

Justice Committee

Oral evidence: [Work of the Criminal Cases Review Commission](#), HC 749

Tuesday 29 April 2025

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Members present: Andy Slaughter (Chair); Pam Cox; Sir Ashley Fox; Warinder Juss; Tessa Munt; Mrs Sarah Russell; Dr Neil Shastri-Hunt; Mike Tapp.

Questions 1 - 170

Witnesses

I: Karen Kneller, Chief Executive, CCRC; and Amanda Pearce, Casework Operations Director, CCRC.

Examination of witnesses

Witnesses: Karen Kneller and Amanda Pearce.

Chair: Welcome to this afternoon's session of the Justice Committee, in which we will look at the work of the Criminal Cases Review Commission. We have the chief executive and the casework operations director to give evidence. I am going to ask them to introduce themselves and their work in a moment, but first I will ask the members of the Committee if they have any declarations of interest to make—starting with Sarah Russell.

Mrs Russell: My declarations are on the register, but in general it would probably be helpful for you to know that I am a solicitor, specialising in employment law, although I am not currently practising; and I am a member of various trade unions.

Pam Cox: I am Pam Cox, and my interests are as declared on the register.

Mike Tapp: Hello. Mike Tapp: declared on the register—and I worked for the National Crime Agency in the past.

Chair: Andy Slaughter: I am the Chair of the Committee. I am a non-practising barrister, a member of the GMB and Unite trade unions and a patron of two law-related charities: Hammersmith & Fulham law centre and the Upper Room.

Tessa Munt: Tessa Munt. Everything is on the register, but I draw your attention to the fact that I am a director of WhistleblowersUK, which is a non-profit-making organisation.

Warinder Juss: Warinder Juss: my interests are on the register. I am an executive council member of the GMB trade union and a member of various APPGs. I am a solicitor, but not practising at the moment.

Sir Ashley Fox: Good afternoon. Ashley Fox—and my interests are on the register.

Q1 **Chair:** Thank you very much, everyone. Welcome, again. Perhaps, because I know you both have a long history with the CCRC, you could introduce yourselves, starting with Ms Kneller, set out your current roles, and say when you joined the commission and what roles you have played in the organisation.

Karen Kneller: Certainly. I am Karen Kneller, the chief executive of the commission. I joined the commission in 2005 as the director of casework and in 2013 I took up the role of chief executive. My responsibility as chief exec is the day-to-day running and management of the organisation.

Q2 **Chair:** You are based in Birmingham, and you work from Birmingham.

Karen Kneller: No, the office is based in Birmingham. I work remotely, but I live in the west midlands.



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Q3 **Chair:** Out of interest, what does that mean, in terms of how many days a week you would be in the office?

Karen Kneller: I am probably in the office maybe one or two days every couple of months or so.

Q4 **Chair:** One or two days, every couple of months.

Karen Kneller: Yes. We are not an office-based organisation any more.

Q5 **Chair:** Ms Pearce.

Amanda Pearce: I am Amanda Pearce. I am a solicitor. I am the casework operations director for CCRC. I joined on 1 April 1997, when we started work. I joined in an administrative capacity. I moved into the role of case review manager in around 1999. I was then a group leader, from 2012—so responsible for managing one of our casework teams—and I have been in the director role since early 2021, in which role I am responsible for our six casework teams, our legal and investigations team, and our forensic opportunities programme.

Q6 **Chair:** I will ask you the same question: are you Birmingham-based? How much time do you spend in the office?

Amanda Pearce: I work from home as part of our remote working arrangements. Similarly to Karen, I would be in the office maybe one or two days every couple of months.

Q7 **Chair:** We will come on to this in more detail later, but was there a point when the organisation changed from being office-based to a remote working organisation? When was that, and why?

Karen Kneller: Probably like many in the country, primarily the move started during covid, through the lockdowns. We found that before we went into lockdown we were struggling to appoint case review managers. We had effectively exhausted the local pool of candidates. We look for a quite specialist skillset in case review managers. We found that by recruiting nationally we were able to fill vacancies that we would not have been able to fill. That was the driver for effectively becoming a home-based organisation once we were through lockdown. We have a small team in the office every day. There is a reception, and IT are based there, but most staff work remotely and will go in on a few days, when there is a need—when something requires them to be on site. We work remotely now. Because of that, we have been able to ensure that we could fill vacancies that we simply would not have been able to fill before.

Q8 **Chair:** Almost every organisation in the country had to go to home working, in part or fully, during covid, but most of them have now returned to working, most of the week, at least, on an office basis. You are in Birmingham, which is central and is the second city of the country.

Karen Kneller: Yes.

Q9 **Chair:** It is in the middle of the country. Are you saying that this was forced on you because you simply could not recruit, after several



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attempts, or that you made a policy change to switch to a different way of working?

Karen Kneller: I would not say it was forced on us. It was our decision, but we faced the situation of having had possibly four or five recruitment rounds and we could no longer match the salaries of some of the businesses in the Birmingham area—I suppose, the second city. We were struggling to fill casework slots, and that was a real concern. Since we have moved to remote working, we have been able to fill those vacancies with some exceptional people.

Amanda Pearce: We have also been able to better reflect our geographical jurisdiction, as well. For the first time we have case review managers based in Northern Ireland, to reflect the Northern Irish jurisdiction. We have people across the country, which makes our work more efficient, in some circumstances—in terms of work outside the office.

Q10 **Chair:** You have both been at the commission for a very long time—in your case, since it began—so you are in a good position to tell us whether you think it has changed materially, and whether for better or worse, over that period. We have just discussed one area where it has changed. What do you see as the role of the commission, and how has it changed over the 20 or 25 years in which you have both been involved in it?

Karen Kneller: In terms of the commission's role, I do not see that that has changed. We are about finding, investigating and referring miscarriages of justice. What has changed is that, as you have heard, we have moved to remote ways of working—so that is a change—and as a result we have seen our performance shored up and improved. Our referrals have risen. The main change has been around how we engage people, but the doing of the work has not changed, other than that—to pick up on Amanda's point—the geographical spread of people has meant we could tap into local knowledge, which we perhaps could not before. For example, our jurisdiction includes Northern Ireland, but it is only in the last couple of years or so that we have had people in Northern Ireland. That was long overdue.

Amanda Pearce: That is right. Processes may have developed over the years. What has not changed is that commitment to finding and referring miscarriages of justice. That dedication that was there when we started is still there today.

Q11 **Chair:** I hear what you say, but you must have read a lot of commentary about the organisation in the last few months, and the general perceived wisdom is that the organisation is a shadow of its former self. We will go on to explore some of the areas where we think that has occurred, but it would be strange if none of that had touched you, the people who run the organisation. Can I ask the question again: how have the way the organisation works, and its performance and success, changed over the years when you have been involved?



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Karen Kneller: I would invite the Committee and anyone tuning in today to consider the commission's performance not only through the small number of cases that get into the headlines, but across the whole sphere of the work that we do. That is really important. I do not see that there is a tension between a change in the way that we are based and how we are performing. In fact, as to our performance over the last few years, intake has risen significantly; we are closing more cases; we are referring more cases; but there is the challenge that the majority of our casework is not seen and does not hit the headlines. Our performance is assessed and judged only, really, by what we see in the press.

Chair: Well, we are all judged by our failures rather than our successes, I suspect. Can I bring in Tessa Munt?

Q12 **Tessa Munt:** Thank you. May I just pick you up on your statements about being more successful in referrals? I think I have the facts here, saying that in 2024 CCRC received 1,629 applications and 25 were referred to the Court of Appeal, which is fewer than 2%. In reality, I suspect, to most of us, the only thing that matters is referrals to the Court of Appeal. There is no other way that a wrongful conviction can be overturned. You say you are closing more cases. Well, that is great. I suspect we could all close cases. I would love to be able to do that in my job, but I cannot; I have to pursue them through to the end. Probably the general view might be that closing cases and putting them in the archive is not the same as actually being very rigorous.

I will leave it there, but 25 going to the Court of Appeal—fewer than 2%—is not a huge number, is it? So you are saying you are very confident that in 1,604 applications it was absolutely fit and fine for those people to be held in custody.

Karen Kneller: I think I was saying that, because we have improved our ways of working, we have got better at how we investigate and review cases. Certainly from our data, in the last business year the number of our referrals increased by nearly a quarter on the year before.

Q13 **Tessa Munt:** From what to what? Forgive me—

Karen Kneller: I know those numbers are quite small, but we are now looking at, I think, about 870 referrals since we have been in existence. That is hundreds and hundreds.

Q14 **Tessa Munt:** Since when?

Karen Kneller: Since we have been in existence. That is hundreds and hundreds of referrals.

Q15 **Tessa Munt:** You are saying that there have been eight hundred and—

Amanda Pearce: Eight hundred and seventy three.

Q16 **Tessa Munt:** Eight hundred and seventy three referrals to the Court of Appeal since exactly when?

Karen Kneller: Since 1997, when we came into operation.



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Tessa Munt: Thank you.

Chair: Warinder, did you want to come in?

Q17 **Warinder Juss:** Yes, I just want to seek clarification of the link between recruitment and remote working. Are you saying that you had difficulty recruiting because people did not want to come into the office?

Karen Kneller: No, we had difficulty recruiting because the package we were offering was not good enough when compared with other packages in the area.

Amanda Pearce: And because we were confined to the geographical area around Birmingham—the commuting distance. Now that we work remotely we have people based across the UK—in the north-east and the south-west. It has opened up the pool that we can draw from, and we are looking for the people with the right skills and attributes to fill those difficult and challenging roles.

Q18 **Warinder Juss:** So remote working has increased the pool from which you can select.

Amanda Pearce: Yes.

Warinder Juss: Thank you.

Q19 **Chair:** The chair, as we know, left the organisation on 14 January. You have not had a chair since then. Do you know when you are going to get at least an interim chair?

Karen Kneller: No. I understand that MOJ is approaching the end of what has been quite a long process, but no, I do not know. We are not involved in that process.

Q20 **Chair:** And that chair, we know, will not just, presumably, supervise the organisation—supervise both of you—but will also undertake a review. Do you know what that review is likely to involve?

Karen Kneller: No.

