✓	✓	✓	X	✓	✓	✓	✓	
Claire Bassett	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓							✓	✓	✓	✓	✓	#	#	#	
Karen Kneller	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓							#	#	#			✓	✓	✓	

† Attended as observer

In attendance

* Meeting cancelled

It has delegated powers to carry on the functions of the Board between Board meetings, and specifically deals with the approval of budgets and major expenditure as required by procurement and payment procedures, scrutinises the IT strategy and spend, and agrees major changes to HR policies and recruitment proposals.

The Policy & Casework Committee meets at least four times each year. It develops the Commission's strategic approach to casework and ensures the effectiveness of polices and practices. In addition to the membership shown above, the Commission's legal advisor is also a member of the Committee.

The Audit & Risk Committee supports the Board and the Accounting Officer in their responsibilities for issues of risk, control and governance. Specifically, it advises the Accounting Officer and Board on strategic processes for risk, control and governance; the accounting policies, the accounts, and the annual report; planned activity and results of internal and external audit and anti-fraud policies and whistle-blowing processes. It meets quarterly, and regularly reviews the Commission's major risks and plans for their mitigation.

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

Board performance

The Board maintains a number of processes and systems to ensure that it can operate effectively. Recruitment by the sponsor department of new Commissioners and non-executive directors is conducted in

accordance with the Office of the Commissioner for Public Appointments' code of practice. New members receive induction consistent with their experience and knowledge of the public sector and the criminal justice system. Board members are subject to annual personal appraisal.

Meeting agendas and papers are available to members electronically and as paper copies one week before Board meetings. Papers provide sufficient information and evidence for sound decisions-making. Agendas are planned to ensure all areas of the Board's responsibilities are examined during the year.

Corporate governance

The Commission aims to ensure that its governance arrangements follow best practice, and follow as far as possible the Corporate Governance Code. The Board has identified the following material departures from the provisions of the Code:

- The Board has no nominations and governance committee, as it is considered that the size of the organisation does not warrant it.
- The constitution of the Board does not reflect the optimal balance recommended by the Code, particularly in terms of the number of non-executive directors which is below the recommended minimum of four. However, the Commission's establishing legislation stipulates the minimum number of Commissioners (who are all Board members), and it is considered that increasing the number of non-executives would render the Board too big to allow effective discussion. As there are only two non-executive directors, it is not considered necessary to designate one of them as the lead non-executive director. Only one of them is on the Audit & Risk Committee to ensure there is appropriate segregation of duties.

- The majority of Board members are Commissioners. They are selected primarily for their ability to make casework decisions and for their experience of the criminal justice system. The ability of the Board to ensure it has the necessary balance of skills is therefore somewhat limited, but the opportunity is taken at each recruitment round to ensure that any gaps in the broader skills and experience of members are addressed.
- Although individuals are appraised annually, there is no formal evaluation of the effectiveness of the Board and its sub-committees.

Going concern

The Commission, along with all other arms length bodies, is subject to periodic review, and a triennial review of the Commission is scheduled to take place in the second half of the 2012/13 financial year. This review will, amongst other things, assess whether the functions discharged by the Commission continue to be required, and if so whether it remains appropriate for them to be discharged by a non-departmental public body. These are the same questions that were used to determine which arms length bodies were listed for abolition in the Public Bodies Bill 2010, and we have no reason to believe that the outcome of the forthcoming review will be any different from the result of the review made prior to finalisation of the bill. This view informs our assessment that there is no reason to believe that the department's future sponsorship and future parliamentary approval will not be forthcoming as set out in note 1 to the accounts. Accordingly, I am satisfied that it continues to be appropriate to prepare the financial statements on a going concern basis.

Risk assessment

The Commission's risk management framework ensures that risks to the Commission achieving its business objectives are identified, managed and monitored. Risks

are assessed in the light of their impact and likelihood using a scale which reflect 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. Individual risks are assigned to named individuals, and risks are reviewed on a regular basis. Each review is endorsed by the Audit & Risk Committee and a report is made annually by that Committee to the Board. The Risk assessment and monitoring of risk is reflected in the Commission's project management processes.

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 Board at which strategic direction and plans are reviewed, and performance against goals is reported.

Internal audit services are provided by Tribal Assurance under a three-year contract. Both internal and external audits assist the Commission with the continuous improvement of procedures and controls. Actions are agreed in response to recommendations, and these are followed up to ensure that they are implemented.

The Commission has continued to ensure that it is managing risks relating to information security appropriately. Information security and governance arrangements broadly comply with the ISO 27001 Information Security Management standard. An internal 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.

All staff participated in training on the use of protective marking during the year, and staff awareness of security policy in the Commission remains high. There were no data loss incidents during the year.

