

Justice Committee

Leadership of the Criminal Cases Review Commission

Third Report of Session 2024–25

HC 749

Justice Committee

The Justice Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Ministry of Justice (including the work of staff provided for the administrative work of courts and tribunals, but excluding consideration of individual cases and appointments, and excluding the work of the Scotland and Wales Offices and of the Advocate General for Scotland); and administration and expenditure of the Attorney General's Office, the Treasury Solicitor's Department, the Crown Prosecution Service and the Serious Fraud Office (but excluding individual cases and appointments and advice given within government by Law Officers) and its associated public bodies.

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Summary

The Criminal Cases Review Commission (CCRC) is an independent body with statutory responsibility for investigating alleged miscarriages of justice in England, Wales and Northern Ireland. The CCRC has the power to send, or refer, a case back to an appeal court if it considers that there is a “real possibility” that the court will quash the conviction or reduce the sentence in that case.

On 14 January 2025, the Chair of CCRC, Helen Pitcher, resigned following the decision of an independent panel, convened by the Lord Chancellor, which concluded by a majority that she should no longer head the organisation. The Panel found that the Chair had failed to inspire confidence in the CCRC in the aftermath of Andrew Malkinson’s acquittal by the Court of Appeal in July 2023.

On 29 April 2025, the Committee held an evidence session with Karen Kneller, the Chief Executive of the CCRC, and Amanda Pearce, Casework Operations Director at the CCRC. During the session, the Committee asked Karen Kneller and Amanda Pearce about the CCRC’s approach to Chris Henley KC’s independent review of the CCRC’s handling of the Andrew Malkinson case, the leadership of the CCRC, the relationship with the Ministry of Justice and the CCRC’s remote-first policy. Before and after the session on 29 April, the Committee received a significant amount of correspondence from individuals that have worked with and for the CCRC.

The aim of this report is to set out the Committee’s findings on the leadership of the CCRC based on the evidence presented to us, in order to inform the approach of the next chair of the CCRC. The Minister for Courts and Legal Services has said that an interim chair would be appointed and that they would be “tasked with undertaking a review of how the organisation operates”. The evidence presented to the Committee indicates that a root and branch review of how the CCRC operates is urgently needed and we intend our findings to inform that work.

The cases of Andrew Malkinson and Peter Sullivan underline the importance of the CCRC’s role in the criminal justice system. As a Committee, we want to see the organisation succeed. However, we are concerned that the present leadership, including the former Chair, have made a series of decisions which have undermined public confidence in the CCRC.

When Karen Kneller and Amanda Pearce appeared before us on 29 April, we provided them with an opportunity to respond to public criticisms of the leadership's recent performance. The answers provided to the Committee did not inspire confidence. On the contrary, their partial nature led Chris Henley KC, the author of the independent review and a criminal barrister, and Chris Webb, a crisis communications consultant, to write to us to correct points made by Karen Kneller on 29 April. This has only served to reinforce the sense that the leadership of the CCRC has continually failed to learn from its mistakes. As a result of our concerns regarding the performance of the CCRC and the unpersuasive evidence Karen Kneller provided to the Committee, we no longer feel that it is tenable for her to continue as Chief Executive of the CCRC.

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1 Introduction

About the CCRC

1. The Criminal Cases Review Commission (CCRC) is an independent body with statutory responsibility for investigating alleged miscarriages of justice in England, Wales and Northern Ireland. It was established by section 8 of the Criminal Appeal Act 1995 (the 1995 Act) and started work investigating possible miscarriages of justice on 31 March 1997. The CCRC has the power to send, or refer, a case back to an appeal court if it considers that there is a “real possibility” that the court will quash the conviction or reduce the sentence in that case.¹ It has the power to consider applications regarding convictions and sentences (other than those fixed by law) imposed by magistrates’ courts and the Crown Court.
2. The CCRC has a distinct structure designed to protect its independence. The 1995 Act created the CCRC as a ‘body corporate’, with the commissioners as its members, vested with statutory functions to investigate and refer miscarriages of justice to the appeal courts and the power to appoint a chief executive.

Why we are reporting on the CCRC now

3. On 14 January 2025, the Chair of the CCRC, Helen Pitcher, resigned following the decision of an independent panel which concluded by a majority that she should no longer head the organisation. That three-person panel had been convened by the Lord Chancellor following concerns over Helen Pitcher’s response to Andrew Malkinson’s acquittal (see Chapter 2) and after a decision by the CCRC Board that she should stay on as chair. The panel’s report has not been made public, but extracts from the report were published by Joshua Rozenberg, a legal affairs commentator. In those extracts, the majority of the panel highlighted a number of failings in the CCRC’s leadership. In particular, it concluded that the Chair had failed to challenge the performance of the Chief Executive Officer:

1 [Criminal Appeal Act 1995](#), s 13

In spite of the good work by Ms Pitcher to “sort out” the board following the tailored review, the panel considers that there was no evidence that Ms Pitcher had sufficiently challenged the performance of the chief executive officer—a key responsibility of an organisation’s chair.²

Given the significance of the panel report for the CCRC, we do not understand why the Ministry of Justice has not shared it with either the Board of the CCRC or the commissioners.

RECOMMENDATION

We recommend that the Ministry of Justice shares the independent panel report with the CCRC’s Board and the commissioners.

4. In February, we invited the senior leadership of the CCRC to give evidence to us. It was imperative to hear from them following Helen Pitcher’s resignation and public criticisms of the organisation. We initially approached the CCRC to ask if the senior leadership and the interim chair could give evidence to the Committee. A permanent or interim chair had not yet been appointed by 29 April 2025, when we took evidence from the CCRC. In their absence, we questioned Karen Kneller, Chief Executive Officer, and Amanda Pearce, Casework Operations Director. Karen Kneller has held the position of Chief Executive of the CCRC since 2013. She initially joined the Commission in 2005 as Director of Casework and held this position until assuming the position of Chief Executive in 2013. The Committee also received correspondence from interested parties and from CCRC staff (both current and former) raising structural and operational concerns about the organisation. This information helped to inform our questioning.
5. After the evidence session on 29 April, there was an exchange of correspondence between the Committee and various parties. The letters received by the Committee were as follows:
 - Letter from Amanda Pearce and Karen Kneller to the Chair, dated 13 May 2025;³
 - Letter from Chris Webb to Karen Kneller, dated 5 July 2024 (Appendix 1);
 - Letter from Chris Webb to the Chair, dated 15 May 2025 (Appendix 2);
 - Email from Chris Henley KC to the Chair, dated 16 May 2025 (Appendix 3); and

2 Rozenberg, [A Lawyer Writes](#) (accessed 14 May 2025)

3 Letter from Karen Kneller and Amanda Pearce to the Chair, [13 May 2025](#)

- Letter from CCRC Commissioners to the Chair, received on 15 May 2025 (Appendix 4).

Chris Webb, a crisis communications consultant contracted to work for the CCRC, and Chris Henley KC, who conducted the independent review of the Andrew Malkinson case, alleged that Karen Kneller's responses to certain questions posed by the Committee were misleading. We also had sight of a letter from Amanda Pearce to Chris Henley KC dated 11 March 2024 responding to his draft report following his independent review of the Andrew Malkinson case. We have not published this letter because of the sensitive information it contains, but certain extracts from it have been quoted in this report. A media report followed with the headline, Justice watchdog 'misled parliament' over Andrew Malkinson case.⁴ We gave Karen Kneller the opportunity to respond to the specific points raised both in the letters from Chris Webb and Chris Henley KC and in the media report. Her letter providing clarification and further information is set out in Appendix 5. In that letter, she states:

It was not my intention to mislead the committee in any way during the session on 29 April, nor to fail to answer as transparently as I could the questions that were asked. I believe my answers were reasonable and appropriate, although I am sorry if anything has been taken from them that was not intended, or if my answers were not sufficiently clear.