Q21 **Chair:** When the last chair resigned, she commented in her resignation letter that some departing commissioners had advised her to remove the senior management team; but she did not—because you are still here. What did you think when you read that? Do you think you are the right people to lead the organisation?

Karen Kneller: I do think we are the right people to lead the organisation. I do not think it would be appropriate for me to comment on something that was reproduced in the press.

Q22 **Chair:** It is from the letter of the resigning chair.

Karen Kneller: Yes. I think it was unfortunate perhaps the way the resignation was approached, but, in any event, we are leading an organisation that has been handling 30,000 or so cases. We have sustained and, I would say, improved performance. It felt a very strange thing to say in a resignation letter and it was perhaps disappointing and,



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I think, upsetting to some members of staff that there was in that letter no reflection of, or thanks to, case review staff who had, essentially, been busting a gut on cases.

Q23 Chair: Since the chairman departed, what changes have you made to case management processes and personnel?

Karen Kneller: Since the ex-chair stepped down, what changes have been made to casework processes? I am not sure, other than the forensic opportunities programme—that is probably the big one.

Amanda Pearce: Yes. We have been in the process of implementing the recommendations that Mr Henley made in his review. That has been an ongoing piece of work. For example, there is the forensic opportunities programme, which Karen mentioned, which I can go into in more detail, if you would like. We have also looked at our approach to obtaining police material, and have made some changes around that. We have revised and updated some of our guidance in relation to working with and communicating with applicants. We have also delivered some additional training that Mr Henley recommended.

Q24 Chair: Who is actually running the organisation now? My understanding is that it is a body corporate. It requires a chair, who has to be a commissioner as well. Have the other commissioners stepped in to run the organisation? Are you running it?

Karen Kneller: We do not currently have a chair of the commission. One of our independent non-executive directors—the senior independent—chairs board meetings, but we are currently without a chair. The role of the chair, as you will know, is around governance, leading the board, and is very much outward-facing—the figurehead. We currently do not have that. I am responsible for the day-to-day operations, with Amanda and the others in the senior team, so that continues. While the chair has stepped down, and that has presented, certainly, a gap and some uncertainty in the organisation, I think it is really important to assure you that in terms of casework and applicants that has not been affected. We have remained very focused on casework operation.

Q25 Chair: I know you might wish that to be right, but can that be right, given that there was a long period of uncertainty before the previous chair and a lot of adverse publicity, including about the way the organisation was run? The chair went in January. You are still awaiting the appointment of a chair now. Are you seriously saying that the organisation is running as normal—or better than it was under its chair?

Karen Kneller: I think in terms of casework it absolutely is running really well. We have worked very hard to keep people focused on that day to day, that core purpose, of casework running alongside implementing the recommendations from Mr Henley's report. Without doubt, it caused a period of upset. People were unsettled. There was a lot of uncertainty. No one knew what was going on; but staff have really



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committed and doubled down to focusing on getting those cases out through the door. From the beginning of the calendar year to now we have had 17 or 18—

Amanda Pearce: Eighteen.

Karen Kneller: Eighteen referrals. Even with all the noise that is going on in the background, the focus has been on doing the casework. It would be easier if that noise was not there, for sure, and it would certainly be easier if we had our interim chair in post, but that is not within my gift.

Q26 **Chair:** You are saying that all the publicity and interventions that have happened over the last year or so have been noise in the background; that is how you put it, is it?

Karen Kneller: No. I am saying that we have had to focus on the casework to make sure that we continue to do the day job. Obviously, the organisation was really struck by a lot of the criticism that was in the press. We have taken that on board. We have particularly taken it on board by, of course, focusing on delivering the recommendations in Mr Henley's report.

Chair: First of all, press criticism is not necessarily irrelevant. Secondly, it is not just in the press, is it? We are going to go on to ask some questions about the Malkinson case and the Henley report. Sarah, do you want to come in on this before we move on?

Q27 **Mrs Russell:** I just wanted to pick up on the point you made that there had been 800 referrals to the Court of Appeal. It looks to me like you were established in 1995, so some quick maths produces 26 referrals a year. Does that seem about right?

Karen Kneller: That probably is about right. It was 1999—

Amanda Pearce: 1997.

Karen Kneller: It was 1997, forgive me, when we opened our doors. I think it is probably 30 referrals a year, on average.

Q28 **Mrs Russell:** Your last year's accounts show that you cost about £10 million, of which your expenditure was £9.5 million in '23-24. It was up from £6.5 million in '22-23. You seem to have vacated physical premises. The staffing costs were £6.4 million, so I was wondering what the other £2.8 million had gone on, and whether you feel, overall, that £10 million a year for 30 referrals a year looks like value.

Karen Kneller: On what that £2 million was spent on, I would anticipate, or venture a guess, that it was in respect of capital and the digital programme, but we can provide a breakdown of that, if it would be helpful. Most of our money is spent on the day-to-day running of the organisation, the cost of doing casework, the cost of engaging casework staff and commissioners. Is it good value for money? I am not sure that that is a question for me to answer. I would say that every referral we



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find is good value for money. No one has, I think, said what we should be finding—what is the right number of referrals—because, in the majority of cases that we see, we do not see anything that would lead to a successful referral, if I can use that shorthand. As far as I am aware, there has been no discussion of what would be the right number of referrals.

Q29 Mrs Russell: What do you believe would be the right number of referrals—and do you think you are meeting it?

Amanda Pearce: I do not think there is a right number of referrals. We can refer only those cases that meet the statutory test. You would be absolutely right—it would be an awful lot of money if we had looked only at the 30 cases that were referred; but, of course, to find those 30 cases we have to look at everything that comes through the door. That is 1,500 or 1,600 cases a year that we have to work on. We have to look at each of those carefully to assess whether they meet that test for referral. So, yes, as I say, if we were looking only at such a small number of cases it would not be good value for money; but we have to look at everything, and carefully.

Q30 Mrs Russell: What evaluation do you do of value for money within the organisation?

Karen Kneller: For us it is about the quality of the casework. We have quality management systems to ensure that we are producing good quality casework and are learning. Clearly, we know that we got it wrong in Mr Malkinson's case and we are learning from that—but that is our approach. We are always looking for ways of doing things more efficiently. We are concerned that the longer a case is open that is not good for an applicant. That is how we would view and assess value for money. I think Amanda is right. What it comes back to is that most of our casework is not seen by the public. Most of it is low profile. Even the successful referrals tend not to hit the headlines. I can see how you can say, on the one hand, that it is a small number of referrals, and ask how that is good value for money with a budget of £x million, but we are talking about thousands of cases.

Chair: I will have to be a bit more disciplined: Mike first, I think.

Q31 Mike Tapp: Thank you, Chair. I just want to pick up a little more on referrals, which I was going to talk about later, but, as we are touching on that now, the Law Commission consultation on criminal appeals in February said that the current referral test is hindering the correction of miscarriages of justice and that a non-predictive test would be more appropriate. Do you agree with that? Do you think that could cause it to be too low?

Karen Kneller: When we investigate cases we are obviously investigating them within the parameters of the test we currently have. We have for some time put our hands up to say we would welcome a review of the test.



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Amanda Pearce: I do not think we have—well, I know we do not have—a pile of cases where we say, “If only it was a different test we would be able to refer these.” We work to the test that exists. It is obviously a test of Parliament’s making, not ours, but we are open to the review of that test, and suggestions of other tests that might be applied.

Q32 **Mike Tapp:** Just to get this right: who makes the decision on the test that is applied? Is that Parliament?

Amanda Pearce: Yes. It is set in statute. It is in the Criminal Appeal Act.

Mike Tapp: Thank you.

Q33 **Warinder Juss:** Just quickly, I understand the point that most of the cases that you see would not be referred but you would still have to assess those cases. Out of the 30 referrals on average that you do refer to the Court of Appeal how many cases are you assessing on average every year? You did mention a figure of 30,000 earlier on. Are you saying you assess up to 30,000 a year?

Karen Kneller: No. It is about 1,500 or 1,600 a year that come to us.

Amanda Pearce: Last year we completed 1,482 cases that we looked at and made a decision on.

Q34 **Chair:** Just a quick question: you say you are focused on quality, but we had a look at your key performance indicators, and five of those are about timeliness. Only two are about quality. Is that significant?

Amanda Pearce: That is partly because quality is quite difficult to measure in numbers, to turn it into a key performance indicator. Timeliness is relatively easy to measure in numbers, and it is important to applicants, as well. You could not really say you had conducted a quality review if it had taken longer than it should; so timeliness is important to applicants. We have the other quality indicators there, which look at whether we have had to reopen cases as a result of errors; but there is then a separate quality management system, which involves scrutiny of cases by group leaders. Nothing is ever decided that has not been looked at by at least two people—often many more. We have also got our long-running cases committee, which looks at cases that have been under review for longer. There are other mechanisms for assuring the quality of the work that we do.

Q35 **Pam Cox:** Exactly on that point, how do you then define and measure quality?

Amanda Pearce: Quality is about making sure that we conduct a thorough review in a reasonable timeframe but we are aiming to reach the right outcome, so one of the measures that we use there is cases that we have had to reopen. It is a very small number, but it may be as a result of a judicial review, a complaint or post-closure correspondence. We will always look again at a case if we think something has gone wrong there, but generally speaking our quality is around ensuring that we do



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everything we need to do in a reasonable time, and reach a reasonable, reasoned decision.

Q36 **Pam Cox:** What proportion of the staff are legally trained?

Amanda Pearce: We have 40 case review managers. About half of them are lawyers. The others will come from a variety of different backgrounds. They may be former investigators, or former police officers, or they may come from slightly broader backgrounds. The proportion of our commissioners who are legally qualified would be—

Karen Kneller: It is quite high. Two thirds?

Amanda Pearce: At least two thirds, and possibly higher.

Q37 **Pam Cox:** Do you both have backgrounds as lawyers?

Karen Kneller: I am a barrister. I should have said that in the intro.

Amanda Pearce: I am a solicitor.

Karen Kneller: They also have access to our in-house legal team as well, if they want it.

Chair: We need to move on. Tessa.