The major risks to which the Commission is exposed include 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. Other significant risks current during the year include IT related risks. First are risks associated with the recently announced end of life of our case management software, which is mission-critical for the Commission. The Board has recently approved the initiation of a project to identify and implement a replacement solution, and steps are being taken to ensure the stability of the existing system during the period of the project. The availability of funding from the Ministry of Justice for the completion of the project remains a concern. Second are risks associated with the bringing in-house of our IT managed service, which had previously been contracted out. Although the main streams of the project have been successfully completed, risks remain relating to the transfer of staff from the previous contractors and the creation of a new IT team. A final set of risks deemed significant for the Commission are those concerning the retention and management of sufficiently skilled staff as numbers are reduced as a consequence of budgetary constraints.

Accounting Officer

I was appointed as acting Accounting Officer with effect from 1 April 2012 following the departure of the previous Chief Executive. As I was not the Accounting Officer for the period covered by this annual report and accounts, my ability to sign the accounts and this statement is based on assurances I have received from the previous Chief Executive and others within the Commission, and my own knowledge of the Commission's affairs derived from my involvement in the senior management team, the Board and other committees during this period.

As Accounting Officer, I have responsibility for reviewing the effectiveness of the system of internal control, including the risk management framework. My review is informed by the work of the internal auditors and the executive managers within the Commission 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. In their annual report, our internal auditors have given an overall opinion that the Commission has adequate and effective management and governance processes. I have been advised on the implications of the result of my review by the Board and the Audit & Risk Committee. I am satisfied that a plan to address weaknesses in the system of internal control and ensure continuous improvement of the system is in place. I am also satisfied that all material risks have been identified, and that those risks are being properly managed, although the availability of sufficient funding remains a major concern.



Karen Kneller

Acting Chief Executive
29 June 2012

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 2012 under the Criminal Appeal Act 1995. The financial statements comprise: the Statements of Comprehensive Net Expenditure, Financial Position, Cash Flows, Changes in Taxpayers' Equity and the related notes. 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 Commission's and Accounting Officer's Responsibilities, the Commission and 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.

I am required to obtain evidence sufficient to give reasonable assurance that the expenditure and income recorded in the financial statements have been applied to the purposes intended by Parliament and the financial transactions recorded in the financial statements conform to the authorities which govern them.

Opinion on Regularity

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

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 2012 and of the net expenditure for the year then ended; and
- the financial statements have been properly prepared in accordance with the Criminal Appeal Act 1995 and Secretary of State directions issued thereunder.

Opinion on other matters

In my opinion:

- the part of the Remuneration Report to be audited has been properly prepared in accordance with Secretary of State directions made under the Criminal Appeal Act 1995; and
- the information given in the Directors' Report and Resources section of 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 returns adequate for my audit have not been received from branches not visited by my staff; or
- the financial statements and the part of the Remuneration Report to be audited are not in agreement with the accounting records and returns; or
- I have not received all of the information and explanations I require for my audit; or
- the Governance Statement does not reflect compliance with HM Treasury's guidance.

Report

I have no observations to make on these financial statements.

Amyas C E Morse
Comptroller and Auditor General

3 July 2012

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

Statement of Comprehensive Net Expenditure

for the year ended 31 March 2012

	Note	2011-12 £000	2010-11 £000
Expenditure			
Staff Costs	3	4,155	3,876
Depreciation & Amortisation	9,10	85	157
Other Expenditure	5	1,810	1,921
Total Expenditure		6,050	5,954
Income			
Income from Activities	7	(4)	(27)
Net Expenditure		6,046	5,927
Interest Payable	6	271	242
Net Expenditure after Interest		6,317	6,169
Other Comprehensive Expenditure			
Pensions: actuarial (gains)	4	(110)	(418)
Total Comprehensive Expenditure		6,207	5,751

The notes on pages 50 to 63 form part of these accounts.

Statement of Financial Position

as at 31 March 2012

	Note	2012 £000	2011 £000
Non-current assets			
Property, plant & equipment	9	431	225
Intangible assets	10	181	232
Trade & other receivables	11	2	13
Total non-current assets		614	470
Current assets			
Trade & other receivables	11	120	241
Cash	12	171	150
Total current assets		291	391
Total assets		905	861
Current liabilities			
Trade & other payables	13	373	441
Non-current assets less net current liabilities		532	420
Non-current liabilities			
Provisions	14	42	629
Pension liabilities	4	5,020	4,798
Other payables	13	-	7
Total non-current liabilities		5,062	5,434
Assets less total liabilities		(4,530)	(5,014)
Taxpayers' equity			
General reserve		(4,530)	(5,014)
Total taxpayers' equity		(4,530)	(5,014)

The notes on pages 50 to 63 form part of these accounts.