6. We were informed by Sarah Sackman KC MP, the Minister for Courts and Legal Services, that an interim chair would be appointed and that they would be "tasked with undertaking a review of how the organisation operates".⁵ This report is aimed at influencing the terms of that review and highlights the key issues that we identified in our evidence taking. It is not intended to be an exhaustive exploration or account of the issues facing the CCRC.
7. The last time an inquiry into the CCRC was undertaken by the Justice Committee was in 2015. Our predecessor Committee concluded that the CCRC was performing its functions reasonably well but that there was a disparity between what critics believed it to be doing and what it claimed it was doing. Our predecessor Committee felt that the CCRC had a problem with public perception and that it could have been doing more to ensure that its work and processes were understood.⁶

4 The Sunday Times, Justice watchdog 'misled parliament' over Andrew Malkinson case, 18 May 2025

5 Letter from the Minister for Courts and Legal Services regarding outcome of CCRC Chair panel process, [7 February 2025](#)

6 Justice Committee, Twelfth Report of Session 2014–15, [Criminal Cases Review Commission](#), HC 850

8. We note recent coverage of the case of Peter Sullivan whose conviction was quashed by the Court of Appeal in May 2025 after spending 38 years in prison.⁷ His convictions were quashed on 13 May 2025 after the Committee had taken evidence from the CCRC and is therefore not covered as part of this report.

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7 ccrc.gov.uk, [Sullivan, Peter](#), published 9 September 2024

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

9. On 10 February 2004, Andrew Malkinson was convicted of two counts of rape and one count of attempting to choke with intent to commit an indictable offence. On 24 January 2023, the CCRC referred Andrew Malkinson's convictions to the Court of Appeal. This followed two earlier applications to the CCRC which were turned down in 2012 and 2020. On 26 July 2023, the Court of Appeal quashed Andrew Malkinson's convictions, handing down its judgment on 7 August 2023.⁸ We note that Karen Kneller was Director of Casework Operations from 2005 to 2013.

The CCRC's response to Andrew Malkinson's acquittal

10. On 26 July 2023, the CCRC published a statement on its website which provided the following summary:

In April 2021, Mr Malkinson's representatives from Appeal approached the Criminal Cases Review Commission (CCRC) with new DNA evidence. In consultation with experts, the CCRC devised a comprehensive forensic strategy to obtain the best possible evidence using modern DNA techniques.

The testing obtained a DNA profile on the victim's clothing which matched another man on the National DNA Database, which led to the CCRC referring Mr Malkinson's application to the court in January 2023.

Mr Malkinson had previously applied to the CCRC twice before, but the first application was made at a time before modern DNA evidence was available and the second concentrated on issues concerning the identification witnesses.⁹

8 [Malkinson v R](#) [2023] EWCA Crim 954

9 CCRC, [Rape and assault convictions overturned following DNA breakthrough](#), 26 July 2023

The then Chair, Helen Pitcher, provided the following comment:

We recognise that Andrew has had a very long journey to clear his name, but sadly the evidence that led to the CCRC referring his case only became available years after his conviction.

We welcome the court's decision to overturn Andrew Malkinson's convictions on the basis of new DNA evidence.

In the ever-changing world of forensic science, new evidence can come to light years after a conviction. We used our special powers to take advantage of DNA breakthroughs to find evidence that we considered could overturn this conviction.¹⁰

11. On 7 August 2023, the Court of Appeal published its judgment in *Malkinson v R*.¹¹ On the same day, the CCRC issued another statement on its website, which repeated the same points made on 26 July 2023 and contained a new statement from the then Chair, Helen Pitcher:

It is plainly wrong that a man spent 17 years in prison for a crime he did not commit.

In each review, we focused on the submissions made to us. But knowing what we know now we would have sought the undisclosed police evidence to refer this case.

We are pleased that the CCRC's work to match an alternative suspect on the DNA database has been so strongly referenced in the judgment.¹²

Neither statement contained any apology or acknowledgment of any errors made by the CCRC.

12. On 21 August 2023, the CCRC announced that Chris Henley KC had been commissioned to conduct an independent review of the three investigations conducted by the CCRC into Andrew Malkinson's rape convictions. On 26 October 2023, the then Lord Chancellor announced a non-statutory inquiry into the Andrew Malkinson miscarriage of justice, which is chaired by Her Honour Judge Sarah Munro KC.¹³ The terms of reference of the inquiry include the decisions and actions taken by the CCRC, the CPS and Greater

10 CCRC, [Rape and assault convictions overturned following DNA breakthrough](#), 26 July 2023

11 [\[2023\] EWCA Crim 954](#)

12 CCRC, [CCRC response to Andrew Malkinson judgment](#), 7 August 2024

13 [Andrew Malkinson Inquiry Announcement](#), HCWS104, 26 October 2023

Manchester Police (GMP) in relation to the Andrew Malkinson case. The first phase of the inquiry began on 26 October 2023 and the second phase began on 24 February 2024.¹⁴

Chris Henley KC on the CCRC's response to Andrew Malkinson's acquittal

13. Chris Henley KC provided the final draft of his report to the CCRC on 5 April 2024.¹⁵ In his report, Chris Henley KC criticised the CCRC's response to Andrew Malkinson's acquittal by the Court of Appeal. He said that "there should be a wholehearted apology made by the CCRC to Mr Malkinson".¹⁶ He added: "the CCRC failed him".¹⁷ In relation to Helen Pitcher's public statements, Chris Henley KC criticised the lack of acknowledgement of the CCRC's failures and their taking too much credit for the new evidence which led to Andrew Malkinson's acquittal:

Criticisms of the CCRC's failure to apologise in 2023 are well-founded. The quashing of Mr Malkinson's conviction in 2023 should not have been presented as an unqualified success, nor should it have been said that the CCRC 'in each review [had] focused on the submissions made to us', creating the impression that everything had been done carefully and properly, and that if things were missed it was because others had not raised them. The CCRC missed opportunities to make a referral at the time of the first application and failed to obtain the police file in 2009 and 2018, which would have produced a different outcome. Further the CCRC was wrong to appear, in the statement put out in August 2023, to take full credit for the re-testing that had taken place as part of its consideration of the 2021 application. All the crucial initial tests, which led to the further testing overseen by the CCRC, had been carried out by Appeal [an NGO supporting Andrew Malkinson] without the assistance of the CCRC.¹⁸

14. On 18 April 2024, Helen Pitcher, the then Chair of the CCRC, offered an "unreserved apology" to Andrew Malkinson:

14 [Andrew Malkinson Inquiry](#) (accessed 14 May 2025)
15 CCRC, [Independent review by Chris Henley KC of the CCRC's handling of the Andrew Malkinson case](#), Report and CCRC Response, 29 May 2024
16 CCRC, [Independent review by Chris Henley KC of the CCRC's handling of the Andrew Malkinson case](#), Report and CCRC Response, 29 May 2024, paras 135-137
17 CCRC, [Independent review by Chris Henley KC of the CCRC's handling of the Andrew Malkinson case](#), Report and CCRC Response, 29 May 2024, paras 135-137
18 CCRC, [Independent review by Chris Henley KC of the CCRC's handling of the Andrew Malkinson case](#), Report and CCRC Response, 29 May 2024, para vi

Mr Henley's report makes sobering reading, and it is clear from his findings that the Commission failed Andrew Malkinson. For this, I am deeply sorry. I have written to Mr Malkinson to offer him my sincere regret and an unreserved apology on behalf of the Commission.

