



Ministry
of Justice

Alex Davies-Jones MP
Parliamentary Under-
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Gweinyddiaeth
Cyfiawnder

Andy Slaughter MP, Chair
Justice Select Committee
House of Commons
London
SW1 0AA

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22 July 2025

Dear Andy,

LEADERSHIP OF THE CRIMINAL CASES REVIEW COMMISSION

The Government welcomes the Justice Select Committee's report on the Leadership of the Criminal Cases Review Commission (CCRC). We are grateful for the Committee's scrutiny of the CCRC, which has a vital function investigating potential miscarriages of justice and bringing justice to those who have been wrongly convicted.

We have carefully considered the conclusions and recommendations made by the Committee and our response is attached (Annex A). The CCRC operates independently of the Ministry of Justice and you will appreciate that there will be areas which will be more appropriate for the CCRC to offer a reply. However, where we feel it is helpful for the department to provide a response to your conclusions and recommendations, we have done so.

Yours sincerely

ALEX DAVIES-JONES MP
Minister for Victims and Violence Against Women and Girls



Ministry
of Justice

Leadership of the Criminal Cases Review Commission

Response from the Ministry of Justice to the Justice Committee – July 2025

Introduction

1. The Government is grateful to the Justice Committee for its report into the Leadership of the Criminal Cases Review Commission (CCRC). Miscarriages of justice have a devastating and life-long impact, and we agree with the Committee that the cases of Andrew Malkinson and Peter Sullivan underline the importance of the CCRC's role in the criminal justice system. Strong and committed leadership is an essential requirement for leaders of all public bodies, and this applies particularly to the CCRC which is tasked with making vital decisions on whether cases should be referred to the appeal courts. That is why Dame Vera Baird DBE KC has been appointed the interim Chair of the CCRC and the Lord Chancellor has tasked her to carry out a thorough review of its operation and leadership, to increase public confidence in the organisation.
2. The CCRC is a Non-Departmental Public Body (NDPB). As your report notes, the judgment of the High Court in *R (Warner) v Secretary of State for Justice*¹ highlights the need for the CCRC to be both operationally and constitutionally independent from Government and to be seen to be so. Many of the Committee's conclusions and recommendations are rightly for the CCRC and its new interim Chair to consider. This

¹ [R \(Warner\) v Secretary of State for Justice](#) [2020] EWHC 1894 (Admin) (15 July 2020)
para 18

response addresses areas of the Committee's report that it is appropriate for the Ministry of Justice to comment on.

3. Your report refers to concerns regarding the performance of and evidence given to the Committee by the CCRC's then Chief Executive, Karen Kneller. The report concluded that it was not tenable for her to continue in her position. Ms Kneller resigned from her role on 2 July 2025. This marks an opportunity for the CCRC to refresh its leadership and for confidence to be restored to the organisation. The Ministry of Justice will, as we do with all our public bodies, work constructively with and provide appropriate support to the interim Chief Executive, and the next permanent Chief Executive when appointed.

Response to conclusions and recommendations

Introduction

Recommendation: We recommend that the Ministry of Justice shares the independent panel report into the former CCRC Chair with the CCRC's Board and the commissioners.

4. The panel which produced the report into the former CCRC Chair was independent of the Ministry of Justice and the CCRC. In light of the Committee's recommendation, we have informed the members of the panel that we will share the report with the CCRC's Board and Commissioners.

The CCRC's approach to Andrew Malkinson's acquittal and the Henley report

Conclusions

5. Your report concludes that the public statements of the previous Chair of the CCRC after Andrew Malkinson's acquittal and lack of timely apology caused damage to the organisation's reputation. The report draws similar conclusions about the impact of the CCRC's handling of the report by Chris Henley KC.
6. We agree that the handling of these matters has damaged the reputation of the CCRC in the eyes of the public. One of the reasons the Lord Chancellor referred the previous Chair to the independent panel was that the Chair's statements about Mr Malkinson's case and the handling of the Henley report demonstrated a failure to inspire confidence in the role of the CCRC. The panel agreed that these actions amounted to failure to meet the terms of the appointment for the role of Chair. This led to the subsequent resignation of the Chair in January 2025.
7. The Lord Chancellor has now tasked the interim Chair with conducting a review to ensure that the CCRC is able to effectively carry out its role in investigating potential miscarriages of justice. This is an important step in the CCRC earning back the public's trust.