Q38 **Tessa Munt:** Yes, I just want to pick up on what you said. I will invite you to write to the Chair. I would be quite interested in knowing how many of the cases that you have referred are matters of process as opposed to matters of fact and evidence. For example, I am aware of what I know are a historic couple of cases—McDaid and, I think, Clarke—which were purely about somebody not having signed a piece of paper somewhere. You can claim that as a win, even though in fact everybody I think broadly decided that the people concerned were guilty—of GBH, if I remember rightly. I just wondered if you might inform the Chair of those process matters, as opposed to evidence and fact.

Amanda Pearce: I think there are very few as technical as Clarke and McDaid. There are other cases where you might describe it as process, but process can encompass a lot of things. It could encompass non-disclosure; it could encompass abuse of process. It is important to remember that where a referral may be about the process, it is not necessarily just a technicality. It is about ensuring the integrity of the system—the things that protect everybody and not just that individual in that case.

Tessa Munt: Thank you.

Karen Kneller: We can certainly write. We have got a case library up on our website which goes back through our referrals—

Q39 **Tessa Munt:** Can you say that again? I could not hear it.

Karen Kneller: Sorry. So, first, yes, we can certainly write with that information and, secondly, we have a case library that we have recently



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published on our website, which goes through the history of all of our referrals.

Q40 **Tessa Munt:** Thank you. Do you agree with the findings of Chris Henley's review?

Karen Kneller: Yes.

Q41 **Tessa Munt:** You do; thank you. I want to move particularly to the Andrew Malkinson case. As I think probably everybody knows now, 26 July 2023 was when the Court of Appeal quashed Andrew Malkinson's convictions, and it was in August 2023 and then April 2024 that Helen Pitcher, as the then chair, apologised to Andrew Malkinson for the CCRC's handling of his case. Ms Kneller, have you apologised to Andrew Malkinson?

Karen Kneller: Have I apologised?

Tessa Munt: Yes.

Karen Kneller: No, I haven't.

Q42 **Tessa Munt:** Do you feel that it might be appropriate to pass on that apology now?

Karen Kneller: Absolutely. Without doubt, we got that case wrong and Mr Malkinson was failed. We made mistakes in that case. We apologised—the organisation apologised—and I think the decisions made then around when to apologise are probably decisions that would not be made today, so I absolutely extend my apology to Mr Malkinson. Everyone in the organisation deeply regrets what happened on that case. I cannot begin to think of the impact that this has had on him—I mean, the double impact of serving a sentence and suffering a miscarriage of justice, and then the way that we handled his case; so, absolutely.

Q43 **Tessa Munt:** Thank you. If he follows up on any of these things, he will no doubt be grateful for that, but it was certainly the case that the CCRC's initial apology was deemed to be inadequate. Chris Henley has said that he provided his report to the CCRC in January 2024. Do you know why it wasn't published until 18 July 2024?

Karen Kneller: Amanda might be able to help with some of the detail, but my understanding is that the report that we got in January was a draft—it certainly appeared to be one. I believe that it had tracked changes in it.

Amanda Pearce: It might have done. I can't remember.

Karen Kneller: There were certainly a lot of typographical errors and some factual issues that we needed to pick up with Mr Henley, which I think he was happy to adopt, and then we received the final report from Mr Henley—was it in April?

Amanda Pearce: Yes, the finished report was received in April.



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Q44 **Tessa Munt:** That is still three months.

Amanda Pearce: So it was received in April 2024 but before we could publish it, because of the Andrew Malkinson inquiry and the ongoing investigations in relation to the case, we needed to consult with the inquiry, with Greater Manchester Police, with the CPS and with the Independent Office for Police Conduct to check whether there was anything in the report that, if we were to publish it, might prejudice those ongoing investigations and any potential future prosecutions. There was then a period of agreeing redactions to the report, at their request. I think that took us through until about 20 May. We shared the report with Mr Malkinson then; we also shared it with the victim of the original crime at that point. We were ready to publish when the general election was called and were advised not to publish during the general election, so it was eventually published in July.

Q45 **Tessa Munt:** Who advised you of that?

Karen Kneller: I think it was probably the Department, but the guidance that was issued on what you can and cannot do in the pre-election period meant that we could not publish a report of that nature. We wanted to publish, because we had the report, and, as Amanda said, there was an earlier opportunity to publish, but we could not because of the liaison that needed to take place with the inquiries. There were at least two opportunities to publish which we could not take up, but the pre-election guidance was clear that we could not publish in the run-up to the general election.

Q46 **Chair:** I am sorry to interrupt, but that was not Mr Henley's view, was it? He said that there seemed to be "an attempt to downplay the seriousness" of some of his findings and "a very significant delay between the delivery of my report and its eventual publication. I provided my report to them in January and found it surprising and a little frustrating that it wasn't published until towards the end of July. I found some of the justification for the delay a little unconvincing. It was obvious to me that their priority was for the report not to present the whole organisation as failing." What do you say to that?

Karen Kneller: Well, we received in April the final report from Mr Henley, so we could not have published it before then. Then we had the various scenarios that Amanda has just outlined.

Q47 **Tessa Munt:** I am sorry to interrupt, but did you not consider sending it to the IOPC and the other organisations that you mentioned in its draft form? Surely, that would have been sufficient as well and you could have done that in the January.

Amanda Pearce: I think it would still have had to go back because they needed to see the final report to ensure that there was nothing in there—

Q48 **Tessa Munt:** So it didn't go to them in January.

Amanda Pearce: No, it went to them when we had received the finished report.



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Karen Kneller: What we had in January was a draft report.

- Q49 **Tessa Munt:** Indeed, you have said. Okay, so Chris Henley's view was that there was an early "lack of oversight and direction" in relation to Malkinson's case. Do you feel that you were responsible for that lack of oversight and direction?

Karen Kneller: This was an organisation that, when I arrived, was dealing with a huge backlog of cases that it had inherited from the Home Office. Cases were taking many years before they could even be allocated to a case review manager, so there were cases queuing. We had implemented a new structure of group leaders in the organisation to help support case review managers, so, organisationally, I think that one did not get the right attention and focus that it ought to have got. What happened was that decisions were taken in good faith that took the people working on that case down a particular pathway, and that is where it went wrong.

- Q50 **Tessa Munt:** Doing it in good faith is not good enough, is it, when you are talking about justice?

Karen Kneller: No, absolutely. I could not agree with you more, but this was not about anything other than people exercising discretion in judgment, making a mistake at the offset, not understanding issues around key points of evidence, and that took—

- Q51 **Tessa Munt:** I am amazed that you are saying that you have case review workers who do not understand the basics of evidence. But we are also talking about the oversight, are we not?

Karen Kneller: That isn't what I am saying. Amanda might be able to help on the detail, but in an organisation where we are looking at hundreds of cases—

- Q52 **Tessa Munt:** But you have said that quality is important.

Karen Kneller: Absolutely, and we have learned from that. What I was trying to go on to say is that we have learned a huge amount from those days. As I arrived in the organisation, it was one where casework wasn't even really managed. We had no management structures in casework and a case would take as long as it would take. Case review managers were unsupported, so we introduced a system to support them and we have learned a lot from those days. I think that, as a result, we have seen quality and performance improve. But, again, I also urge the Committee that this case is an awful case and there's absolutely no getting away from that. We got it wrong and everyone in the organisation regrets that, but the majority of our casework is unseen.

- Q53 **Tessa Munt:** You have said that, and everyone will understand that. Most of the work that solicitors and barristers do is unseen and the judge's deliberations are unseen. It is the poor person who has not been served properly who needs to see this stuff sorted out, and sorted out fairly. It is not even as though this is the only time that this has happened. Have you instigated a review of all those cases that were so



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poorly managed before, because there may well be people languishing in prison who might still be the subject of injustice?

Karen Kneller: The forensic opportunities programme is something that will deal with any of those. If there are some cases in which there have been issues in respect of forensics and DNA, we will find them through that programme.

Tessa Munt: Fine.

Chair: Do you want to go on?

Q54 **Tessa Munt:** Yes, I do, I do, I do. I wondered why the CCRC's response to the Henley report and the annual report of 2023-24 says that Henley's findings are "necessarily limited to the Andrew Malkinson case", because to me the evidence suggests otherwise.

Karen Kneller: Mr Henley's report was about the Andrew Malkinson case.

Q55 **Tessa Munt:** So you don't feel that there is any impact on any other.

Karen Kneller: No, I am not saying that at all. I would not discount—

Q56 **Tessa Munt:** That is what the annual report says.

Karen Kneller: We are a learning organisation. All organisations make mistakes and I cannot discount the probability, or possibility, that a mistake has been made in a case elsewhere. We are learning—

Q57 **Chair:** Again, I am sorry to interrupt, but the Henley report says: "I have made a series of recommendations at the end of this report which I believe will, if fully implemented, make it much less likely that things could go as badly wrong for current and future applicants as they did for Mr Malkinson." It sounds like what you are doing is saying that this is just about Malkinson, because that limits the culpability of the organisation.

Karen Kneller: No, maybe I'm not articulating it very well. We asked Mr Henley to review how we performed in Mr Malkinson's case. We are learning from the report that Mr Henley produced and implementing the recommendations, which necessarily would apply across all of the casework function. We are not saying that it is just one case where there is an issue, otherwise we would not consider that there was a need to commence a review of our forensic opportunities programme. We accept that we got it badly wrong in Mr Malkinson's case. What we are doing is learning from that and applying it across the whole organisation.

Q58 **Tessa Munt:** What was the purpose of bringing in the crisis communications consultant in November 2023? That was Chris Webb, was it not?

Karen Kneller: Yes. Mr Webb was brought in because the communications team was a small team at that point. We needed the extra resource and I thought that it would be helpful to have an external perspective.



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Q59 **Tessa Munt:** Did he tell you that he had serious concerns about the CCRC's response to the Henley review?

Karen Kneller: Not that I recall, no.

Q60 **Tessa Munt:** And did the CCRC attempt to edit the review report to water it down in any way?

Karen Kneller: No, absolutely not. There were factual issues, which Amanda picked up with Mr Henley, but absolutely not—absolutely not.

Q61 **Chair:** How much did you pay for the specialist crisis communications consultant?

Karen Kneller: I think it was less than £20,000.

Q62 **Tessa Munt:** And why did he resign?

Karen Kneller: I think he was concerned about whether he could add anything else.

Q63 **Tessa Munt:** That sounds like the end of his job. You are just saying that he got to the end and it was all fine, and off he went, as opposed to—

Karen Kneller: I think he probably—I don't want to speak for him and I have not had the conversation with him—may have hoped that the report would have been published earlier.