The financial statements on pages 46 to 63 were approved by the Board on 26th June 2012, and were signed on behalf of the Criminal Cases Review Commission by:

Karen Kneller
Acting Chief Executive and Accounting Officer
29 June 2012

Statement of Cash Flows

for the year ended 31 March 2012

	Note	2011-12 £000	2010-11 £000
Cash flows from operating activities			
Net cash outflow from operating activities	15	(5,145)	(6,151)
Cash flows from investing activities			
Purchase of property, plant and equipment	9	(99)	(91)
Purchase of intangible assets	10	(36)	(118)
Total cash outflow from investing activities		(135)	(209)
Cash flows from financing activities			
Capital Grant in Aid	2	96	215
Revenue Grant in Aid	2	5,205	6,095
Total financing		5,301	6,310
Net Increase/ (decrease) in cash	12	21	(50)

Statement of Changes in Taxpayers' Equity

for the year ended 31 March 2012

	Note	General reserve £000
Balance at 1 April 2010		(5,573)
Changes in taxpayers' equity for 2010-11		
Total comprehensive expenditure for 2010-11		(5,751)
Grant from sponsor department	2	6,310
Balance at 31 March 2011		(5,014)
Changes in taxpayers' equity for 2011-12		
Total comprehensive expenditure for 2011-12		(6,207)
Grant from sponsor department	2	5,301
Reversal of notional transactions: notional expenditure	18	912
notional funding	18	478
Balance at 31 March 2012		(4,530)

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 2011-12 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 2012 shows negative total taxpayers' equity of £4,530,000. 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 2012-13, taking into account the amounts required to meet the Commission's liabilities falling due in that year, has already been included in the sponsor department's Main Estimates for that year, which have been approved by Parliament, and there is no reason to believe that the department's sponsorship and future parliamentary approval will not be forthcoming. 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.

Notional expenditure

Accommodation costs and certain expenditure related to the Commission's move to new offices during the year are borne by the Ministry of Justice on the Commission's behalf. Certain non-current assets were also transferred from the Department of Communities and Local Government to the Commission for no consideration as part of the move. To enable the financial statements to show a true and fair view, and to comply with the FReM, such expenditure is included in the Statement of Comprehensive Net Expenditure as notional expenditure, or is capitalised if appropriate in accordance with the policy on non-current assets. Notional expenditure is included in the Statement of Comprehensive Net Expenditure under the appropriate expense heads, and a full analysis is shown in note 18 to the accounts. An equivalent credit entry to finance the notional expenditure is recognised in the Statement of Changes in Taxpayers' Equity.

Non-current Assets

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

Depreciated historical cost is used as a proxy for 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 estimated useful life as follows:

IT hardware / development	eight years
Software systems and licences	eight years
Furniture and fittings	10 years
Office equipment	10 years
Refurbishment costs	over the remaining term of the lease
Dilapidations	over the remaining term of the lease

During the year, the Commission changed estimated useful lives for the following categories of assets:

IT hardware / development	from four to eight years
Software systems and licences	from four to eight years
Office equipment	from up to 10 years to 10 years as standard

These changes resulted in a £66,000 decrease in the annual depreciation charge for these asset categories.

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 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 as interest payable to the Statement of Comprehensive Net Expenditure after operating expenditure. Actuarial gains and losses are recognised as Other Comprehensive Expenditure in the Statement of Comprehensive Net Expenditure.

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

Operating Leases

Payments made under operating leases are charged to expenditure as incurred.

Provisions

Provision is made for the estimated costs of returning the office premises occupied under a Memorandum of Terms of Occupation (MOTO) to an appropriate condition. The estimated amount is discounted to the present value using the official Government discount rate for long term liabilities (3.5%). As the building alterations concerned give access to future economic benefits, a non-current asset has also been created corresponding to the amount of the provision, in accordance with IAS 37 (Provisions, contingent assets and contingent liabilities). This non-current asset is amortised over the period of the MOTO on a straight line basis, and the amortisation charged to Statement of Comprehensive Net Expenditure. The interest cost arising from the unwinding of the discount is also charged each year as interest payable to the Statement of Comprehensive Net Expenditure.

Contingent liabilities

Contingent liabilities are not recognised in the financial statements, but disclosure is made in the notes in accordance with IAS 37 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. The Commission is registered with HM Revenue & Customs for corporation tax. There was no taxable income in the year ended 31 March 2012.