8. Your report questions whether the CCRC should have felt itself bound by the Government's 'General election guidance for civil servants'² when considering publication of the Henley report. As you have rightly noted, the general principles and conventions set out in the guidance apply to the CCRC as an NDPB. While ultimately the guidance is clear that 'decisions on individual matters are for the bodies concerned in consultation with their sponsor department', publishing the Henley report during the pre-election period would have been contrary to the principle that 'NDPB activity should not be seen to compete with the election campaign for public attention.' One of the considerations for sponsor departments under the guidance is whether 'proposed activities could reflect adversely on the work or reputation of the NDPB'.
9. The Ministry of Justice concluded that publication of the report should be delayed as a result of this consideration, and sought views from the Cabinet Office, which produces the general election guidance, on this matter. The Cabinet Office agreed with the Ministry of Justice position and reasoning on this matter.

Leadership

Recommendation – The forthcoming review of the organisation should consider the impact on the Commission of the prohibition on disclosure set out in section 23 of the Criminal Appeal Act 1995.

10. The terms of reference for the interim Chair's review – which were shared with the Committee on 30 June 2025 and are included as **Annex A** – include:

Effectiveness: *The extent to which the organisation is operating effectively to deliver the CCRC's statutory responsibilities, including the understanding and application of the 'real possibility' test, and the CCRC's processes for oversight and quality control of casework.*

The Ministry of Justice has asked the interim Chair to consider the issue of prohibition of disclosure and, if she concludes that this is hampering the effectiveness of the CCRC, to include this in her recommendations.

Recommendation - The Chair should have a background in criminal justice, have recognised experience in that field and, above all, be absolutely dedicated to the CCRC's purpose of identifying miscarriages of justice and upholding its independence.

11. We agree that the Chair of the CCRC should be absolutely dedicated to the CCRC's purpose of identifying miscarriages of justice and upholding its independence. These are attributes that we expect to be tested during the campaign to recruit the next permanent Chair alongside other criteria deemed to be essential to the role. In identifying Dame Vera Baird for the role of interim Chair, the Lord Chancellor is confident she has these qualities.

² <https://www.gov.uk/government/publications/election-guidance-for-civil-servants/general-election-guidance-2024-guidance-for-civil-servants-html>

12. In the person specification for the recruitment of the previous Chair, a desirable criterion was 'experience of, or interest in, the criminal justice system'. The person specification for the next permanent Chair, including essential and desirable criteria, will be subject to Ministerial decision, as per the Cabinet Office Governance Code on Public Appointments³. A successful Chair requires a blend of skills and it is important that the person specification can capture the widest range of potential candidates who will bring the best mix of experience and ability.
13. The Committee can be assured that the Ministry of Justice will be looking to recruit a suitably qualified candidate who can address the challenges the CCRC faces. This includes inspiring confidence in its role for applicants and the public, and engaging constructively with stakeholders. We will also consider the views of the interim Chair on what qualities are essential for the next Chair, following completion of her review. The Justice Committee will have the ability to scrutinise the qualities it believes are important for the role at during pre-appointment scrutiny (see paragraph 19.)

Recommendation - The next permanent chair or interim chair of the CCRC should be dedicated to the organisation above all other duties.

14. The Ministry of Justice agrees that the Chair of the CCRC should be fully dedicated to the mission of the CCRC. Dame Vera has already made public her commitment to making reforms to the organisation. We will be recruiting the next permanent Chair to have a similar dedication to leading the CCRC during their tenure and this commitment will be tested as part of the recruitment process.
15. The time commitment required for the next permanent Chair will be decided by Ministers before the launch of the recruitment campaign and the department will consult the Committee on this and other aspects of the campaign plans. We expect the postholder to devote the time needed to the running of the CCRC to be able to successfully fulfil the duties of Chair.
16. The reflections of the interim Chair on the most effective terms of appointment of the permanent Chair, including time commitment, will be considered to help inform options which will be considered by Ministers.