Q64 **Tessa Munt:** And what stopped that?

Karen Kneller: There were a number of issues, some of which Amanda has alluded to, but I cannot really comment any further because I have not had that conversation with Mr Webb.

Q65 **Tessa Munt:** Did you have any concerns yourself about having a conflict of interest in that you had been, as I understand it, responsible in some way for managing the casework at a critical time in the Malkinson case, yet you were also employing the comms specialist to deal with how the organisation—

Karen Kneller: No, not at all, because he was an independent consultant. He was from outside the organisation and brought in that fresh perspective.

Q66 **Tessa Munt:** Okay, thank you. So, you have said that you are learning from everything that happened. I just wondered how you might summarise that learning and whether you might express any regrets that you might have on the way that the CCRC handled the response to Andrew Malkinson's acquittal and the publication of the Henley report.

Karen Kneller: In respect of the report and its handling, I think it is unfortunate that it took as long as it did to get it published. As Amanda has explained, there were a couple of opportunities when we were ready to publish and couldn't, but I think we could possibly have got it published earlier, so that is absolutely a regret. In terms of learning, I do not know how much detail you would like us to go into in respect to the recommendations, but there are a lot of recommendations there. We



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have accepted all of them and added in a few of our own because we want to make sure that we really, really learn from this. I am in your hands about how much detail you want—

- Q67 **Tessa Munt:** Probably the best thing that I can ask you to do is to communicate with the Chair after this. If you could write to the Chair explaining exactly those things, that would be very helpful. That would be good because it would make it clear.

Karen Kneller: Absolutely. So there were a number of recommendations and we update the board regularly. I am certainly happy to write to the Committee with our progress in respect of those recommendations.

- Q68 **Tessa Munt:** Thank you, and those that you have not progressed already as well.

Karen Kneller: I think they have all been progressed and some have been fully implemented.

Amanda Pearce: Yes.

Karen Kneller: So there is nothing that hasn't been progressed. We have really gone for it.

- Q69 **Tessa Munt:** The other thing that I would quite like you to do is to dig out the instruction that you had not to publish during the period of the general election and send that to the Chair as well. That would be helpful.

Karen Kneller: I do not know whether there is a written instruction, other than the guidance—

- Q70 **Tessa Munt:** If you send that to the Chair, that would be fine.

Karen Kneller: Absolutely.

- Q71 **Tessa Munt:** Thank you. Turning to the substance of the Henley report's conclusions and recommendations, we have talked about the main lessons. But there is one bit where the Henley report says that the CCRC needs to aspire to capture more miscarriages of justice and that "The question should always be 'might this be a miscarriage case' rather than an exercise in thinking of reasons why the Court of Appeal might reject the referral." Do you agree with his analysis?

Amanda Pearce: I think we agree that our starting point in every case that comes through our door—every application that we look at—is, "Might this be a miscarriage of justice and what if it is?" But then we have to go on and apply the statutory test to look at, for example, whether the person has exhausted the normal appeal process, whether there is something new and a real possibility of a successful appeal. We are obliged to apply the law that applies to the decisions that we make.

- Q72 **Tessa Munt:** I am concerned only because there are other cases, aren't there, like Nealon, with broadly the same sorts of things? I recognise that that was an old case and before Malkinson, but isn't there a pattern of trying to see whether it fits into a box and saying, "The Court of Appeal



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would agree with this"? From what you are saying, you look at it from whether it could be a miscarriage of justice. It looks slightly more process-driven and about whether the Court of Appeal is going to run with it or not. That is how it might look to an outsider, but do you want to comment on that?

Karen Kneller: One of the challenges that we have as an organisation is that we are quite restricted in what we can say, so a lot of our work may look process-driven. We quite often cannot get into the detail of the reasons for why we have or have not referred something—and that bothers us, because what we do is serious and complicated work. It is very difficult getting that message out there, but that is our starting point, as Amanda has explained. It is unfortunate if others perceive it to be something other than that.

Q73 Tessa Munt: Thank you. Can I just bring you to the matter of DNA evidence and what kind of training is given to staff on that? Evidently, in 2009 there was DNA evidence that was not properly understood and opportunities to get fuller DNA results that were missed. The CCRC's response to Chris Henley's recommendations said that a forensic science and expert evidence adviser would be appointed. Is that adviser in position and what training is given to staff?

Amanda Pearce: There were a couple of recommendations that Mr Henley made around that. He recommended annual DNA training for our staff, so we have arranged three sessions from external providers, late last year and this year, to provide training on DNA evidence. We have appointed a forensic adviser but they are not in post yet. They are going through the pre-employment checks.

Q74 Tessa Munt: What kind of turnover of staff do you have?

Amanda Pearce: It is relatively low among our casework staff.

Q75 Tessa Munt: Is that three times a year, or whatever you said—

Amanda Pearce: We have done three sessions this year and we will do ongoing training.

Q76 Tessa Munt: Everybody is trained already.

Amanda Pearce: Yes.

Q77 Tessa Munt: Okay, that is fine. Thank you very much indeed. What of other scientific expertise? You said that you have changed the way that you operate, so how often do you employ forensic experts and specialists?

Amanda Pearce: We would employ forensic experts whenever the case requires it. Whenever there is a possibility that it is a case where there might be an opportunity for forensic evidence, we will take advice from experts—and it is not just forensic science. It could be medical experts or psychiatric evidence.

Q78 Tessa Munt: What is the trigger for that? Clearly there has been a big



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problem in the past, hasn't there, if no one recognises the importance of somebody who is in prison saying, "I wasn't there," and you have DNA evidence? We have several cases, have we not, where the DNA evidence for the person who has been convicted was not evident anywhere? There was nothing, but apparently there was other male DNA on clothing, or whatever. What triggers your caseworkers to go, "Oh—I need an expert"? They would be calling them in all the time, I presume.

Amanda Pearce: It depends on the analysis of the case and, obviously, each case is different. DNA is a complex topic; it can be very significant in some cases and may have no part to play in others, so the decision to seek expert evidence is based on the analysis of the case. Clearly, that analysis was wrong in Mr Malkinson's case—

Q79 **Tessa Munt:** And others.

Amanda Pearce: And we missed a key detail in that case, but we have now instituted the forensic opportunities programme to look at two things. One is to look at whether there are other cases where we have missed opportunities to obtain forensic evidence. It is also to revisit cases which we perhaps last looked at 10, 15 or 20 years ago. Forensic science moves on and there may be opportunities in those cases that simply did not exist when we last looked at them. That programme is in operation now to revisit those cases, identify forensic opportunities and pursue them.

Q80 **Tessa Munt:** So what you are saying to me is that the recommendation Chris Henley made about every case—all cases that related to the possibility of where there were DNA opportunities that might need to be looked at again—is in train, because you have adopted all his recommendations, and that is happening.

Amanda Pearce: That programme of work had actually started before Mr Henley's recommendation. We had done some initial work on it. In order to make it manageable, we are focused initially on cases where the applicant was convicted of either rape or murder, or attempts, before 1 January 2016, which is allowing for a margin of error for DNA-17 to have come in. We are looking at those as our first cohort of cases but we may then expand it to other offences. I am not sure that Mr Henley appreciated the scale and volume of the cases that we dealt with, and the number that it might entail to look at every case where there are potential DNA opportunities.

Q81 **Tessa Munt:** But every case is a person.

Amanda Pearce: Absolutely, but, as I say, we have started with the rape and murder cases first and can then move on to other cases once we have done those.

Tessa Munt: Thank you.

Chair: I wonder if that might be an opportunity to take a five-minute break, which I will do now. We will resume at 3.35 pm. We may need to go a little bit after 4.30 pm to make up the time and ensure that we



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cover the areas we want to, so I hope you will bear with us.

The Committee was suspended.

On resuming—

Chair: We are resuming this afternoon's session of the Justice Committee, looking at the work of the Criminal Cases Review Commission and hearing from its chief executive, Karen Kneller, and casework operations director, Amanda Pearce. The next set of questions will come from Sarah Russell.

Q82 **Mrs Russell:** Thank you for returning. I am interested in the Post Office cases. I can see here, for instance, from the Library that David Hedges was convicted of theft and false accounting in January 2011. You received an application for review of the conviction in November 2015 and that case was referred to the Court of Appeal in 2020. There appear to be a number of cases with that sort of timescale. Do you feel that they were dealt with in a timely fashion?

Karen Kneller: I think there were a lot of external factors there in respect of litigation.

Amanda Pearce: Yes, at the time that we were conducting our reviews of the first batch of Post Office cases that we received, we were also aware that civil litigation was ongoing and that the outcome of that civil litigation would be important. I think that the judgment on that litigation was given in December 2019 and we referred our first cases around June 2020, so it was the decision in the civil case which was really significant and key to those referrals. Once we had got that, we moved very quickly. In the earlier review that we conducted, we hadn't found a basis for referral, but we were mindful that the civil litigation was ongoing at the same time and that its outcome would be really significant.

Q83 **Mrs Russell:** Did the people whose cases they were want you to wait for the outcome of the civil litigation?

Amanda Pearce: Without the outcome of the civil litigation, there was not a basis to refer the cases. The civil litigation made that really critical finding that the Horizon system was flawed, and once we had that decision it enabled us to refer the cases. The people whose cases we were looking at at that time were kept informed and were aware that we were waiting for the outcome of the civil litigation.

Q84 **Mrs Russell:** Thank you. In terms of the questions that I asked earlier about the £2.8 million in the budget, you referred to IT spend. But I have had a little look and IT spend accounts for only about £600,000-worth of that £2.8 million. The biggest tranche of it, at £700,000 or so, appears to just say "Assorted expenses". From the accounts, it is difficult to gain an understanding of what that £2.8 million was spent on when the largest single item in it is completely undetailed.

Karen Kneller: If it would assist the Committee, because I do not have all the numbers in my head, it would probably be better if we wrote with



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a more detailed breakdown. I would anticipate that there are all sorts of things in there, including depreciation of assets. But I don't want to mislead you or take us up a garden path.