There may have been a belief that I have been unwilling ever to apologise to Mr Malkinson, and I want to clarify that this is not the case. For me, offering a genuine apology required a clear understanding of the circumstances in which the Commission failed Mr Malkinson. We now have that.

Nobody can ever begin to imagine the devastating impact that Mr Malkinson's wrongful conviction has had on his life, and I can only apologise for the additional harm caused to him by our handling of his case.¹⁹

15. The CCRC published the Henley report alongside its response to the review on 18 July 2024. The CCRC response included Helen Pitcher's apology from 18 April 2024. The CCRC's response also said "We acknowledge and deeply regret that the CCRC failed Mr Malkinson and that our analysis and handling of this case was flawed".²⁰ The response then added "We note Mr Henley's observation that his findings are necessarily limited to this case".²¹ The concluding remarks of the CCRC's response said:

We have referred 839 cases for appeal, and the Court of Appeal Criminal Division has often commended our investigative work and analysis. Two large independent academic research projects, that have been published and provided evidence in parliamentary inquiries, examined our decision making and found no evidence that we were missing opportunities to refer cases for appeal.

Against that background, we deeply regret that our analysis and handling of Mr Malkinson's case did not meet the standards we set for ourselves, and which applicants are entitled to expect, and we offer our wholehearted and unreserved apologies to Mr Malkinson.²²

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- 19 CCRC, [Chairman of Criminal Cases Review Commission Offers Unreserved Apology to Andrew Malkinson Following Review Report](#), 18 April 2024
- 20 CCRC, [Independent review by Chris Henley KC of the CCRC's handling of the Andrew Malkinson case](#), Report and CCRC Response, 29 May 2024, para 1, page 115
- 21 CCRC, [Independent review by Chris Henley KC of the CCRC's handling of the Andrew Malkinson case](#), Report and CCRC Response, 29 May 2024, para 2, page 115
- 22 CCRC, [Independent review by Chris Henley KC of the CCRC's handling of the Andrew Malkinson case](#), Report and CCRC Response, 29 May 2024, paras 42-43, page 123

16. The CCRC's response did not explain why the leadership of the CCRC had failed to offer a wholehearted apology when Andrew Malkinson was acquitted, nor why they sought to take credit for the work done by Appeal to secure his acquittal.
17. When Karen Kneller appeared before the Justice Committee on 29 April 2025 and was asked whether she would like to apologise to Andrew Malkinson, she said:

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.²³

18. **CONCLUSION**

It should not have taken an independent review for the CCRC to apologise to Andrew Malkinson. The public statements of the then Chair of the CCRC, Helen Pitcher, after Andrew Malkinson's acquittal were woefully inadequate and showed a worrying lack of understanding of the potential damage to the CCRC's reputation and public confidence that would almost inevitably arise from a failure to admit its mistakes and to apologise. By failing to offer a timely apology and by seeking to claim credit for the acquittal, the leadership of the CCRC caused significant damage to the organisation's reputation. The CCRC's statements gave the impression that the organisation and its leadership were more concerned with defending their own reputation than offering an honest assessment of how they had failed Andrew Malkinson.

The CCRC's handling of the Henley report

19. Chris Henley's report was published on 18 July 2024 by the CCRC. The Henley report itself is dated 5 April 2024, and the cover of the integrated report and CCRC response is dated 29 May 2024.

23 Oral evidence, [Work of the Criminal Cases Review Commission](#), 29 April 2025, Q42

Delaying publication

20. During the evidence session on 29 April 2025, Karen Kneller was asked about the reasons for the delay in publishing the Henley report and said:

[m]y 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.²⁴

Karen Kneller then added “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”.²⁵ After the evidence session we received correspondence from Chris Henley KC (set out in Appendix 3) which responded to Karen Kneller’s evidence:

The suggestion that somehow ‘typographical errors’ and ‘tracked changes’ in the report, which she repeatedly referred to as very much a draft, as being the explanation in the long delay in publication, was thoroughly misleading. There were no tracked changes in the version I sent to the CCRC, no typographical errors were raised with me by the CCRC and I did not describe it as a draft when I sent it through to them at the end of January.

Karen Kneller’s letter to Committee on 20 May sets out her response to the points made by Chris Henley KC:

I said in the committee session that my “understanding [was] that the report that we got in January was a draft”—it should be noted it was not described as a draft—and I mentioned typographical errors and tracked changes as elements of the report which suggested it could reasonably be regarded as a draft. In other words, it was not the finished product. I did not suggest that those elements resulted in the time taken to publish the final version of the report.

‘Track changes’ was on in the first version of the report we received, although this appeared to relate mostly to paragraph spacing and the numbering of some paragraphs, and there were typographical errors, as might be anticipated in a report of this length at this stage. These were not raised with Mr Henley as we understood that he was going to reflect on and revise the report.

In relation to the point around “factual issues”, Karen Kneller’s letter on 20 May clarified that “our communication about those with Mr Henley did contribute to the time between the draft version and the final version, received at the beginning of April”.

24 Oral evidence, [Work of the Criminal Cases Review Commission](#), 29 April 2025 Q43

25 Oral evidence, [Work of the Criminal Cases Review Commission](#), 29 April 2025 Q43

21.

CONCLUSION

Karen Kneller's statements on 29 April in relation to the version of the report sent to the CCRC by Chris Henley KC in January 2024 are problematic. Chris Henley KC was entitled to be concerned that Karen Kneller had wrongly suggested that he was somehow partly responsible for the delays in finalising the report. We welcome the clarifications provided by Karen Kneller in her letter on 20 May, but we regret that these were only provided because of Chris Henley KC's further correspondence.

22. Karen Kneller told us that the decision not to publish until July was taken because the CCRC was advised not to publish during the general election period.²⁶ Karen Kneller explained why the CCRC decided that it was not possible to publish the report at this time:

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.²⁷

Karen Kneller added that "I think we could possibly have got it published earlier", and that she regretted the delay.²⁸

23. The Government issued official general election guidance for the 2024 election, setting out general principles of conduct applying to all civil servants, and to "board members and staff of Non-Departmental Public Bodies (NDPBs) and other arms' length bodies", including that "Departmental and NDPB (Non-departmental public bodies) activity should not be seen to compete with the election campaign for public attention".²⁹ The guidance also explains how it applies to public bodies:

NDPBs and other public sector bodies must be, and be seen to be, politically impartial. They should avoid becoming involved in party political controversy. Decisions on individual matters are for the bodies

26 Oral evidence, [Work of the Criminal Cases Review Commission](#), 29 April 2025, Q44

27 Oral evidence, [Work of the Criminal Cases Review Commission](#), 29 April 2025, Q45

28 Oral evidence, [Work of the Criminal Cases Review Commission](#), 29 April 2025, Q66

29 Cabinet Office, [General Election Guidance](#), 23 May 2024, page 4, para 5

concerned in consultation with their sponsor department who will wish to consider whether proposed activities could reflect adversely on the work or reputation of the NDPB or public body in question.³⁰

In their follow-up letter to the evidence session on 29 April, Karen Kneller and Amanda Pearce refer to the guidance and explain that “publication of the report was discussed and agreed with the Ministry of Justice, the CCRC’s sponsoring department”.³¹

24. The CCRC has been described as a “Non-Departmental Public Body”.³² However, it can be distinguished from other public bodies by virtue of its constitutional status. In the case of *Warner*, the High Court said that the CCRC “is much more than merely “operationally” independent; it is constitutionally independent from Government too, and must be seen to be so, if the public is to have confidence in its decisions”.³³

25. **CONCLUSION**

The Committee does not understand why the CCRC would consider itself bound by the government’s General Election guidance. Even if it did consider the guidance applicable, we do not understand why applying that guidance would lead to the conclusion that the report should not be published, given that this was not a party-political issue. The report was concerned with the CCRC’s approach to Andrew Malkinson’s applications, not with government decision-making. We accept that after the General Election was called on 22 May 2024, the CCRC might have decided to check with the Ministry of Justice whether the Henley report could be published. However, we were not convinced by Karen Kneller and Amanda Pearce’s explanation that publication was impossible. Given the CCRC’s constitutional independence and the importance of the report, the leadership of the CCRC should have arrived at their own view as to whether publication at the earliest possible date was necessary, whatever the guidance or the Ministry of Justice said.