Conclusions

17. The Committee's report concludes that four months is an unacceptably long period of time for the CCRC to be without an interim Chair. We agree that the period preceding and following the resignation of the previous Chair was a difficult and turbulent time and this took longer than we would have liked. However, to bring stability, it was important to secure an interim Chair who was an exceptional individual with sound knowledge and experience of examining the criminal justice system and a strong track record of leadership.

³https://assets.publishing.service.gov.uk/media/65c4f9a19c5b7f0012951b7a/governance_code_on_public_appointments.pdf

18. Unlike appointments made solely by Ministers, the CCRC Chair is appointed by the Monarch on the advice of the Prime Minister. In addition, as an appointment without competition, under the Governance Code on Public Appointments, the appointment of the interim Chair required consultation with the Commissioner for Public Appointments.
19. You have reiterated the importance of your request for pre-appointment scrutiny of the next permanent chair. On 2 June, the Lord Chancellor wrote to the Chair of the Justice Committee to confirm that the Chancellor of the Duchy of Lancaster has agreed that the CCRC Chair should be added to the list of roles subject to pre-appointment scrutiny.

Resources and relationship with the Ministry of Justice

Recommendation - The forthcoming review should include an assessment of the sufficiency of the Commission's current level of funding and what resource increases it might need in future years.

20. The terms of reference for the interim Chair's review specifically include:

Funding: *To rigorously evaluate whether the CCRC delivers value for money within its existing funding envelope, ensuring that it is utilised efficiently to achieve high-quality outcomes. This assessment will focus on maximising current resources.*

The Ministry of Justice has increased the CCRC's budget year on year since 2020-21. The budget for 2025/26 has been set at £10.1 million, an increase of 38% since 2021/22. These budgets are set annually in collaboration with the CCRC, considering the department's overall settlement. In March 2021 the CCRC had received 1,142 applications in the previous year compared to 1,541 in March 2025, an increase of 34%. While requests for resource increases will be considered in with departmental processes, it is right to expect the CCRC to first utilise all funding which has been made available to it in the most cost-effective way possible to deliver its services on behalf of those that apply.

Conclusions

21. The report concludes that the amount of time taken to recruit Commissioners, and agree fee levels, is concerning. As noted in paragraph 18, the public appointment process to recruit Commissioners requires consultation at several stages. Similarly, setting fee levels is something that must be done in full collaboration with the CCRC and its Chair, and based on a clear and evidenced value for money case. However, we appreciate the impact carrying Commissioner vacancies has on the efficiency of the CCRC and we hope to finalise the appointments of the next cohort of Commissioners as quickly as possible.
22. The Committee has expressed concern in its report that current terms of appointment for Commissioners are not sufficiently attractive and a minimum time commitment of 52 days per annum does not seem sufficient. Terms of appointment and time commitment are set in consultation with the CCRC. In 2024, the Ministry of Justice increased the day rate payable to Commissioners from £358 to £460, an uplift of 28%. However, as

part of her review, the interim Chair is expected to interrogate whether the current model of Commissioner working is effective and, if Commissioner terms of appointment appear to be a barrier to this, make recommendations for changes. Any recommendations will be considered by Ministers when terms of appointment for Commissioners are considered.

Recommendation - We recommend that the terms of appointment for commissioners should be reviewed to enable them to make a greater contribution to the day-to-day running of the CCRC.

23. The 2019 Tailored Review of the CCRC⁴ noted that in December 2017 the Board directing the CCRC had 19 members made up of the Chair, 12 Commissioners, three SMT members and three Non-Executive Directors (NEDs). It found that this was not compliant with the principles set out in the UK Corporate Governance Code at the time⁵ which were that Boards should not be so large as to be unwieldy, with a balance of executive and non-executive directors such that no individual, or small group of individuals, can dominate the Board's decision making.
24. The Tailored Review further found that the same topics were regularly revisited during Board meetings and it expressed concern at the amount of time spent discussing areas of direct interest to Commissioners, for example, Commissioner terms and conditions and reappointment of Commissioners. It heard evidence that it was difficult to have discussions at the Board about changes to casework that might impact on Commissioners. It found that – while decisions were taken with the best interest of the CCRC in mind – there was a perception that decisions may be made in the best interests of Commissioners rather than the best interest of the organisation. Overall, the Tailored Review recommended that a smaller Board with a more focused agenda would improve the Board's effectiveness and make more efficient use of Commissioners' time which would benefit the Commission.
25. The terms of reference for the interim Chair's review include:

Governance: *To evaluate the effectiveness of the organisation's governance, including its structure and operational efficiency, and the effectiveness of the structural relationship between the Commissioners, the Body Corporate, the Board, and the Executive.*

The interim Chair is expected to fully review the contribution of Commissioners to the running of the CCRC. This will include the contribution of Commissioners through the Body Corporate and the Board. It is the responsibility of the Chair of the CCRC to ensure that appropriate structures are in place so that the organisation can be directed to carry out its responsibilities as effectively as possible. If it is recommended that

⁴ <https://assets.publishing.service.gov.uk/media/5c5c1bdfe5274a318116c418/tailored-review-of-the-criminal-cases-review-commission.pdf>

⁵ https://media.frc.org.uk/documents/UK_Corporate_Governance_Code_April_2016.pdf

changes to terms and conditions are required to deliver this, the Ministry of Justice will consider these at the appropriate point in time.

Recommendation - We recommend that the interim chair considers the dynamic of the relationship between the Commission and the Ministry of Justice and how the Commission's leadership could be supported to take a more robust approach to its dealings with the department.

26. Your report concludes that there is a concern about the CCRC's independence and its relationship with the Ministry of Justice. Our relationship with the CCRC is based on the Cabinet Office's Arm's Length Body Sponsorship Code of Good Practice⁶, following the key principles of great sponsorship set out in that Code:

purpose: a mutual clear understanding of the purpose of the ALB

assurance: a proportionate approach to assurance

value: mutual sharing of skills and experience, and

engagement: open, honest and constructive relationships

The structures that are in place and the interaction the department has with CCRC leadership are based on those principles and delivering the department's responsibilities set out in the Code.

27. Officials at the Ministry of Justice hold quarterly meetings with CCRC senior management where they have the opportunity to raise any issues in relation to the running of the CCRC that the department should be aware of or act on. Additionally, the CCRC Chair and Chief Executive have contact with senior officials and are afforded the opportunity to meet ministers as required.

28. The Ministry of Justice takes no part in operational decisions of the CCRC, either in terms of casework decisions or decisions around how the CCRC allocates its resources or carries out its statutory duties. The relationship with the CCRC is consistent with other similar public bodies sponsored by the Ministry of Justice, both in the level and type of engagement.

29. Your report refers to the *Warner* decision which found that the relationship between the CCRC and MoJ were very poor during the period 2016–2018. However, it then found that in 2018 the relationship appeared to have been 'reset' and that:

With that normalised relationship, the jeopardy of political interference by MoJ in the CCRC's workings is much diminished. The fair-minded and informed observer, knowing the facts as they currently stand, would not conclude that there was a real possibility that the CCRC was biased by its association with MoJ.

⁶ <https://www.gov.uk/government/publications/arms-length-body-sponsorship-code-of-good-practice/arms-length-body-sponsorship-code-of-good-practice>

30. We agree with the characterisation by the then Chief Executive in front of your Committee of the relationship between the MoJ and CCRC as ‘constructive’. However, we welcome any findings of the interim Chair if there are improvements that can be made in how the department interacts with the CCRC – while maintaining the appropriate distance that its functions require.

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Conclusions

31. CCRC staff are employed on terms and conditions determined by the CCRC as their employer. In relation to base of work, the CCRC is responsible for determining contractual locations in the best way so that its services can be operated.
32. However, we agree with the Committee that the presence of senior leadership conveys important messages to staff. This is one reason why the Civil Service People Plan 2024-2027⁷ sets the expectation that senior managers will spend more than 60% of their working time face to face with their colleagues in offices or out on official business. However, we recognise that CCRC staff are public servants, not Civil Servants and it is ultimately for the CCRC Chair and Chief Executive to define the best staff working model for the Commission, and the Ministry of Justice will support the organisation as it makes those decisions.