- Q85 **Mrs Russell:** Depreciation of assets is dealt with separately. Of that £2.8 million, there is a £300,000-worth training budget in there. It seems reasonable to me that, if you have done a review, you would want to train your staff; no one is going to dispute some of that cost, but it is about understanding where that better part of 800,000 grand went and what on. Out of a £10 million budget—I think it is meant to be about an £8 million budget—that is a significant proportion of your spend to have no transparency around.

Karen Kneller: I am sure that there is the transparency. If it is not there, we can certainly write on that. I simply do not have those details in my head, but we can absolutely provide that information.

- Q86 **Mrs Russell:** Thank you. It would be nice to understand what proportion of it was the crisis comms when you write.

Karen Kneller: I think I said earlier that the crisis comms was under £20,000. When we engaged the consultant to support the comms team I think he was engaged for about six months, but the spend was under £20,000.

- Q87 **Mrs Russell:** In terms of the commissioners and their commissioner roles, how do they typically spend their time?

Karen Kneller: Commissioners are appointed to take decisions in cases and that is where they spend the majority of their time. In some cases—Amanda might want to expand on this—we will nominate a commissioner to take the lead on a case if it is perhaps a particularly complex one, or a long-running one for whatever reason. Part of the time is spent on overseeing and supervising certain cases, but the majority of their time is spent on taking final decisions in cases.

Amanda Pearce: That is right. They will either sit as a committee of three commissioners where there is a possibility of referral of a case or make decisions as individual commissioners if the recommendation is that there is no basis for referral, and they can move from that single commissioner to a committee if they disagree. A case review manager will carry out the review, conduct the necessary investigations and make a recommendation, and then the case will go to a commissioner for decision; but, as Karen says, there are cases where we appoint a commissioner at an earlier stage if there are critical decisions to be made, for example.

- Q88 **Mrs Russell:** In the past year how many of those cases that have gone to a single commissioner have been escalated to a three-person panel?

Amanda Pearce: I would have to check; I don't know offhand. I do not think it will be a huge number, but I would have to check.

- Q89 **Mrs Russell:** The Criminal Appeals Act 1995 makes provision for no



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fewer than 11 commissioners. How many FTE commissioners are there at present?

Karen Kneller: We have nine commissioners—nine heads—at the moment. As to the FTE, I am not sure what that would be, but typically—I say “typically”, but on average—they are probably doing a couple of days a week on decision making.

Q90 **Mrs Russell:** Does that equate to maybe two or three people full time?

Amanda Pearce: It is probably slightly above that.

Q91 **Mrs Russell:** Do you feel that is adequate?

Karen Kneller: No. We do not have enough commissioners. Currently, there is a commissioner recruitment exercise. That is probably halfway through. I would hope we would have additional commissioners arriving by Christmas. So, no, we don’t have enough commissioners. Ideally, we would have been in the position of commencing a campaign to appoint new commissioners probably two years or so ago, but it did not happen for various reasons. We absolutely have an issue of not having enough commissioners, but that is only because we were overdue a recruitment exercise.

Q92 **Mrs Russell:** When did you last do a recruitment exercise?

Karen Kneller: We were hoping to start one about two years ago. The last one was probably five years ago, in 2020.

Q93 **Mrs Russell:** Why has there not been one in the intervening period?

Karen Kneller: For a number of reasons. First, it is not on the commission. As an arm’s length body, the Ministry of Justice deals with this for us. We work very closely with them on that. There were concerns and issues around the fee that commissioners were getting and whether it was sufficiently high to be able to retain commissioners. We saw some commissioners appointed and then leave to take up judicial careers, which was fantastic for them but clearly an issue for us. I think it took longer than we would all have liked to resolve the fee issue. Once that was resolved, the MOJ was able to start the recruitment exercise. Then, of course, the general election got in the way as well. We are certainly understaffed in terms of the number of commissioners. There is no doubt about that.

Q94 **Mrs Russell:** Can you explain to me exactly what you see as having been your role in this? It sounds like you are describing a situation in which you have been profoundly understaffed at a very senior level of, arguably, the most important people in your organisation.

Karen Kneller: Absolutely.

Q95 **Mrs Russell:** You have not done any recruitment of them for five years. I understand you say that that was ultimately in the gift of the MOJ, but how long have you been understaffed for and what lobbying have you done of the MOJ? How has this situation arisen?



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Karen Kneller: Probably three years ago, or possibly longer, we started negotiations around the fee. I cannot talk on behalf of the MOJ, but I know this is a department that is running a number of campaigns and it is a department under pressure, but there was regular contact from me and others in the organisation. Until we could resolve the fee issue we could not move to start the recruitment exercise.

Q96 **Mrs Russell:** Why not?

Karen Kneller: Because one of our concerns was not only around retention but ensuring that we were able to attract people who could effectively afford to give up one role to join us, so our view was that that fee needed to be pitched at the right level.

Amanda Pearce: It is worth saying that the commissioners we do have, where possible, have done additional days wherever they can to support the work over this period as well.

Karen Kneller: In particular, a couple of commissioners who have a lot more free time have flexed up and done substantially more days.

Q97 **Mrs Russell:** Do you feel that this in any way contributed to the sense reflected in the chair's letter, and apparently in previous ones, that management in this organisation was not as it should have been?

Karen Kneller: No. I think that is a completely distinct issue. The characterisation in that resignation letter is not one that I or any of the senior team, or anyone in the organisation, recognise.

Q98 **Mrs Russell:** In terms of the unfavourable reports around your leadership, you appear to have undertaken some training. How did you make the decision as to what training you would have?

Karen Kneller: The business school in question provided training which was commensurate with the work senior leaders or chief executives do, and it was entirely suited to the work I was doing in my role. All public leaders take training. That particular business school came highly recommended by the ex-chair because she herself had gone through some of its programmes. That is the reason we opted for the training at that particular institution.

Q99 **Mrs Russell:** To go back a step, how did you decide what your training needs were?

Karen Kneller: In discussion with the new chair, as she was then, my own concerns were around the fact—I have been chief executive for 12 years; I am entering my 13th year—that I had not taken the opportunity of doing any external training, which I do not think is good. I think it sends a bad message to your own organisation. A commission model is quite an unusual one. It has a lot of challenges in terms of governance and how you deal with those issues and run the organisation. Those were a number of the factors I had in mind when I was looking for how I could best develop with the support of a business school, and it provided what seemed to be something that was perfectly suited.



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Q100 **Mrs Russell:** What review did you do of the market?

Karen Kneller: I compared and contrasted what other offers were available, including here in London, and there was absolutely nothing that matched that offer. The people who go to that business school are from the commercial sector, public sector, third sector and are UK-based, European and wider afield, so the skill mix, experience and what you get from that sort of environment is hard to match. In terms of quality, I think it was second to none. I would not have done it otherwise.

Q101 **Mrs Russell:** Can I ask a specific question around that?

Karen Kneller: Sure.

Q102 **Mrs Russell:** What did you gain specifically from going to INSEAD in Paris?

Karen Kneller: It is management and leadership training, so it is all about my development as a leader and things around resilience and taking an organisation through incredibly turbulent times. We were going through covid; we were becoming a remote-working organisation, so there were some significant cultural issues to deal with there. We were leading a massive digital transformation programme and also dealing with an increasing intake; lots more people were coming to us; there was a much higher intake from new applicants, so it was leading on significant transformation while improving the performance of the organisation. Those were all things that I took from INSEAD.

It is very difficult because, for leadership training, it is quite difficult to point to one tangible thing. I suppose one would be the digital transformation; another tangible thing would be the successful move to remote working in such a way that we were able to continue to do casework. If we had not moved to remote working I think our casework would have suffered significantly, because we simply could not get people in post.

Q103 **Chair:** Can you confirm that the figures quoted in *The Guardian* were correct? The course you went on cost more than £21,000 for 10 days' teaching over three trips, as well as a week-long programme on digital disruption and innovation. There was also a three-day leading from the chair course in 2021, the current fees for which are £7,500. Are those the sorts of sums we are talking about for your training?

Karen Kneller: I do not know if those precise sums are those that we paid. I guess that was what they were advertised at as of the time of that article. What I can say is that over the course of my 12 or 13 years as chief executive the organisation has invested around £50,000 in my development.

Q104 **Dr Shastri-Hurst:** To pick up that strand, you have been in charge for 12 to 13 years now. Are you saying this is the first time you were offered external training or the first time you took up that opportunity?



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Karen Kneller: I think it was the first time I actually paused to consider doing it, because I had been busy in the organisation running it. It was only as a new chair came in that there were conversations about what development I had had.

Q105 **Dr Shastri-Hurst:** You would have been aware that you would want those who worked under you to do professional development. You did not consider it was appropriate for you to do the same.

Karen Kneller: It was absolutely not that I did not consider that it was not appropriate for me to do the same. As a chief executive, it is such a full-time job that it is finding the time to do it. It simply was not the case of not thinking I needed to do it; it was the first time someone said to me, "I think it's time to prioritise your own development a little bit."

Q106 **Dr Shastri-Hurst:** You were in a senior management position and you did not consider it a priority for you to ensure that you were developing so that you could provide an organisation with the leadership that it required.

Karen Kneller: My development was something I dealt with personally, myself, rather than going through external training. That was something I did for myself, but as to external training, I simply hadn't—maybe it was a mistake and I ought to have done it a few years earlier—but I did not.

Q107 **Dr Shastri-Hurst:** In that case, can you set out what new professional development you did do in those 12 or 13 years and the number of hours on average per year?

Karen Kneller: No, I cannot, because I am saying that what I did was personal reflective stuff, reading around, for example.

Q108 **Dr Shastri-Hurst:** No formalised training.

Karen Kneller: No. I am saying that is the only formalised external training I have had as a chief executive.

Q109 **Dr Shastri-Hurst:** No formalised internal training either.

Karen Kneller: No, not as chief executive. I certainly would have taken part in the casework training but not as a senior leader.

Q110 **Dr Shastri-Hurst:** Following Helen Pitcher's resignation, there were a number of—it would be fair to say—unfavourable reports in the media, including *The Guardian*. In one of those, staff were reported as describing you as being absent in your leadership, with your finger off the pulse. How would you describe those assessments? Do you think they are fair?

Karen Kneller: No. I do not recognise that at all. I was very much in the organisation. That was one of the reasons I had not taken opportunities to go outside and undertake external stuff. I have been highly visible in the organisation, with weekly updates to staff and monthly staff briefings. I am in calls and meetings all the time. That is not something that I recognise.