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

	2011-12 £000	2010-11 £000
Received for revenue expenditure	5,205	6,095
Received for capital expenditure	96	215
Total	5,301	6,310

Grant in Aid has been received in accordance with the Ministry of Justice main estimate Part III note E as adjusted by the supplementary estimate

3 STAFF COSTS

	2011-12 £000	2010-11 £000
Commissioners		
Salaries and emoluments	751	775
Social security contributions	85	82
Pension costs	190	(345)
Total Commissioners cost	1,026	512
Non-executive directors		
Salaries and emoluments	8	13
Social security contributions	-	2
Pension costs	-	-
Total Non-executive directors cost	8	15
Staff		
Staff with permanent employment contracts		
Salaries and emoluments	2,451	2,627
Social security contributions	169	182
Pension costs	440	473
Other staff (contract, agency/ temporary)		
Salaries and emoluments	61	67
Social security contributions	-	-
Pension costs	-	-
Total Staff Costs	3,121	3,349
Total	4,155	3,876

At 31 March 2012, the Commission employed 74 staff (2011 80). The average number of employees, expressed as full time equivalents, during the period 1 April 2011 to 31 March 2012 was:

	2011-12	2010-11
Staff with permanent employment contracts	68	73
Other staff (contract, agency/temporary)	2	2
Total	70	75

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

Exit package cost band	No. of compulsory redundancies	No. of other departures agreed	Total
< £10,000	0 (0)	0 (0)	0 (0)
£10,000 - £25,000	0 (0)	0 (4)	0 (4)
£25,000 - £50,000	0 (0)	1 (1)	1 (1)
£50,000 - £100,000	0 (0)	1 (0)	1 (0)
Total no. of exit packages	0 (0)	2 (5)	2 (5)
Total resource cost - £000	0 (0)	99 (105)	99 (105)

2010-11 comparative figures are shown in brackets.

During the year, severance payments totalling £113,000 (2010-11 £107,000) were payable to staff. Payments were in respect of entitlements under the Civil Service Compensation Scheme (£101,000) and payments in lieu of notice (£12,000). As payments in lieu of notice are 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, 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/pensions).

The cost of the Commission's pension contributions to the Principal Civil Service Pension Schemes is included in employment costs. For 2011-12, employers' contributions of £424,000 (2010-11 £455,000) were payable to the PCSPS at one of four rates in the range 16.7% to 24.3% (2010-11 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 2011-12 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 £15,000 (2010-11 £16,000) 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 (2010-11 £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:

	2011-12 £000	2010-11 £000	2009-10 £000	2008-09 £000	2007-08 £000
Liability in respect of					
Active members	2,030	1,965	2,297	1,476	1,102
Deferred pensioners	132	110	117	-	38
Current pensioners	2,858	2,723	3,070	2,494	2,422
Total present value of scheme liabilities	5,020	4,798	5,484	3,970	3,562

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

	2011-12	2010-11	2009-10	2008-09	2007-08
Discount rate	4.85%	5.60%	4.60%	6.04%	5.30%
Rate of increase in salaries	4.25%	4.90%	4.29%	4.30%	4.30%
Price inflation	2.00%	2.65%	2.75%	2.75%	2.75%
Rate of increase in pensions (deferred and in payment)	2.00%	2.65%	2.75%	2.75%	2.75%

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

	2011-12 £000	2010-11 £000
Current service cost	213	256
Past service cost	-	(571)
Commissioners' contributions retained	(23)	(30)
Total charge to Staff Costs	190	(345)
Interest on pension scheme liabilities	270	232
Total charge to Interest Payable	270	232

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 than 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 was recognised as a negative past service cost in accordance with IAS 19, and resulted in a £571,000 decrease in liabilities in 2010-11.

Actuarial gains and losses recognised in the Statement of Comprehensive Net Expenditure for the year and the previous four years are set out below, shown as an amount and as a percentage of the present value of the scheme liabilities at the Statement of Financial Position date:

	2011-12	2010-11	2009-10	2008-09	2007-08
Experience (gains)/losses on pension liabilities	£000 (67) % -1.3%	(92) -1.9%	(186) -3.4%	122 3.1%	3 0.1%
Changes in demographic and financial assumptions	£000 (43) % -0.9%	(326) -6.8%	1,399 25.5%	(422) -10.6%	(130) -3.7%
Net actuarial (gains)/losses	£000 (110)	(418)	1,213	(300)	(127)

Section Six Accounts

The movement in scheme liabilities is analysed as follows:

	2011-12 £000	2010-11 £000
Present value of scheme liabilities at start of year	4,798	5,484
Current service cost	213	256
Past service cost	-	(571)
Interest cost	270	232
Actuarial gains	(110)	(418)
Benefits paid	(151)	(185)
Present value of scheme liabilities at end of year	5,020	4,798