The resignation of the communications consultant

26. During the evidence session on 29 April, Karen Kneller was asked about the CCRC’s use of a crisis communications consultant to manage the communications around the publication of the Henley report. Karen Kneller explained that Chris Webb was brought in as an extra resource and to

30 Cabinet Office, [General Election Guidance](#), 23 May 2024 page 44

31 Letter from Karen Kneller and Amanda Pearce to the Chair, [13 May 2025](#)

32 [R \(Warner\) v Secretary of State for Justice](#) [2020] EWHC 1894 (Admin) (15 July 2020) para 17

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

provide an “external perspective”.³⁴ She was then asked whether Chris Webb had told her of any serious concerns about the CCRC’s response to the Henley review.³⁵ Karen Kneller responded “Not that I recall, no”.³⁶ When asked if she knew why Chris Webb had resigned, Karen Kneller said “I think he was concerned about whether he could add anything else”.³⁷ Karen Kneller then added “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”.³⁸

27. After the session, Chris Webb contacted us and provided the Committee with the resignation letter he sent to Karen Kneller on 5 July 2024, which is set out in Appendix 1. In the letter Chris Webb states that he had decided to “terminate his contract” with the CCRC with immediate effect. The letter sets out that Chris Webb was initially contracted by the CCRC from November 2023 to 31 March 2024 but, when the period had concluded without the report being published, that they had then agreed that he would continue to provide support until the publication of the Henley report, which at the time was understood to be imminent. The letter then sets out his reasons for choosing to cease his work with the CCRC on 5 July 2024:

[T]he publication of the report continues to be delayed due to circumstances both outside of the CCRC’s control and of its own making. With no agreed publication date forthcoming, I believe that I can no longer make a significant or meaningful contribution to this work and therefore feel it is right for me to step away.

[...] We have now reached a position which, I believe, is no longer sustainable. I have grave concerns that the non-publication of the Henley report in the immediate future, brings considerable risks to the reputation of the Commission and the Chairman.

Chris Webb also indicated to us that he had repeatedly raised these concerns with Karen Kneller prior to his resignation.

28. We offered Karen Kneller the opportunity to respond to the information provided by Chris Webb. She did so on 20 May, see Appendix 5 for her full response. She indicated that she understood the question “Did he [Chris Webb] tell you that he had serious concerns about the CCRC’s response to the Henley review” to refer only to the CCRC’s published response to the

34 Oral evidence, [Work of the Criminal Cases Review Commission](#), 29 April 2025, Q58

35 Oral evidence, [Work of the Criminal Cases Review Commission](#), 29 April 2025, Q59

36 Oral evidence, [Work of the Criminal Cases Review Commission](#), 29 April 2025, Q59

37 Oral evidence, [Work of the Criminal Cases Review Commission](#), 29 April 2025, Q62

38 Oral evidence, [Work of the Criminal Cases Review Commission](#), 29 April 2025, Q63

Henley report. Her answer “Not that I recall, no” was therefore intended to be limited to concerns about the response, and not to capture any of his wider concerns about publication.³⁹

29. CONCLUSION

Chris Webb’s resignation letter to Karen Kneller set out several concerns over the delays to the publication of the Henley report. When asked about the reason why Chris Webb resigned in the evidence session on 29 April, Karen Kneller’s answers did not reflect the content of Chris Webb’s resignation letter. Karen Kneller’s responses indicated that she was aware that he had “hoped the report would have been published earlier”. Karen Kneller has since provided clarification to us as to the intention of her answers to this line of questioning. However, in our view Karen Kneller’s answers misrepresented the true position, which was that Chris Webb had communicated significant concerns over both the causes and consequences of the delays to the publication of the report.

The scope and implications of the Henley report

30. Chris Henley’s report outlines the scope of the review he had conducted:

It is perhaps, also, important for me to state at the outset that I have reviewed the CCRC’s work only on this one case. Therefore, whilst I do make severe criticism of significant shortcomings and flaws in the CCRC’s work on this case, particularly in relation to the first application, my findings are necessarily limited to this case. Nevertheless, 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.⁴⁰

31. The integrated report and response published on 18 July 2024 by the CCRC made two references to the scope of the review in the following terms:

Mr Henley’s findings are necessarily limited to this case. Nevertheless, we hope that by learning the lessons of the report and implementing Mr Henley’s recommendations, in addition to any recommendations that may in due course be made by the Andrew Malkinson Inquiry, we will enhance our ability to find, investigate and refer miscarriages of justice.⁴¹

39 Oral evidence, [Work of the Criminal Cases Review Commission](#), 29 April 2025, Q59

40 CCRC, [Independent review by Chris Henley KC of the CCRC’s handling of the Andrew Malkinson case](#), Report and CCRC Response, 29 May 2024, page 13

41 CCRC, [Independent review by Chris Henley KC of the CCRC’s handling of the Andrew Malkinson case](#), Report and CCRC Response, 29 May 2024, page 2, para 7

We note Mr Henley's observation that his findings are necessarily limited to the Andrew Malkinson case.⁴²

Chris Henley's conclusions

32. The conclusions in Chris Henley KC's review contain stark assessments of the quality of the work done by the CCRC on Andrew Malkinson's case. In relation to the first application, Chris Henley KC noted that the performance of two CCRC employees, anonymised as P2 and P4, was "very poor" and that "there appears to have been no effective supervision or direction of their work".⁴³ Chris Henley KC added that "All involved failed correctly to apply the test for referring a case".⁴⁴ In relation to the second application, Chris Henley KC concluded that there was "every reason" to obtain the police file but that the CCRC had not done so.⁴⁵ In relation to the third application, Henley concluded:

It concerns me that if the new DNA evidence had not been obtained and only the disclosure failures (ie the convictions and photographs) had come to light, the CCRC would not have made the referral. This suggests that the test even now is not being applied properly, and that the CCRC is taking too cautious an approach. This needs urgently to change.⁴⁶

33. Henley's concluding remarks set out some overarching concerns with the CCRC's approach:

I have found that there was too little engagement and focus on whether the jury might have reached a different decision if the new evidence had been available and presented at the time of the trial.⁴⁷

He added:

The CCRC's role is to refer appropriate cases to the Court of Appeal. The CCRC must get the analysis of the material right and then apply the test for referral correctly. In this case the Court of Appeal in

42 CCRC, [Independent review by Chris Henley KC of the CCRC's handling of the Andrew Malkinson case](#), Report and CCRC Response, 29 May 2024, page 115, para 2

43 CCRC, [Independent review by Chris Henley KC of the CCRC's handling of the Andrew Malkinson case](#), Report and CCRC Response, 29 May 2024, para 92