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Q111 **Dr Shastri-Hurst:** Am I right in thinking that you are an employed barrister?

Karen Kneller: Yes.

Q112 **Dr Shastri-Hurst:** Are you still a registered barrister?

Karen Kneller: Yes.

Q113 **Dr Shastri-Hurst:** I am a registered barrister and I have professional development requirements each year that have to be formalised and documented. Were you doing that over the past decade or so?

Karen Kneller: Yes. When I am talking about training, I am talking about training as a senior leader.

Q114 **Dr Shastri-Hurst:** You were doing separate training as a barrister.

Karen Kneller: Yes; I was doing my own personal development.

Q115 **Dr Shastri-Hurst:** Can I row back to the issue around commissioners? In your tenure, when was the last time you had a full complement of 11 commissioners?

Karen Kneller: I am not sure. A couple of years ago we had a commissioner who retired early. I think that at that point we had 11.

Q116 **Dr Shastri-Hurst:** A couple of years ago. Was that two or three years ago?

Amanda Pearce: I don't think it would be as long as three years ago; I would say probably 18 months to two years.

Q117 **Dr Shastri-Hurst:** Could you write to the Chair and set out precisely the last time you had a full complement?

Karen Kneller: Absolutely.

Q118 **Dr Shastri-Hurst:** You mentioned in response to a question about the role of the commissioners that they worked one or two days a week. My understanding was that they were appointed for 52 days per year. Is that two or three days per week and then taking in time that they are not working? Some weeks they don't work; some weeks they do. Would it average out at 52 days a year?

Karen Kneller: They are appointed on a minimum of 52 days, absolutely, but the majority of them do more than that. I don't think there are very many who do only a day a week, if any at all.

Q119 **Dr Shastri-Hurst:** Given the complex nature of the work, do you think it is sufficient, even if they are doing two days a week, to be able to get a handle on what are complicated and challenging cases?

Karen Kneller: I do. The challenge we have is that we do not have enough commissioners, but it is about the quality of the commissioner. I think our commissioners absolutely can do that.

Q120 **Dr Shastri-Hurst:** You have said there are not enough commissioners.



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We know that you are under the minimum. How many do you think you need realistically to do the job to the standard that the public would expect?

Karen Kneller: I think we probably could do with another half a dozen or so.

Amanda Pearce: At least.

Q121 **Dr Shastri-Hurst:** About 15 or 16.

Karen Kneller: Yes.

Q122 **Dr Shastri-Hurst:** So we are some way short.

Karen Kneller: Yes.

Q123 **Dr Shastri-Hurst:** Turning to the role of the chair, Helen Pitcher was appointed on an agreement that she would work 10 days per month over a three-year term. Do you think that is adequate in terms of time commitment to this role?

Karen Kneller: As the commission is currently structured I think it is, yes.

Q124 **Dr Shastri-Hurst:** The predecessor—in fact the initial holder of the office of chair, Sir Frederick Crawford—worked significantly more than that. I am also aware that Helen Pitcher had a number of other positions. Given the real importance of this—these are individuals; these are not statistics—should this not have the sole focus of an individual who is chairing and leading this organisation?

Karen Kneller: As the commission is currently structured, the Chair role is a part-time role. I am not sure it is for me—it is possibly for others—to comment on how or what other roles they should be doing with the rest of their time.

Q125 **Dr Shastri-Hurst:** In your tenure—I think it is just captured in your tenure—we have moved from commissioners being a full-time appointment to a part-time appointment in 2017. What was the rationale behind moving from one model to the other?

Karen Kneller: The change was a move not from full time to part time but from salaried to fee paid. That was the change that was made. The commission was possibly one of the last organisations to have public appointees who were anything other than fee paid. We were already out of step elsewhere. This was around trying to improve the diversity and bring in a wider skillset. That was the thinking behind that. As a result, we have certainly seen that the commissioner cadre has grown a lot younger in terms of average age. I think that would be fair.

Q126 **Dr Shastri-Hurst:** Given the quasi-judicial role of it, did you consider having a mixed structure, a hybrid structure, of fee paid and salaried, as you would see in a number of tribunals?



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Karen Kneller: I am not sure that we would agree that it is quasi-judicial. I do not believe a hybrid model was considered. My view is less about the terms and the conditions. It is about having good-quality people. We have now been operating that model for some time and it seems to work. The issue about commissioners is not around the fact that they are fee paid but that we have been waiting to get new commissioners in the organisation.

Q127 **Dr Shastri-Hurst:** Just moving on to governance arrangements, they were changed under the MOJ's Tailored Review in 2019. Can you say how they were originally conceived, how they are operating now and how you find that arrangement is working for you?

Karen Kneller: The main governance change was that the board comprised all the commissioners—myself, the two directors and the chair. The main change to that arrangement was that the board was reduced to a smaller size, and to be more balanced and more in keeping with the UK corporate governance code.

Q128 **Dr Shastri-Hurst:** How regularly do those boards meet?

Karen Kneller: The board tends to meet every other month.

Q129 **Dr Shastri-Hurst:** How often do you get all the commissioners together?

Karen Kneller: All the commissioners tend to meet chaired by the chair twice a year, I think, but it is not unusual for there to be ad hoc meetings of all commissioners as a group informally. That takes place monthly.

Q130 **Dr Shastri-Hurst:** Given there are only two formalised meetings scheduled a year with commissioners and they have an integral part in the process, do you think that is sufficient engagement to ensure that they have oversight of the organisation and the leadership structures?

Karen Kneller: This comes back to some of the challenges with a commissioner model in terms of governance. The commissioners, who are the body corporate, have delegated their authority to the board. They have placed that responsibility into the board. The board is carrying out that function. If there were issues, commissioners would call meetings. They are not a shy and retiring bunch. The way it is currently structured seems to be working. I come back to the fact that you have formal meetings, but there is an awful lot of informal engagement going on as well, including catching up and liaising with the board.

Q131 **Dr Shastri-Hurst:** How often do those informal arrangements take place? If they don't know what the problems are, they can't hold the board to account.

Karen Kneller: They would know what the problems are because they are in the organisation doing the work. Informally, they meet monthly, I think.

Dr Shastri-Hurst: Thank you, Chair.

Chair: We are now going to talk about resources. Was there anything



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else on this matter before we conclude?

Q132 Warinder Juss: It is linked to resources, so I can probably follow on to resources. I understand that during the period between 2005 and 2018 to 2019 you had a real-terms reduction in funding of up to 40%. How has that reduction affected the work of the commission? Do you feel that that impact is still being felt today?

Karen Kneller: It is quite difficult comparing funding today to funding of a decade or two decades ago. We were funded 15 to 20 years ago better than we are now, but currently we are better funded than we were, say, five years ago. There isn't a chief executive in this country who wouldn't put her hand up and say, "I would like more money, please." With more money, we could appoint more staff. We could address casework more quickly than we currently can. We increasingly see applicants who are not represented. Most applicants who come to us simply are not represented. We could do more to support them if we had more staff.

There are lots of things that we could do with more money, including the forensic opportunities programme that Amanda has talked about. MOJ has given us additional funding to support that, which is amazing because that is an important piece of work. It has started us thinking about whether there is a bigger part that we could play in being a more proactive organisation. We were set up as an organisation to respond—to be a responsive organisation; applications come in and we deal with them. If in a particular application we think there is an issue or a theme, we would write to people who we think may be affected to encourage them to apply to us.

Amanda, you might want to say a bit more on this on the back of the programme that you are doing. So much out in society is changing all the time that there is something to be said about whether we would benefit from having a separate, proactive unit within the commission reaching out to applicants who may not realise that they are even suffering from a miscarriage of justice. I am not just talking about changes in forensic science but changes in the law and in society's understanding of neurodevelopment. There are lots of areas that if we were funded we could do, but we need to be pragmatic and work within the budget that we have.

Amanda Pearce: We have a group called the small thematic opportunities group where we are looking at themes and causes of miscarriages of justice. If, for example, we become aware of a discredited police officer, what can we do to identify other cases where that individual might have played a part? If we become aware of a discredited expert or a discredited scientific technique, what can we do to find cases that that might have affected? Where the law changes, are there cases that we can identify? We are starting to do that, but we have to do it on a very small scale because of the resources that we have at the moment. We have 30,000-odd closed cases, and there may be cases among those where, as a result of developments since we last looked at a case, there could be things that we could do, but at the moment we do not have the



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resources to do that. We would like to do much more of that. We outreach to potential applicants, but this is about trying to target particular issues that might give rise to cases that could be referred. We would love to be able to do a lot more of that.

Q133 **Warinder Juss:** You previously answered a question of mine on recruitment when you said that you were able to extend the pool of applicants because you were able to offer remote working, but at the same time you have said that you would like a lot more commissioners, and you have not been up to the full quota anyway. Are you saying that the lack of commissioners is because of funding?

Karen Kneller: No. The lack of commissioners is down to the fact that it has taken a lot longer than any of us would have liked to get the recruitment campaign off the ground. That is not a funding issue.

Q134 **Warinder Juss:** Okay. Would the funding have an impact on whether you decide to undertake DNA testing or perhaps commission an expert?

Karen Kneller: No, it never has.

Q135 **Warinder Juss:** The other thing that I wanted to touch on was whether there was any tension for resources between the need to minimise delays in completing case reviews and undertaking investigations to ensure that miscarriages are not missed. Are you certain in your responses that funding does not have any impact on the decisions that you make as to whether you feel that there has been a miscarriage of justice and whether that case could then be referred to the Court of Appeal?

Karen Kneller: I am thinking of some of our longer-running cases. We have cases that we call long-running cases that we keep under review. Our experience is that we tend to keep cases open perhaps for longer than they need to be because there is an anxiety that there may be something in the case and we want to make sure we have not missed it, and increasingly that is the case. I am not sure that funding would play on the mind of an individual case review manager. In fact, I do not think I have ever heard that.