5 OTHER EXPENDITURE

	2011-12 £000	2010-11 £000
Accommodation - operating lease	665	596
IT costs	642	526
Travel, subsistence and external case-related costs	147	148
Office supplies	89	86
Legal and professional costs	71	39
Information and publications	46	46
Library and reference materials	45	43
Training and other HR	41	96
Office services	41	82
Loss on disposal of non-current assets	40	10
Case storage	33	21
Audit fee – external	26	27
Telephones	22	19
Recruitment	16	8
Payroll & pension costs	13	13
Audit fee – internal	9	10
Equipment rental under operating lease	8	6
Accomodational costs – general	7	197
Dilapidations provision released	(151)	(52)
Total	1,810	1,921

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

6 INTEREST PAYABLE

	2011-12 £000	2010-11 £000
Interest on Pension Scheme Liabilities	270	232
Interest on Dilapidations Provision	1	10
Total	271	242

7 INCOME FROM ACTIVITIES

	2011-12 £000	2010-11 £000
FSR Income	2	27
Kalisher Trust Internships	2	-
Total	4	27

During the year, the Commission created two short-term internship posts, which are partially funded by the Kalisher Trust.

8 ANALYSIS OF NET EXPENDITURE BY PROGRAMME AND ADMINISTRATION BUDGET

2011-2012

	Programme £000	Administration £000	Total £000
Expenditure			
Staff costs	3,463	692	4,155
Depreciation & amortisation	85	-	85
Accommodation – operating lease	665	-	665
Other running costs	935	210	1,145
Total Expenditure	5,148	902	6,050
Income			
Income from activities	(4)	-	(4)
Net Expenditure	5,144	902	6,046
Interest Payable	271	-	271
Net Expenditure after Interest	5,415	902	6,317

2010-2011

	Programme £000	Administration £000	Total £000
Expenditure			
Staff costs	3,124	752	3,876
Depreciation & amortisation	157	-	157
Accommodation – operating lease	596	-	596
Other running costs	1,087	238	1,325
Total Expenditure	4,964	990	5,954
Income			
Income from activities	(27)	-	(27)
Net Expenditure	4,937	990	5,927
Interest Payable	242	-	242
Net Expenditure after Interest	5,179	990	6,169

9 PROPERTY, PLANT & EQUIPMENT

	Refurbishment Costs £000	Plant and Equipment £000	Furniture and Fittings £000	IT Hardware £000	Total £000
Cost/valuation at 1 April 2011	856	177	291	565	1,889
Additions	98	23	95	42	258
Disposals	(856)	(72)	(248)	(3)	(1,179)
Reclassification	-	-	-	15	15
Cost/valuation at 31 March 2012	98	128	138	619	983
Depreciation at 1 April 2011	856	150	273	385	1,664
Charged during the year	9	7	11	28	55
Depreciation on disposals	(856)	(72)	(243)	-	(1,171)
Reclassification	-	-	-	4	4
Depreciation at 31 March 2012	9	85	41	417	552
Carrying amount at 31 March 2012	89	43	97	202	431
Carrying amount at 31 March 2011	-	27	18	180	225
Cost/valuation at 1 April 2010	865	162	292	568	1,887
Additions	-	15	-	64	79
Disposals	-	-	(1)	(67)	(68)
Impairment	(9)	-	-	-	(9)
Cost/valuation at 31 March 2011	856	177	291	565	1,889
Depreciation at 1 April 2010	856	124	253	401	1,634
Charged during the year	-	26	21	51	98
Depreciation on disposals	-	-	(1)	(67)	(68)
Depreciation at 31 March 2011	856	150	273	385	1,664
Carrying amount at 31 March 2011	-	27	18	180	225
Carrying amount at 31 March 2010	9	38	39	167	253

All assets are owned by the Commission.

Capital payables of £6,000 (2011 £37,000) are included above.

Additions totalling £149,000 represent assets paid for by the Department of Justice or acquired from the Department for Communities and Local Government for no consideration. Details are given in notes 1 and 18.

10 INTANGIBLE NON-CURRENT ASSETS

	IT Development £000	Software Licences £000	Total £000
Cost / valuation at 1 April 2011	349	464	813
Additions	-	10	10
Disposals	-	(28)	(28)
Reclassification	-	(15)	(15)
Cost / valuation at 31 March 2012	349	431	780
Amortisation at 1 April 2011	311	270	581
Charged during the year	5	25	30
Amortisation on disposals	-	(8)	(8)
Reclassification	-	(4)	(4)
Amortisation at 31 March 2012	316	283	599
Carrying amount at 31 March 2012	33	148	181
Carrying amount at 31 March 2011	38	194	232
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
Amortisation on disposals	(502)	(67)	(569)
Amortisation at 31 March 2011	311	270	581
Carrying amount at 31 March 2011	38	194	232
Carrying amount at 31 March 2010	53	112	165

All assets are owned by the Commission.