44 CCRC, [Independent review by Chris Henley KC of the CCRC's handling of the Andrew Malkinson case](#), Report and CCRC Response, 29 May 2024, para 93

45 CCRC, [Independent review by Chris Henley KC of the CCRC's handling of the Andrew Malkinson case](#), Report and CCRC Response, 29 May 2024, para 113

46 CCRC, [Independent review by Chris Henley KC of the CCRC's handling of the Andrew Malkinson case](#), Report and CCRC Response, 29 May 2024, para 130

47 CCRC, [Independent review by Chris Henley KC of the CCRC's handling of the Andrew Malkinson case](#), Report and CCRC Response, 29 May 2024, para 132

fact went further than the CCRC, identifying grounds to quash the convictions which the CCRC had failed to identify with the same clarity. The CCRC must learn from this. It must aspire to capturing more miscarriages of justice, and to achieve this it needs to be clearer sighted than happened in Mr Malkinson's case. 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.⁴⁸

34. During the evidence session on 29 April, it was put to Karen Kneller and Amanda Pearce that the CCRC had attempted to downplay the seriousness of the findings in the Henley report. When asked whether the CCRC had attempted "to edit the review report to water it down in any way" Karen Kneller said:

No, absolutely not. There were factual issues, which Amanda picked up with Mr Henley, but absolutely not—absolutely not.⁴⁹

After the evidence session, Chris Henley KC sent the Committee a letter written to him by Amanda Pearce dated 11 March 2024. The letter explains that it is the response to his draft report of the then Chair of the CCRC, two commissioners, an Independent Non-Executive Director, members of the Senior Leadership Team from the casework and corporate directorates, and individuals who were working at the CCRC and were involved in the case of Andrew Malkinson. The letter includes a number of requests for revisions, including in a section titled "the scope of the conclusions", which said:

We were reassured by your observation when we met that your findings are limited to this case and that it would not be appropriate to draw wider conclusions from such a focussed perspective. We wonder whether that could be made explicit in the report?

As it stands, we think there is a danger that errors in the analysis and handling of this case may be assumed to be typical of our work, and that broad conclusions may be drawn from limited evidence [...]

As a specific example, at paragraph 61, there are remarks about the effectiveness of the organisation at the time of the first review, which we would invite you to reconsider given the boundaries of the evidence available to you.⁵⁰

The letter also includes a section titled 'Sound Bites' which states:

48 CCRC, [Independent review by Chris Henley KC of the CCRC's handling of the Andrew Malkinson case](#), Report and CCRC Response, 29 May 2024, para 134

49 Oral evidence, [Work of the Criminal Cases Review Commission](#), 29 April 2025, Q60

50 Letter from Amanda Pearce to Chris Henley dated 11 March 2024

As we touched upon at the meeting, there are certain phrases in the report which, if quoted out of context, would have the potential to become sound bites that misrepresent the true position and may be perceived as a far broader criticism than intended. They may appear to be a reflection on the entire organisation when, as you observed, your review has focussed on a single case.⁵¹

35. In her letter to the Committee on 20 May, Karen Kneller provided the following explanation of the content of the letter of 11 March 2024:

As is apparent from the letter, the Commission wanted to ensure that the report was 'as accurate, fully informed and as fair as possible'. There is nothing improper in this: the CCRC was a willing participant in the review (which we had commissioned) and was entitled to put forward its views for consideration. We understand that Mr Henley accepted our right to comment and he in turn, offered to reflect and submitted a new and final version of the report on 5 April 2024. The contents of the letter of 11 March are wholly constructive and give transparency to the process; they are not an attempt to edit or water down. Moreover, we understand Mr Henley stands by his final report and his recommendations (all of which have been or are in the process of being implemented).

We were understandably concerned that Mr Henley's comments, intentionally or otherwise, might be taken to refer to all the casework of the CCRC, rather than that carried out in Mr Malkinson's case. Mr Henley had full access to all our work on Mr Malkinson's applications only, not to material relating to work on the more than 30,000 other applications made to us or more than 800 references to the appellate courts, resulting in the correction of more than 500 miscarriages of justice.

51 Letter from Amanda Pearce to Chris Henley dated 11 March 2024

36.

CONCLUSION

We accept that it was appropriate for the CCRC to provide feedback to Chris Henley KC on the version of the report that had been shared with them. However, it was inappropriate for the CCRC to suggest to Chris Henley KC that his report should not draw broader conclusions on the CCRC as an organisation and its casework based on his analysis of the CCRC's handling of Andrew Malkinson's case. The CCRC's leadership should have accepted that the gravity of the failings in the handling in the Andrew Malkinson case would lead to concerns that it was highly unlikely to be an isolated example. In fact, the extracts from the CCRC's letter to Chris Henley KC on 11 March 2024 indicate that the leadership were operating under the misguided assumption that the fallout from the report could be contained if they simply accepted the recommendations and referred to the fact that the findings "were limited to this case".

37.

CONCLUSION

In her evidence on 29 April and her letter on 20 May, Karen Kneller denied that the CCRC had attempted to water down the report in any way. Karen Kneller did not inform us in her evidence that one of the reasons the Henley report was delayed was that the CCRC had expressly requested changes to minimise the impact of Henley's findings and conclusions. These requests did not represent "additional information", "typographical errors" or "factual issues". In our view, it was entirely inappropriate to commission an independent review by a leading criminal lawyer and then to seek to suggest that the reviewer should alter their findings. We are disappointed that Karen Kneller's letter on 20 May does not even acknowledge that asking Chris Henley KC to limit the breadth of his conclusions and remove potential "soundbites" was in any way problematic.

38.

CONCLUSION

The leadership's handling of the Henley report was utterly incompetent. The level of delay and the attempt to minimise the damage to the CCRC's reputation were a spectacular failure of leadership.

39.

CONCLUSION

In our view, Chris Henley KC's assessment of the work done by the CCRC was damning. It is true of course that the review focused only on one case, but it is also clear beyond doubt that Chris Henley KC's conclusions have significant implications for the CCRC's overall approach to its casework. The mistakes made in relation to Andrew Malkinson's application should have been taken as evidence of systemic problems within the CCRC. It was therefore wrong for the CCRC to repeatedly emphasise that Chris Henley KC's report was "necessarily limited" to one case. The CCRC stated that they accepted all of Chris Henley KC's recommendations, which we welcome. However, we are unconvinced that the CCRC has taken on board the strength of his overall conclusions about the quality of the CCRC's work on Andrew Malkinson's applications. Those findings have significantly damaged public confidence in the CCRC's approach to its work. The CCRC's response should have reflected the severity of Chris Henley KC's conclusions.