Amanda Pearce: There is a tension between thoroughness and timeliness in reviewing cases, inevitably. We get, as we said, 1,500 or 1,600 cases a year. If we were to investigate those from scratch in every single case, we would not have the resources to get through that. These are cases that have been through the system; there has been a trial and an appeal. We are a review body, so we have to decide what lines of investigation to pursue. If that line of investigation might make a difference to the case, we will follow it up regardless of funding and cost. Obviously, we try to get the best value for money if we are commissioning testing, for example. Funding does not play a part in that sense. But you are right that there is always a tension between how thoroughly you review a case and how long it takes, but we would always do the things that we need to do.

Q136 **Warinder Juss:** Like you say, everyone would say that they would want



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more money in what they are doing. The Henley report recommended that the Government increase the level of funding provided to the commission. If, say, as part of the spending review the commission's budget were to be increased by an extra 25%, what do you think that additional funding would be useful for? How would you use that extra money? How would that make the job of the commission of higher quality and more effective?

Karen Kneller: One of the things—and I am sure Amanda wants to step in, in a moment—it would do would mean that we could bring down the portfolio sizes of case review managers. That would not happen instantly because, of course, you need to appoint new staff, but they are managing a high number of cases, so we would bring that down. That would be certainly the first difference that we would see, and that would be a key difference. That would make a big difference.

Q137 **Warinder Juss:** The funding has been increased, has it not, for 2024-2025? That 40% real-terms reduction that I mentioned earlier has been reduced to about 15% now, has it not?

Karen Kneller: That sounds about right.

Chair: Thank you. I am going to hand over to Pam Cox, who will ask you some more questions about the way you operate and work.

Q138 **Pam Cox:** Thank you very much. Listening to this, reflecting on the brief that we have had and reading some of the press reports, over time it seems that the Criminal Cases Review Commission has lost its way if you take a 20-year view of how it was and how it operates today in terms of focused staff time, staff legal expertise, organisational resource and organisational direction. Since the Malkinson case, there are some serious questions about leadership, which we have discussed today. Can you see why people might take that view?

Karen Kneller: I understand why people would. I come back to the point that I would urge this Committee and others to judge our performance across all our casework and not only those cases that get into the headlines, which is a tiny minority of our casework. That is a big challenge for us. Most of the applicants and those who are represented or campaigners who come to us will be disappointed because in most cases we do not find a reason to refer that case back to the relevant appeal court. We do not accept that characterisation because we see hundreds and hundreds of cases and are working through those. We talked about closing cases. In many ways, it is much harder to close a case and not refer it than to make a referral. Closed cases can be cases that have been opened and had investigations on them running for many months or even years. That is quite nuanced and quite difficult to get out into the media. I understand when people read what may be in the press why they may reach that conclusion, but it is unfortunate because it does not reflect the very hard work that all the case review managers and casework are putting into the cases and it does not capture the performance of the organisation. It is only a reflection of that small number that are in the headlines.



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Q139 Pam Cox: The organisation is doing critically important work for justice and democracy, and it is vital that it has public confidence. What do you feel needs to be done to repair the lack of public confidence that is currently exhibited around this organisation?

Karen Kneller: We really need to have an interim chair who is going to help in that regard because they will advocate for and be an ambassador and champion, I hope, for the organisation. We do not have that figurehead. Without that figurehead, it is difficult for the organisation. That makes it quite unsettling. Our role as a senior team has been to focus internally on the staff, ensuring that we continue with that casework. That is the piece that is missing.

Amanda Pearce: Sorry, just to add to that, legislative change to allow us to speak more about the cases that we investigate would help. One of the difficulties that we face is that it is very difficult to counter a public narrative because there is a statutory restriction on what we can say about the cases that we have investigated. It is very easy in some cases to present a partial view of a case, and we are not in a position to be able to respond and explain our decisions in more detail. If we had the ability to do that, that would go a long way to supporting confidence in the decisions that we make.

Q140 Pam Cox: Thank you. I appreciate those answers. Colleagues have probed the role you have both played in trying to effect that change, but we are left with some questions as to how successful you may have been there.

Let me turn to case review management work. Your most recent annual report says that you have a full complement of case managers but more are needed. Can you tell us how many more are needed and when they will be recruited?

Amanda Pearce: We have recently increased from five casework groups to six, and that will obviously help. We could always use more case review managers, but we have to work within the budget that we have. At the moment there are no plans to expand the team, but that is something that we would like to do.

Q141 Pam Cox: To whom do case review managers turn for advice and at what point? We have touched on some of that in previous questioning, but perhaps you could just set that out again.

Amanda Pearce: There are a range of people available to provide advice in casework. As I say, we have the six casework groups and each has a group leader, so they are available to provide advice to case review managers. We also have an in-house investigations team and a legal team available to provide advice. Then we obviously have commissioners as well. As we spoke about earlier, on some of the more complex cases we might assign a commissioner during the course of the review rather than simply at the decision-making stage.

We also introduced the role of a specialist case review manager to draw together expertise on particular topics. We have a case review manager



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who is a specialist in human trafficking cases. We have someone who specialises in cases from Northern Ireland. We are trying to build that up as well because case review managers draw a lot of advice and guidance from each other. It is important that they are able to speak to each other, to discuss cases and to have that kind of constructive challenge on cases. They provide advice to each other as well.

Q142 **Pam Cox:** I am sure everybody here appreciates the sensitive and complex nature of the work that is done and we should put that on record. In what proportion of cases are the CCRC's supplementary powers used?

Amanda Pearce: Which powers in particular are you thinking of?

Q143 **Pam Cox:** The range of supplementary powers involved.

Amanda Pearce: We would issue section 17 notices where we can require public bodies to produce material in almost every case that we look at. Sometimes that is a formal notice. Other times, that is around our access to other systems within the criminal justice system. We have access to the digital court system, for example, to be able to access files. We would use that probably thousands of times a year—certainly more than 1,000 times a year.

We then have a power to require the appointment of an investigating officer from the original force. That is a much less used power. We tend to do most of our own investigations, but we use that if we need to interview a witness under caution. We cannot interview somebody under caution—that is not a power that we have—so we would generally go down the route of requiring the appointment of an investigating officer.

We then have section 21, which is in very broad terms, which I describe as my favourite section because it sort of says you can do whatever you need to do to get the job done. That might involve commissioning expert work, taking statements or interviewing somebody. Again, that will depend on the nature of the cases. That is used day in, day out on case review.

Q144 **Pam Cox:** You are making extensive use of those powers. My final questions are on remote working. We opened with that. Many of us were quite surprised by the extent of remote working. We understand the justifications you have given around recruitment and so on. But given the nature of the work and the distressing and sensitive nature of the material that your remote caseworkers will be viewing daily, how do you support them, supervise them and make sure that they are managing and coping?

Amanda Pearce: There is a range of things. One of the things that has been a defining characteristic of the commission since we started is the collegiate nature of the work that we do—the fact that people will drop things to assist each other. We try to ensure that continues in the remote working space. We encourage people to make contact with each other and to work collaboratively where that is appropriate. We then have line



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managers and group leaders who will check in on staff. We have regular weekly group meetings. We have an all-staff event twice a year. We encourage people to make use of Teams and to reach out to each other and to speak to people.

Q145 **Pam Cox:** I appreciate that. It makes me go back to a previous question, which was around perceptions of the leadership being remote. How do we weigh those things up if staff are reporting that they feel remote from their leadership?

Amanda Pearce: I would go back to say that unsupported sources are not necessarily an accurate reflection of the way that people feel. I think people do feel supported. I say my door is open—my virtual door is open. It is not uncommon for staff to contact me to speak about cases. I do not recognise that as a characterisation of the way we operate. We have had new starters who say that they feel really welcomed when they start, notwithstanding that it is a remote organisation. We put a lot of effort into making sure that people are introduced to colleagues, that they can reach out to them, that they are supported, that they have mentors and that they have buddies. A lot of our new starters have said that they feel welcomed into the organisation.

Q146 **Tessa Munt:** While we are talking about caring for people and working conditions, I wondered if I might just ask you this. You receive bonuses, I presume, every year. You don't?

Karen Kneller: No.

Q147 **Tessa Munt:** Okay, fine. Have you ever received a bonus?

Karen Kneller: I had two additional payments for 2022-23 and 2023-24. That was something—

Q148 **Tessa Munt:** Unusual?

Karen Kneller: No, not unusual within—

Q149 **Tessa Munt:** You said you did not receive bonuses generally.

Karen Kneller: That is correct. Generally, we do not. I'm not aware—so many public sector organisations have a system of additional payments or bonuses. I had two in those two years.

Q150 **Tessa Munt:** What might have provoked those payments?

Karen Kneller: I was not privy to those discussions because that was the remuneration committee. I would anticipate it was probably in respect of the digital transformation work that was being undertaken at the time.

Q151 **Tessa Munt:** Really?

Karen Kneller: Transformation programmes.

Q152 **Tessa Munt:** Okay. Can you remember what sum of money you were paid?



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Karen Kneller: Yes. One was, I think, around £3,700 and the other was around £8,700, I think it was.

Q153 **Tessa Munt:** Okay, and you did not think it was strange, bearing in mind all the work that you had put in over many years, that suddenly this popped up. The comment was made to me that, having had a 7.5% pay rise, you then received a bonus in the order of £8,000 to £9,000, possibly £10,000—I don't have the accurate figure—a month before Andrew Malkinson was exonerated. That would look peculiar to anybody who was just looking from outside. As you said, you are a transparency organisation, but I just wondered about that. I am amazed that you are not curious about what it is that you were being rewarded for.

Karen Kneller: I am not privy to those conversations. My understanding was that it would have been in respect of the transformation work that was going on within the organisation at the time. We are fully transparent, and those figures would have been reported in the annual report and accounts.

Tessa Munt: I am just amazed. Sorry, Sarah, if you do not mind—

Q154 **Mrs Russell:** On the topic of the annual report and accounts over those years and the timeliness of the review of cases, the target for the number of cases under review for two years or more over that period was fewer than 40 cases. In 2021 to 2022, it was 46 cases. In 2022 to 2023, it was 55 cases. By 2023 to 2024, it was 99 cases. That is more than doubling over the period that we are talking about. Two years feels like a good length of time to investigate something properly. Why were there at that point 100 or so cases that had been under review for two years or more? What are the current figures now?