Capital payables of £nil (2011 £26,000) are included above.

11 TRADE & OTHER RECEIVABLES

	31 March 2012 £000	31 March 2011 £000
Amounts falling due within one year		
Intra-government balances:		
Central government	-	-
Local authorities	-	27
Trade Receivables	-	2
Travel loans to staff	22	22
Prepayments	98	190
Total	120	241
Amounts falling due after more than one year		
Prepayments	2	13
Total	2	13

12 CASH & CASH EQUIVALENTS

	31 March 2012 £000	31 March 2011 £000
Balance at 1 April 2011	150	200
Net change in cash balances	21	(50)
Balance at 31 March 2012	171	150

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

13 TRADE & OTHER PAYABLES

	31 March 2012 £000	31 March 2011 £000
Amounts falling due within one year		
Intra-government balances:		
UK taxation & social security	98	99
Trade payables	63	65
Other payables, accruals & deferred income	206	214
Capital payables	6	63
Total	373	441
Amounts falling due after one year		
Accruals & other payables	-	7
Total	-	7

14 PROVISIONS

The movements in the provisions are analysed as follows:

	2011-12 Dilapidations £000	2011-12 Onerous contract £000	2011-12 Total £000	2010-11 Total £000
Balance at 1 April 2011	440	189	629	491
Provided in year	41	-	41	189
Provision released – impairment of asset	-	-	-	(9)
credited to expenses	(151)	-	(151)	(52)
Utilised in year (notional)	(289)	(189)	(478)	-
Unwinding of discount	1	-	1	10
Balance at 31 March 2012	42	-	42	629

The expected timing of discounted cash flows is as follows:

	31 March 2012 £000
Dilapidations:	
Not later than one year	-
Later than one year and not later than five years	-
Later than five years	42
Balance at 31 March 2012	42

The Commission exercised 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. During the year, the dilapidations provision was 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 provision released was credited back to expenses in the Statement of Comprehensive Net Expenditure. The remaining dilapidations liability was subsequently settled on the Commission's behalf by the Ministry of Justice. This is shown as a notional utilisation of provision, and a corresponding reversal entry is included in the amount shown in the Statement of Changes in Taxpayers' Equity and analysed in note 18.

At 31 March 2011, the lease for Alpha Tower was considered to be an onerous contract as defined in IAS 37 (Provisions, contingent liabilities and contingent assets); the economic benefits of the remaining term of the lease from the office move at the end of April 2011 to the break point in August 2011 were nil as the Commission had already relocated to new offices. Consequently, provision was made for the unavoidable costs of meeting the obligations under the contract (the remaining lease payments). During the year to 31 March 2012, the remaining obligations under the lease were settled on the Commission's behalf by the Ministry of Justice. This is shown as a notional utilisation of provision, and a corresponding reversal entry is included in the amount shown in the Statement of Changes in Taxpayers' Equity and analysed in note 18.

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

	Note	2011-12 £000	2010-11 £000
Net expenditure after interest		(6,317)	(6,169)
Interest payable	6	271	242
Depreciation and amortisation	9,10	85	157
Loss on disposal of tangible non-current assets	-	28	10
Decrease / (increase) in receivables	11	132	(18)
Decrease in payables	13	(18)	(10)

Pension provision:

Current service cost	4	213	256
Past service cost	4	-	(571)
Benefits paid	4	(151)	(185)
Release of dilapidations provision	14	(151)	(52)
Onerous contract provision	14	-	189
Notional expenditure	18	763	-
Net cash outflow from operating activities		(5,145)	(6,151)

The decrease in payables shown above excludes capital payables decrease of £57,000 (2011 £6,000 increase).

16 CAPITAL COMMITMENTS

Capital commitments contracted for at 31 March 2012 were as set out below.

	2011-12 £000	2010-11 £000
Property, plant and equipment	-	3
Total	-	3

17 COMMITMENTS UNDER OPERATING LEASES

At 31 March 2012 the Commission had the following total future minimum lease payments under non-cancellable operating leases for each of the following periods:

	31 March 2012 Total £000	31 March 2011 Total £000
Buildings		
Not later than one year	620	197
Later than one year and not later than five years	2,482	-
Later than five years	2,327	-
Total buildings	5,429	197
Equipment		
Not later than one year	7	5
Later than one year and not later than five years	5	4
Total equipment	12	9
Total commitments under operating leases	5,441	206

The above commitment in respect of building leases relates to the Commission's current office accommodation at St Philip's Place, Birmingham. This is occupied under a Memorandum of Terms of Occupation (MOTO) issued in accordance with the Departmental Estate Occupancy Agreement for Crown Bodies. The MOTO is between the Ministry of Justice on behalf of the Commission and the Department for Communities and Local Government. The costs of occupation are payable by the Ministry of Justice, but are included in the Commission's accounts as notional expenditure. Accordingly, the commitment shown above is also notional.