EMBARGOED ADVANCE NOTICE: Not to be published in full, or in part, in any form before 00.01am on Friday 23 May 2020

3 Leadership

Chair

40. The public face of the CCRC, and its overall leadership, is provided by the chair. There have been four chairs so far: Sir Frederick Crawford; Graham Zellick; Richard Foster and Helen Pitcher. Following Helen Pitcher's resignation as chair in January 2025, the CCRC is waiting for the Ministry of Justice to appoint an interim chair. The Committee understands that this interim chair will be tasked with undertaking a review of the operation of the CCRC.⁵² The terms of reference for this review are not yet known. It is not clear at this stage how long the interim chair will be in place for and when a long-term, permanent chair will be appointed.
41. The chair is officially appointed by the King and is also a commissioner. They are appointed on a fixed term, fee-paid basis.⁵³ The recruitment campaign announcement from February 2018, which led to Helen Pitcher's recruitment stated that the time requirement was "up to 10 days per month" with a remuneration of £500 per day.⁵⁴ Once in position, Helen Pitcher undertook that role in combination with several other non-executive roles, including Chair of [Judicial Appointments Commission](#); Chairman of [Advanced Boardroom Excellence](#); Non-Executive Director at [pladis UK](#) and Non-Executive Director at [OneHealth Group](#). A former CCRC commissioner giving evidence to the Westminster Commission in 2021 noted that, when he was chair, Sir Frederick Crawford was appointed on a three day per week basis and frequently worked a further day.⁵⁵ This is a far higher time commitment than was expected of Helen Pitcher. Karen Kneller told us that she didn't feel it was for her to comment on the time requirements of the chair role and what they should do with the time they spent while not working for the CCRC.⁵⁶

52 Letter from the Minister for Courts and Legal Services regarding outcome of CCRC Chair panel process, [7 February 2025](#)

53 Criminal Appeals Act 1995 Schedule 1 para 2(3)

54 Announcements (Archive), [Chair of the Criminal Cases Review Commission \(CCRC\)](#), gov.uk

55 Westminster Commission on Miscarriages of Justice, [In the Interests of Justice: An inquiry into the Criminal Cases Review Commission](#), 2021, page 22

56 Oral evidence, [Work of the Criminal Cases Review Commission](#), 29 April 2025, Q124

42. In a 2021 inquiry into the CCRC, the Westminster Commission, set up by the All-party Parliamentary Group on Miscarriages of Justice to review the work of the CCRC, concluded that it was “important that the role [of chair] is filled by a person of some standing, demonstrably independent of government, and willing and able to speak out when the CCRC’s work reveals flaws or failings in the system”. The evidence they heard which led them to this conclusion was as follows:

Michael Birnbaum QC told us that in his view: “the chair should be someone with lifelong experience of the criminal justice system rather than someone who appears to be chosen because they might be thought to be good at running things. I think you need ... a real commitment to try to discover miscarriages of justice and put them right”.

Pete Weatherby QC took a similar view, arguing “the CCRC needs leadership from those with a proven track record in correcting miscarriages of justice.”

Professor Hoyle also urged the CCRC to “speak out more, and to be more critical of when things go wrong” in the criminal justice system. Michael Birnbaum QC suggested that “a senior lawyer or police officer” might be well-suited to leading the CCRC and added that “having a very senior judge as chair would give the Commission more weight with the Court of Appeal”.⁵⁷

43. When asked what was needed to repair public confidence in the CCRC, Karen Kneller spoke of the importance of the appointment of an interim chair:

We really need to have an interim chair who is going to help in that regard [repairing public confidence] 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.⁵⁸

44. Amanda Pearce further stated, with regard to section 23 of the Criminal Appeal Act 1995, which prohibits CCRC staff from “disclosing information obtained by the Commission in the exercise of any of their functions”:

57 Westminster Commission on Miscarriages of Justice, [In the Interests of Justice: An inquiry into the Criminal Cases Review Commission](#), 2021, pages 21-22

58 Oral evidence, [Work of the Criminal Cases Review Commission](#), 29 April 2025, Q139

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.⁵⁹

45. CONCLUSION

There is merit in Amanda Pearce's suggestion that the CCRC should be able to explain its decisions on whether to refer cases to the appeal courts. This would allow for greater transparency which would aid proper scrutiny of the Commission's decisions. This might go some way towards rebuilding public trust in the CCRC.

46. 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.

47. CONCLUSION

We support the conclusions of the Westminster Commission and some of the comments made by Karen Kneller regarding the interim chair. The chair should be someone who is not afraid to be honest about the flaws of the CCRC and the changes that need to be made.

48. 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.

49. CONCLUSION

The former Chair held multiple executive roles which gave the perception of a lack of focus and may have contributed to the CCRC's failings.

⁵⁹ Oral evidence, [Work of the Criminal Cases Review Commission](#), 29 April 2025, Q139

50.

RECOMMENDATION

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

51.

CONCLUSION

The CCRC has now been without an interim chair for four months. This is an unacceptably long period of time for the organisation to be without a chair, particularly following a difficult and turbulent period.

Pre-appointment scrutiny of permanent chair appointment

52.

Following Helen Pitcher's resignation in January 2025, the Chair of the Committee wrote to the Ministry of Justice to request that the Justice Committee conduct pre-appointment scrutiny of the role of the CCRC's permanent chair.⁶⁰ The Minister for Courts and Legal Services, Sarah Sackman MP, replied on 7 February 2025, saying:

I am considering this matter and consulting with ministerial colleagues at the Cabinet Office. I will provide an update to the committee as soon as I am able to do so. Given the need to stabilise the organisation, the Lord Chancellor will appoint an interim chair at pace to lead the CCRC. This person will be tasked with undertaking a review of how the organisation operates.⁶¹

53.

Karen Kneller suggested that pre-appointment scrutiny by the Committee of the next permanent CCRC chair would be "helpful" in ensuring their taking up of that role does not come into conflict with any other roles that they hold.⁶²

54.

CONCLUSION

We reiterate the importance of our request for pre-appointment scrutiny of the next permanent chair. We believe this is vital given the recent failings of the CCRC and the shortcomings of the previous chair.

60 Letter from the Chair to the Lord Chancellor regarding formal request to conduct pre-appointment scrutiny: Criminal Cases Review Commission, [22 January 2025](#)

61 Letter from the Minister for Courts and Legal Services regarding outcome of CCRC Chair panel process, [7 February 2025](#)

62 Oral evidence, [Work of the Criminal Cases Review Commission](#), 29 April 2025, Q163

Chief Executive

55. Karen Kneller has acted as Chief Executive of the CCRC since 2013. The chief executive of the organisation has responsibility for its day-to-day running. In the current period, while the Commission are without a permanent or interim chair, Karen Kneller appears to be acting as the effective head of the organisation.⁶³

Helen Pitcher's resignation letter and comments about removing senior management team

56. Helen Pitcher's January 2025 resignation letter alluded to there being internal concerns about the senior leadership team. The Lord Chancellor had convened a panel to determine whether Helen Pitcher should continue in her role as chair, but this document is not published. In referring to this report, Helen Pitcher said:

The Panel report, which I have just received, asserts a number of failings in the organisation I inherited and puts on record advice from departing commissioners to remove the senior management team. This was not feasible and two key figures chose to leave. I formed the judgment that the CEO with appropriate mentoring, development and support was capable along with the Board of overhauling its processes, Leadership and Governance ...⁶⁴

57. Karen Kneller and the CCRC's senior management team have remained in post since the publication of this resignation letter. Karen Kneller told us on more than one occasion that she believes that herself and Amanda Pearce remain the right people to lead the organisation.⁶⁵
58. Karen Kneller offered the following comment to us regarding Helen Pitcher's resignation letter and the comment within it that she had been advised to remove the CCRC's senior management team:

It felt a very strange thing to say in a resignation letter and it was perhaps disappointing and, 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.⁶⁶

63 Oral evidence, [Work of the Criminal Cases Review Commission](#), 29 April 2025, Q25

64 Extract of the letter taken from Rozenberg, [A Lawyer Writes](#) (accessed 14 May 2025)

65 Oral evidence, [Work of the Criminal Cases Review Commission](#), 29 April 2025, Q21; Q164

66 Oral evidence, [Work of the Criminal Cases Review Commission](#), 29 April 2025, Q22

Leadership training courses

59. Karen Kneller told us that she undertook management and leadership training at a business school near Paris, INSEAD.⁶⁷ She was not able to confirm to us the precise sums that were paid, but estimated that “over the course of my 12 or 13 years as Chief Executive the organisation has invested around £50,000 in my development”.⁶⁸ It has been reported in the media that, at the time Karen Kneller enrolled on the course, the CCRC’s former chair held multiple roles at INSEAD, including as president of the business school’s directors network board.⁶⁹ We note the comment made by Helen Pitcher in her resignation letter that the chief executive needed mentoring in order to be capable of overhauling the organisation.⁷⁰

60. When asked why she had chosen courses at INSEAD over others, Karen Kneller stated:

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.⁷¹

61. Karen Kneller told us that one of the key reasons for her choosing this course was that it had been recommended to her by Helen Pitcher.⁷² Karen Kneller did not in her answers address the potential conflict of interest in enrolling on courses at an institution at which Helen Pitcher held a board-level position. It is not clear whether Karen Kneller had considered whether it was right for her to undertake these courses with this potential conflict or whether she was conscious of the potential reputational damage that could be caused by her attending expensive leadership courses while, as she herself told the Committee, the CCRC was under-resourced.