Karen Kneller: The reason why cases under review for two years or more have increased is down to a lack of staff. We flagged the issue quite early on when our KPIs in long-running cases—those measures—were a lot better. Because we knew that we were having issues appointing staff, we were able to predict and forecast that that would mean that two or three years down the line we would see a growing number of cases taking longer to review, and that is precisely what happened. We are not happy with that but I don't think we are surprised by it.

Amanda Pearce: You have to bear in mind that people are not working on a single case at a time. Some of our case review managers are working on about 30 cases at a time. It is not two years' solid work. They are juggling cases, and some of those cases are very complex. Some require expert evidence. Some are dependent on the outcome of other investigations outside our control. As Karen says, there are more long-running cases than we would like. There is a juggling exercise between keeping on top of the smaller cases and getting through those longer cases as well. Some of those cases are ones where we are continuing to investigate because they give us concern and we are looking for some new evidence in those cases.

Q155 **Mrs Russell:** What is the number for this year?



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Amanda Pearce: I looked yesterday. It is 97.

Q156 **Mike Tapp:** We are going to look at independence now—a new area. First, more generally, how would you characterise the current working relationship with the Ministry of Justice now? Has it changed since you have joined?

Karen Kneller: I think we have a constructive relationship with the Ministry of Justice. We have a good relationship on a day-to-day basis with officials. My one concern is that things can take longer than certainly we would like and also probably longer than MOJ officials would like. I go back to commissioner recruitment as a key example of that. When we talked to them about the forensic opportunities programme, we were able very quickly to reach an understanding of the budgetary need on that. It is a good relationship.

Q157 **Mike Tapp:** That is good to hear.

Amanda Pearce: Just to add to that, to pick up on your independence point, it is important to stress that they do not play any part in casework decisions.

Q158 **Mike Tapp:** Okay. My next question is more about independence. We have had past concerns, particularly in 2016 to 2018, that included fears that commissioners who resisted MOJ-driven structural changes were not reappointed. The Law Commission report stressed that perceived independence matters as much as actual independence. In your view, is the CCRC sufficiently independent from the MoJ?

Karen Kneller: Yes. I agree that there is independence and there is the perception of independence, and the perception is as important, if not more, absolutely. There is that independence line, which in my view has never been crossed. It is possibly difficult to describe where it is, but I would know it if someone was about to cross it, and I would be sounding the alarm. I am very comfortable with independence.

Q159 **Mike Tapp:** That is good to hear. Have you met with Ministers or officials from MOJ since Helen Pitcher resigned as chair?

Karen Kneller: I have had a number of meetings with MOJ officials. I meet routinely with them, probably fortnightly—so, yes, regular meetings. I have not met with Ministers, though. That tended to be through the chair. My relationship with the MoJ is through officials.

Q160 **Mike Tapp:** I have a few more questions if you don't mind, Chair. The commission strongly recommends introducing external inspection as there is no external scrutiny mechanism at the moment. What are the CCRC's feelings on that?

Karen Kneller: It has not gone to the board yet, so we are working on that. Certainly, my view is: why wouldn't we welcome it? I see no issue with that at all. In fact, first, it recognises that we are a key player in the criminal justice system, and, secondly, I hope having that level of scrutiny and an inspectorate might perhaps flesh out and deal with some



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of the issues that are being raised this afternoon. As an organisation, we struggle to get our voice heard, so I would welcome an inspectorate.

Q161 Mike Tapp: Thank you. The final question is this. The commission also proposes replacing direction power because being compelled to act on judicial orders risks treating the CCRC as a subordinate body. What is your position on the proposal to change the Court of Appeal's power to direct investigations into a request?

Amanda Pearce: I am speaking personally. I do not think it will make a huge amount of practical difference. What we are talking about here is the court's power to direct the commission to investigate on its behalf when it is considering a first instance appeal. Those directions come to us. We are given some leeway in how we implement those directions and how we conduct the investigations. It is highly unlikely, were the court to ask us to conduct an investigation on its behalf, that we would refuse. Why would we? It is possibly a presentational thing. In practical terms—

Q162 Mike Tapp: Is that a perception thing maybe around independence?

Amanda Pearce: I think it probably comes back to the perception issue, yes, but in practical terms I do not think it will make a huge amount of difference. Again, we would always like more money. There is perhaps scope for the court to make more use of that power. A lot of the time it tends to focus on issues in relation to jurors, but there are obviously other investigations that we could carry out in relation to other issues that are raised at first instance.

Mike Tapp: Thank you.

Q163 Tessa Munt: Forgive me, I just want to pick up on this business of perceived independence. We have already heard this afternoon about how the previous chair held several positions at that business school in Fontainebleau that you attended. She was also chair of the Judicial Appointments Commission. Certainly, if I was inside a prison, I might feel pretty uncomfortable about the chair of the Criminal Cases Review Commission having any hand in judicial appointments. Has anybody made any comment about that? If you are not able to comment, at least I have put it on the record that there should not be a muddling of the independence of the CCRC's chair with any other aspect of our legal framework at all.

Karen Kneller: I understand it has been mooted that when it comes to the appointment of the substantive chair for the commission there will be some pre-appointment scrutiny, which would probably be helpful in that regard.

Tessa Munt: I always have more questions, Chair.

Q164 Chair: If no other members of the Committee have any questions, I would like, if I may—feel free to make any further comments you wish—to go back right to the very beginning. I asked you about how often you attended. You gave an answer about remote working and so forth. I was quite shocked by that. It seems to me if I visited your head offices in



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Birmingham—perfectly adequate premises—on any day that I would not find any senior manager there. I would not find any commissioners there. I would not find any caseworkers there. I am not sure that is a good way to operate in any event. By comparison, the Criminal Injuries Compensation Authority, which also does difficult and sensitive work, requires its staff to be in for at least 60% of the time.

Given what has happened with your previous chair, the Malkinson case and other matters that have come to light, if I were the chief executive here I would be in every day when there are issues. I would be asking my staff to be there. I would be working with those staff. I would be trying to rebuild the organisation so that the commissioners and the board had a much more hands-on role in that way. That does not seem to have happened at all. I am afraid I have found your defence of what is to us a hugely important organisation—I am sure it is hugely important to you—pretty half-hearted and a reflection that things are going pretty well apart from one or two difficult cases. Where that leaves me—comment or not, as you wish—is to ask whether you really feel now, given everything that has happened, that you are the right people to lead this organisation forward.

Karen Kneller: I will speak on Amanda's behalf. I think we are absolutely the right people to lead this organisation. Regarding the observation you make about remote working, I come back to the point that, had we not moved to that model, we would not be doing casework to the degree that we would need to do to make referrals because we simply would not have filled vacancies. Coming back to—

Q165 **Chair:** I don't think that is an adequate response. You said you do not recognise the model that we have described, but we have heard from ex-commissioners and we have heard from caseworkers, and they do not feel supported, they do not feel involved in the organisation, and there seems to be a hole at the heart of this organisation.

Karen Kneller: You have said you have heard from x personnel. I cannot really comment on that. What I can say is that the people we have in the organisation now are fully committed and they are fully supported. There is constant management and supervision. I come back to the point that, if we had not moved to that model, we would have had numerous empty seats.

Q166 **Chair:** You have got numerous empty seats as commissioners working on a remote model. How hard did you try? How hard did you push the MOJ or anybody else in relation to your budget, your caseworkers and so forth? I can't believe you are the only organisation in the country that has not come out of covid yet.

Amanda Pearce: It is not about coming out of covid. There is no magic to working in the office. Our staff are connected. They can speak to each other at any time they like. There is no magic to doing work in the office. We are in 2025. We discovered that it is perfectly possible to do a good job working remotely. That has allowed us to attract talent from across the UK that we would not have been able to attract had we insisted on



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people being in the office in Birmingham. We were able to refer the Post Office cases during remote working. Our committees operate remotely. It is perfectly possible to do the work well in the model that we have at present. The idea that there is some magic to being in the office is just simply not true.

Q167 Tessa Munt: Where else did you consider placing your office, because, clearly, there is a difficulty with being in the centre of Birmingham or wherever you are? Where else did you think about putting your office? Government operates all over the country in all sorts of places. If you cannot get people to come to the office, why do you not move the office? I can assure you there are squillions of people who would like to work, and I am sure they are all qualified and able, and they could be trained, but they do not necessarily have to be anchored in Birmingham. Where else did you consider?

Karen Kneller: We did not consider moving the office anywhere else. We were in lockdown. We found that it worked, so we were able to—

Q168 Tessa Munt: In lockdown, of course it would. I understand that.

Karen Kneller: No, not necessarily. We found that it did work in lockdown. We were able to continue finding, investigating and referring miscarriages of justice. That coincided with: we have to find a way of filling these seats, and we were able to do that by continuing that model. Closing shop in Birmingham and moving to some unspecified location would have been probably much more problematic for the organisation, for doing the casework—

Tessa Munt: You did not try. It is an intellectual argument at this point because you have chosen not to do it, but my suggestion would be that it might have been an exercise that you would have considered among all those risk things that you face on a daily basis.

Chair: This is the very final question. Warinder.

Q169 Warinder Juss: I do appreciate the benefits of remote working, but there is a limit. At the moment, you have said that you do not go into the office more than once a month; sometimes it is once every two months. Do you not think that your staff would benefit if they could see the physical presence of leadership in the office, say, once a week? All models of remote working have operated on the basis that, after covid, people have continued working remotely but they have been going into the office at regular periods, and it could be once a week or sometimes twice a week. But to have leadership not there is a worry. Like the Chair, although I am a great advocate of remote working, I do fail to understand how you do not see that the physical presence of leadership being there or other supervisors being there would be of benefit to the organisation as a whole.

Amanda Pearce: That would require everybody else to be there as well, and our staff are spread across the UK.

Q170 Warinder Juss: You could have a rota system where certain members of



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the staff go in and others do not, but there will always be a physical presence in the office at least during regular periods.

Karen Kneller: With that model, you have a hybrid model with the risk of a two-tier working culture, which would be of concern. I understand what you are saying, but the point that we are making is that that leadership is visible and is visible virtually, and I think that the levels of engagement and visibility have increased since we have gone to this model. Remote is perhaps not a great way of describing it because it is anything other than remote. Staff and the senior team are much more present and visible because we are available and online all the time.

Chair: Thank you very much to the Committee. Thank you very much for coming along today and for answering all our questions as clearly as you were able to do. With that, I am going to draw this session to a close.