The commitment at 31 March 2011 related to a commercial lease on the Commission's previous office accommodation in Alpha Tower, Birmingham which it occupied until the end of April 2011. The lease was determined on 7th August 2011.

18 NOTITIONAL EXPENDITURE

During the year to 31 March 2012, the Ministry of Justice (MoJ) incurred costs in respect of accommodation and the move from Alpha Tower to St Philip's Place, Birmingham, on behalf of the Commission. In addition, the Commission acquired from the Department for Communities and Local Government (DCLG) office furniture at no charge, which has been capitalised at estimated fair value.

	2011-12 £000	2010-11 £000
Notional expenditure		
Other expenditure – incurred by MoJ:		
Accommodation costs – operating leases	665	-
IT costs	22	-
Legal & professional	38	-
Accommodation costs - general	16	-
Office services	8	-
Loss on disposal of non-current assets	12	-
Telephones	2	-
Total notional other expenditure	763	-
Non-current asset expenditure – incurred by MoJ:		
Refurbishment	46	-
Plant & equipment	17	-
Non-current asset acquisition – from DCLG:		
Furniture & fittings	86	-
Total notional non-current asset expenditure	149	-
Total notional expenditure	912	
Notional funding		
Utilisation of provisions:		
Onerous contract settlement	189	-
Dilapidations settlement	289	-
Total notional funding	478	-
Total notional transactions	1,390	-

Items shown as notional expenditure are items of expenditure which would otherwise have been recognised in the financial statements in the current year if they had been incurred by the Commission.

Items shown as notional funding are in respect of payments made by the MoJ which represent the utilisation of provisions. These provisions were established in previous years, when a charge was made to the financial statements. The utilisation of the provisions is therefore simply a cash transaction made directly by the MoJ instead of additional Grant in Aid being provided, and is therefore shown as notional funding.

19 CONTINGENT LIABILITIES DISCLOSED UNDER IAS 37

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

20 RELATED PARTY TRANSACTIONS

The Ministry of Justice is a related party to the Commission. During the period 1 April to 31 March 2012, the Ministry of Justice provided the Commission with Grant-in-Aid and made certain payments on behalf of the Commission disclosed in these financial statements and notes as notional expenditure.

The Commission also received certain assets from the Department for Communities and Local Government as part of the move into new offices at St Philip's Place, Birmingham. These assets were transferred without consideration, and have been capitalised in the Commission's accounts at estimated fair value.

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

During the period 1 April to 31 March 2012, none of the Commissioners, key managerial staff or other related parties undertook any material transactions with the Commission.

21 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.

22 EVENTS AFTER THE REPORTING PERIOD

There are no events after the reporting period to report.

Section seven:**Tables and Appendices****Commission referrals to the appeal courts 2011/2012**

Name	Ref	Referral Date	Offences	Sentence only
X	706/08	19.07.11	Indecent Assault x 2 Attempted Rape Rape	
V	201/08	26.07.11	Buggery Indecency with a Child Indecent Assault	
Y	101.11	26.07.11	Attempted Rape Indecent Assault	•
Rowe, Ricky	457/09	27.07.11	Driving a vehicle without insurance, Driving a vehicle other than in accordance with a licence	
Hallam, Sam	153/08	28.07.11	Murder, Conspiracy to commit grievous bodily harm, Violent disorder	
Ryan, Veronica	166/08	23.09.11	False Imprisonment x 2	
Martin, James	161/08	23.09.11	False Imprisonment (x2); Making Property Available for Terrorism (x2)	
Z	681/08	11.11.11	Sexual Assault x3 Rape	
Bahmansadeh, Manohehr	64/11	25.01.12	Permitting premises to be used for supplying a controlled drug of class A	
B	454/09	14.02.12	Rape	
A	243/07	22.02.12	Sexual Assault of a child under 13 Rape x2	
C	718/10	02.03.12	Rape	
D	969/09	19.03.12	Indecent Assault x4 Gross Indecency with a Child x2	
Yusuf, Jawid	121/09	20.03.12	False Accounting x 5	
Tresfagabir, Fissaha Kaleab	158/11	20.03.12	Failure to produce a document contrary to section 2 Immigration and Asylum (Treatment of Claimants) Act 2004	
Coats, Goldie	740/09	21.03.12	Being knowingly concerned in the fraudulent evasion of the prohibition on the importation of goods contrary to section 170(2)(b) of the Customs and Excise Management Act 1979	
Akanbi-Akinlade, Adekunie	250/10	27.03.12	Being knowingly concerned in a fraudulent evasion of the prohibition on the importation of goods contrary to Section 170(2)(b) of the Customs and Excise Management Act 1979	