Conclusions on the CCRC’s effectiveness and leadership

33. The Ministry of Justice agrees that the CCRC is a hugely important organisation, and that it faces significant challenges in terms of rebuilding public trust in its work. The new interim Chair’s review will cover many of the aspects the Committee has expressed concern about, and we look forward to considering Dame Vera’s views and recommendations over the coming months.

⁷ <https://www.gov.uk/government/publications/civil-service-people-plan-2024-2027/civil-service-people-plan-2024-2027-html>

Terms of Reference for Criminal Cases Review Commission (CCRC) Interim Chair

Overview

The Criminal Cases Review Commission (CCRC) is a Non-Departmental Public Body established by the Criminal Appeal Act 1995. Its principal role is to investigate cases where people believe they have been wrongly convicted of a criminal offence or wrongly sentenced and refer them to an appeal court if it believes there is a real possibility of a conviction or sentence not being upheld.

The interim Chair is joining the CCRC at a critical period. There is significant public scrutiny of the organisation with public confidence low due to ongoing national media interest and criticism from Chris Henley KC's review of the CCRC's handling of Andrew Malkinson's case, published in July 2024. The Henley review concluded the CCRC had made several failings in its handling of Andrew Malkinson's case, making a number of recommendations to be implemented by the CCRC.

In the longer term, the Andrew Malkinson Inquiry will conclude, and the Law Commission have consulted on wide-ranging proposals to reform the criminal appeals system. This includes changing the test used by the CCRC when deciding whether to refer cases to the Court of Appeal under the Criminal Appeal Act 1995. The Law Commission's final report and recommendations are expected in late 2025. Additionally, the CCRC has reported sustained increased demand resulting in longer timeframes before decisions are made about individual convictions.

There are two main elements to the role we are asking the interim Chair of the CCRC to perform; conducting a review of the CCRC with specific areas of focus, and performing the core duties of the Chair. Further details on both aspects are provided below.

Primary Objective: Review of the CCRC

The priority of the incoming interim Chair will be to restore public confidence in the organisation and the important work it undertakes investigating potential miscarriages of justice. The postholder will undertake an urgent and comprehensive review of the CCRC including its internal governance, leadership, and the operational effectiveness of its statutory functions. This should include but not be limited to:

- **Effectiveness:** The extent to which the organisation is operating effectively to deliver the CCRC's statutory responsibilities, including the understanding and application of the 'real possibility' test, and the CCRC's processes for oversight and quality control of casework.
- **Performance:** To evaluate the CCRC's performance, assess whether the appropriate Key Performance Indicators and targets are in place, and ensure effective strategies and action plans are in place and implemented to improve performance. Additionally, an assessment of the robustness of the management information provided by the CCRC to its departmental sponsor,

ensuring it enables effective oversight and assurance on behalf of the Principal Accounting Officer and Ministers.

- **Governance:** To evaluate the effectiveness of the organisation's governance, including its structure and operational efficiency, and the effectiveness of the structural relationship between the Commissioners, the Body Corporate, the Board, and the Executive.
- **Culture:** To review the culture of the organisation, in particular in its approach to and interactions with applicants, potential applicants and their representatives.
- **Capability:** An evaluation of the senior leadership team should also be conducted to identify areas where further support or strengthening is needed, in order restore public confidence.
- **Funding:** To rigorously evaluate whether the CCRC delivers value for money within its existing funding envelope, ensuring that it is utilised efficiently to achieve high-quality outcomes. This assessment will focus on maximising current resources..

The interim Chair should meet with the relevant Minister on a quarterly basis to provide updates on their review of the operation of the CCRC, in addition to regular meetings with senior officials to discuss leadership and performance. Interim findings, summarising key observations, emerging themes, and any immediate actions that may be necessary, should be shared with the Lord Chancellor. Monthly updates should be provided to the department at official level.

The interim Chair should engage extensively with relevant parties, in particular considering the perspectives and experiences of those who have suffered miscarriages of justice, to ensure their experiences are properly understood and appropriately reflected in any proposed changes to the organisation.

The recruitment of the permanent Chair could take between nine and twelve months. Therefore, the interim Chair's review should be provided to the Lord Chancellor to inform the priorities and role for the permanent Chair.

The Ministry of Justice will provide resources to support the review if the Interim Chair considers it necessary.