62. Karen Kneller further described the business course in question as “second to none”.⁷³ This acted as further justification for her choosing this course over other courses which may have been less expensive and/or based in the

67 Oral evidence, [Work of the Criminal Cases Review Commission](#), 29 April 2025, Q102

68 Oral evidence, [Work of the Criminal Cases Review Commission](#), 29 April 2025, Q103

69 [CCRC chief spent public funds on luxury hotels for business courses in France](#), The Guardian, 10 February 2025; [Justice watchdog’s ‘absent’ leadership in disarray before review of Letby case](#), The Guardian, 10 February 2025

70 Extract of the letter taken from Rozenberg, [A Lawyer Writes](#) (accessed 14 May 2025)

71 Oral evidence, [Work of the Criminal Cases Review Commission](#), 29 April 2025, Q98

72 Oral evidence, [Work of the Criminal Cases Review Commission](#), 29 April 2025, Q98

73 Oral evidence, [Work of the Criminal Cases Review Commission](#), 29 April 2025, Q100

UK. Karen Kneller felt that this course was the most appropriate to equip her with the skills needed to guide the CCRC through the turbulent times of covid and an extensive digital transformation.⁷⁴

63. As referred to above, Karen Kneller told us that over the course of her time as Chief Executive the Commission had invested around £50,000 in her development.⁷⁵ We were, however, surprised to learn that the leadership courses Karen Kneller had undertaken since 2018 were the first formalised training she had undertaken since becoming chief executive in 2013 and that Helen Pitcher had been the first chair to offer her such training.⁷⁶

64. **CONCLUSION**

We were not satisfied by the justifications given by Karen Kneller for her attendance at expensive training courses in France, using public money. There is a potential conflict of interest in Karen Kneller attending the course at INSEAD on the recommendation of the then Chair who held a board-level position at the business school at that time. It is not clear from Karen Kneller's answers whether proper consideration was given to this.

74 Oral evidence, [Work of the Criminal Cases Review Commission](#), 29 April 2025, Q102

75 Oral evidence, [Work of the Criminal Cases Review Commission](#), 29 April 2025, Q103

76 Oral evidence, [Work of the Criminal Cases Review Commission](#), 29 April 2025, Q108

4 Resources and relationship with the Ministry of Justice

Finances and staffing

65. The CCRC is funded through a cash grant provided by the Ministry of Justice. This grant, referred to as a grant-in-aid, is allocated based on the CCRC's financial needs and is managed through a system of delegated budgets. Most of the CCRC budget is allocated to Resource Departmental Expenditure Limit (RDEL) to cover staff costs. For 2023 to 2024, the CCRC received a delegated RDEL budget excluding notional costs of £8.6 million,⁷⁷ a Capital Departmental Expenditure Limit (CDEL) budget of £215,000 and a Resource Annually Managed Expenditure (RAME) budget of £266,000.
66. The CCRC's budget was significantly cut between 2005 and 2018–19, with day-to-day spending reduced by up to 40 per cent in real terms. In his evidence to the previous Justice Committee in 2015, Richard Foster, former chair of the Commission, highlighted the financial challenges that had faced the organisation over the preceding decade:

In real terms, our current budget is £5.2 million. We have had no increase for inflation for the last 10 years, so in real terms our budget 10 years ago was £8.1 million compared with £5.2 million today. That is the budget. At the same time, our business volumes have exploded. For the last two years, we have had 60 per cent more applications than we had in the previous decade. If I put those two things together, for every £10 that my predecessor had to spend on a case a decade ago, I have £4 today. I am quite certain that that is the biggest cut that has taken place anywhere in the criminal justice system.⁷⁸

77 Notional expenditure is included in the financial statements to ensure that the true cost of operations are represented; notional expenditure relate to the cost of office accommodation, which is borne by the Ministry of Justice.

78 Oral evidence, [The Criminal Cases Review Commission](#), 6 February 2015, Q108

67. However, in the last five to six years, the CCRC's budget has risen from £5.3 million to a projected £9.3 million for 2024–25,⁷⁹ reflecting a 41.2 per cent increase in real terms. Meanwhile, applications to the CCRC have been increasing: in 2023–2024 the CCRC received 1,629 applications, an increase of almost 15 per cent on 2022–2023⁸⁰ and 19 per cent on 2018–2019.⁸¹

68. We asked the Chief Executive, Karen Kneller, how the funding reductions between 2005 and 2018 had affected the work of the Commission and what the funding situation was today. Her response was inconclusive, but gave us the impression that funding was not a pressing concern for the Commission:

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."⁸²

When asked whether funding has had an impact on undertaking DNA testing or commissioning an expert, she said that it had "never" done so.⁸³ Karen Kneller did, however, make some suggestions as to what an increase in budget could be spent on, thereby indicating where resources are tight: "We could appoint more staff. We could address casework more quickly than we currently can"⁸⁴ and "we could bring down the portfolio sizes of case review managers [...] That would make a big difference".⁸⁵

69. She also identified areas where an increase in budget could lead to the Commission extending the service they offer: increasing the support provided to unrepresented applicants, being a more "proactive organisation [...] writ[ing] to people who we think might be affected to encourage them to apply to us" and setting up a "separate, proactive unit" within the Commission to reach more potential applicants.⁸⁶ Amanda Pearce continued:

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

79 The actual spending for 2024–25 has not yet been released.

80 CCRC, [Annual Report and Accounts 2023 to 2024](#), HC281

81 CCRC, [Annual Report and Accounts 2018 to 2019](#), HC2438

82 Oral evidence, [Work of the Criminal Cases Review Commission](#), 29 April 2025, Q132

83 Oral evidence, [Work of the Criminal Cases Review Commission](#), 29 April 2025, Q134

84 Oral evidence, [Work of the Criminal Cases Review Commission](#), 29 April 2025, Q132

85 Oral evidence, [Work of the Criminal Cases Review Commission](#), 29 April 2025, Q136

86 Oral evidence, [Work of the Criminal Cases Review Commission](#), 29 April 2025, Q132

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 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.⁸⁷

70.

CONCLUSION

The significant budget reductions imposed on the Commission in previous decades must have had a lasting effect on its ability to conduct timely and comprehensive investigations, especially when combined with an increasing caseload. Despite recent budget increases, its current expenditure remains 15 per cent lower than it was in 2005 in real terms. The Chief Executive was reticent about giving us a full picture of the resource constraints facing the organisation. She did however suggest that it was currently understaffed, leading to case review managers having large caseloads.

71.

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.

Commissioners and the Board

72.