Section Seven **Tables and Appendices**

Pleasants, David	259/11	29.03.12	Commission of an offence whilst on licence; Possession of a class A drug (heroin) with intent to supply; Possession of a class A drug (heroin); attempting to escape from custody; assault occasioning bodily harm	•
Shuale-Mongoue, Alphonse	859/11	29.03.12	Possession of a false instrument with intent; Attempting to obtain air services by deception	
Adan, Mahad	890/11	29.03.12	Failure to produce a document contrary to section 2 Asylum and Immigration (Treatment of Claimants etc) Act 2004	
Chberei, Montaza	595/10	30.03.12	Speeding	
Djeumeni, Nadine	358/12	30.03.12	Possession of a false instrument with intent; Attempting to obtain air services by deception	

Commission referrals decided by appeal courts during 2011/2012

Name	Date of referral	Conviction	Sentence only	Decision	Decision date
Malloch, Gordon	04.02.11	Making a threat to kill		Quashed	01.04.11
Davis, George John	12.10.10	Robbery; wounding with intent to resist arrest.		Quashed	24.05.11
T	21.03.12	Possessing a false identity document with intent contrary to section 25(1) of the Identity Cards Act 2006		Quashed	05.06.11
S	02.03.11	Indecent assault on a female under 14		Quashed	08.06.11
Homer, Colin	15.02.11	Fraudulent evasion of duty (tobacco) x2; Keeping dutiable goods with intent to defraud x2	•	Quashed	23.06.11
Lane, Gerard Anthony	08.12.10	Kidnapping Blackmail		Upheld	30.06.11
Lane, John Joseph	08.12.10	Kidnapping Blackmail		Upheld	30.06.11
V	24.3.11	Rape contrary to section 1(1) of the Sexual Offences Act 2003		Quashed	28.09.11
Hutchings, Gary	11.02.11	Conspiracy to rob		Upheld	08.11.11
Rowe, Ricky	27.07.11	Driving a vehicle without insurance Driving a vehicle other than in accordance with a licence		Quashed	18.11.11
Edwards, Alan	03.11.10	Murder Disposing of a corpse to obstruct the coroner		Upheld	18.01.12
Traynor, Alan	31.03.11	Murder		Upheld	23.03.12

Appendix 1: Key Performance Indicators

KPI 1 Time from receipt 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	11 – 5.11
May	11 – 5.20
Jun	11 – 8.05
Jul	11 – 8.89
Aug	11 – 8.04
Sep	11 – 9.97
Oct	11 – 7.07
Nov	11 – 8.33
Dec	11 – 7.77
Jan	12 – 6.13
Feb	12 – 6.80
Mar	12 – 6.99

Rolling 12 months average time to decision for all cases – 7.52 months.

KPI 2 Time from allocation to decision

Purpose: This KPI records the average time taken for an application to be reviewed, from the date of allocation to the initial decision, measured against milestones. **Definition:** The time from the date of allocation of the application to the issue of an initial decision,

averaged for all applications in the reporting period for which an initial decision has been issued. **Calculation:** Recorded for each month and the rolling 12 month period.

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

Plan: 70% of cases to reach initial decision within the milestones for each type of case.

Actual: 59.61% of cases reached initial decision within milestone.

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 11 out of 12 months and over the whole year closed 162 fewer 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 Customer Service Manager and of judicial reviews maintained by a Legal Advisor.

Plan and performance:

	Target	Actual
Cases re-opened	<3	0
Other	<7	3

	Target rate	Actual rate
Cases re-opened	<4%	0%
Other	<9.5%	6%

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 cumulatively. **Frequency:** Quarterly.

Data source: Judgments delivered by appeal courts.

Plan: >60% and <80%.

Actual: 58.30% for the 12 months with a cumulative figure of 70.20%.

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:

	Target		Actual
	Budget %	>	Budget %
Resource (RDEL)	0%	<	-2.5%
Capital (CDEL)	0%	>	-2.1%

KPI7 Sickness absence

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

Plan: Sickness absence: <7.5 days per annum.

Actual: Sickness absence: 7.8 days per annum.



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