Commissioners are of fundamental importance to the structure and operation of the Commission. Structurally, under section 8(1) of the Criminal Appeal Act 1995, they are the “body corporate” and form the Commission.⁸⁸ Operationally, they make the final decisions on referrals to the Court of Appeal, determining whether an application should be rejected or referred. The 1995 Act stipulates that two-thirds of commissioners must have “knowledge or experience of any aspect of the criminal justice system”.⁸⁹

87 Oral evidence, [Work of the Criminal Cases Review Commission](#), 29 April 2025, Q132

88 Criminal Appeal Act 1995, [s 8\(1\)](#)

89 Criminal Appeal Act 1995, [s 8\(1\)](#)

73. Although the 1995 Act requires that there are “not fewer than eleven” commissioners,⁹⁰ we were told by Karen Kneller that there are currently only nine in position (all of whom are fee paid).⁹¹ She later clarified in correspondence to the Committee that the last time the CCRC had had a full complement of eleven commissioners was in 2023, dropping to ten with the retirement of a commissioner on 1 January 2024, then dropping to nine with the departure of the former chair on 14 January 2025.⁹² She also said that “the validity of the work of the CCRC or any decision taken is not impacted by commissioner numbers”.⁹³
74. A recent commissioner recruitment campaign (which closed in April 2024) stated that appointments were made for a fixed term of three years for 52 days per annum at £460 per day.⁹⁴ The CCRC’s 2023–24 Annual Report states that there were 10 commissioners, an average full-time equivalent of 2.26, at the end of that year.⁹⁵ However, a decade ago in 2013–14, there were 12 commissioners together representing an FTE of 8.8.⁹⁶
75. Karen Kneller told us that “half a dozen or so” commissioners were needed in addition to those currently in position.⁹⁷ This was, we heard, because a recruitment exercise was around two years overdue, the last one having taken place five years ago,⁹⁸ and that a recruitment exercise currently under way was hoped to result in additional commissioners by this Christmas.⁹⁹ We note that what appears to be the most recent commissioner recruitment campaign closed in April 2024.¹⁰⁰ When asked why recruitment had been so delayed, she said:

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

90 Criminal Appeal Act 1995, [s 8\(1\)](#)

91 Oral evidence, [Work of the Criminal Cases Review Commission](#), 29 April 2025, Q89; Q125

92 Letter from Karen Kneller and Amanda Pearce to the Chair, [13 May 2025](#)

93 Letter from Karen Kneller and Amanda Pearce to the Chair, [13 May 2025](#)

94 Gov.uk, Criminal Cases Review Commission - Commissioners (accessed 16 May 2025)

95 CCRC, [Annual Report and Accounts 2023 to 2024](#), HC281 p 82

96 CCRC, [Annual Report and Accounts 2013 to 2014](#), HC207 p13

97 Oral evidence, [Work of the Criminal Cases Review Commission](#), 29 April 2025, Q120

98 Oral evidence, [Work of the Criminal Cases Review Commission](#), 29 April 2025, Q92

99 Oral evidence, [Work of the Criminal Cases Review Commission](#), 29 April 2025, Q91

100 [Criminal Cases Review Commission - Commissioners](#), gov.uk

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.¹⁰¹

76.

CONCLUSION

Operating without a full quota of commissioners and delays to their recruitment are serious and urgent issues for the CCRC. However, Karen Kneller's evidence did not appear to reflect this, demonstrated by her response that recruitment is not up to the Commission. While the Ministry of Justice is ultimately responsible, it is up to the Commission to lobby, exert pressure and push for the process to be speeded up. Given the importance of commissioners to the organisation, the leadership could have been lobbying the Ministry of Justice much harder to resolve the fee issue and speed up recruitment—far more than just “regular contact” is required.

77.

CONCLUSION

Karen Kneller told us that the “validity of the work of the CCRC or any decision taken is not impacted by commissioner numbers”. We question this assertion. Operating without a full quota of commissioners, in other words ‘short-staffed’, must place pressure on those in position, thereby increasing organisational risk. This is further evidence that the CCRC leadership does not appear to us to be treating this issue with the seriousness it warrants.

78.

CONCLUSION

The Ministry of Justice's approach to commissioner recruitment, including the recruitment of an interim chair, is also concerning. We are shocked that negotiations over the fee paid to commissioners took as long as three years to resolve and that a recruitment exercise that appears to have begun in April 2024 will take until the end of 2025 to conclude.

79.

CONCLUSION

We are concerned that the current terms of appointment for commissioners are not sufficiently attractive to recruit and retain the best possible candidates. Further, a minimum time commitment of 52 days per annum does not seem sufficient.

101 Oral evidence, [Work of the Criminal Cases Review Commission](#), 29 April 2025, Q93

80.

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.

81.

Following a Ministry of Justice Tailored Review in 2019, changes were made to the governance arrangements of the CCRC which had the effect of fundamentally altering the role of commissioners within them. Until 2019, the CCRC Board comprised the chair and commissioners, the senior leadership team and three non-executive directors (in total around 19 members). The Tailored Review found that the Board was “not compliant with the principles set out in the UK Corporate Governance Code in terms of its size and balance” and recommended its effectiveness would be improved through the creation of a “smaller and balanced” board.¹⁰² The recommendation was accepted and implemented by the former Chair, Helen Pitcher, leaving four commissioners including the chair on the board, alongside three executives and three non-executive directors.¹⁰³ The ‘body corporate’ of commissioners still meets separately to the CCRC Board twice yearly, as well as holding informal ad hoc meetings.¹⁰⁴ When asked whether, given their integral role in the CCRC’s work, commissioners were sufficiently engaged in its governance, Karen Kneller said:

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.¹⁰⁵

The Chair of the CCRC is responsible for leading both the Board and the ‘body corporate’.

82.

Following the oral evidence session, we received a letter from the CCRC Commissioners which highlighted that the fact that, although the CCRC is constituted as a Body Corporate, the Board includes only three commissioners.¹⁰⁶ They went on to say that “this distinction is important in

102 Ministry of Justice, [Tailored Review of the Criminal Cases Review Commission](#), 2019, page 4

103 *R (Warner) v Secretary of State for Justice* [2020] EWHC 1894 (Admin), para 70; Q127

104 Oral evidence, [Work of the Criminal Cases Review Commission](#), 29 April 2025, Q129

105 Oral evidence, [Work of the Criminal Cases Review Commission](#), 29 April 2025, Q130

106 Letter from CCRC Commissioners to the Chair, received on 15 May 2025

understanding the respective roles of individual commissioners versus the collective governance function” and that the incoming interim chair may wish to review the arrangement. We agree.

83. CONCLUSION

Commissioners, who take the key decisions in respect of the CCRC’s work, are the backbone of the organisation. The arrangements introduced in 2019 changed the role set out for them in statute with the effect that they are now no longer fully involved in, and able to input into, the making of key decisions about the organisation.

84. RECOMMENDATION

The interim chair’s review should consider the impact of this change, with a view to substantially increasing the number of commissioners on the CCRC Board. The review should also consider whether the current corporate structure of the organisation and its lines of decision-making are appropriate.

Relationship with the Ministry of Justice

85. In a judicial review case brought in 2018 by Gary Warner, an unsuccessful applicant, the Divisional Court considered the extent to which the CCRC’s relationship with the Ministry of Justice undermined its independence. In a judgment published in 2020, Lord Justice Fulford and Mrs Justice Whipple concluded that, between 2016 and 2019, as a result of the Ministry of Justice’s Tailored Review and the changes proposed by it and changes to the terms and conditions of commissioners,¹⁰⁷ the relationship between the Commission and the Ministry of Justice had become “very poor [...], even dysfunctional [which] undoubtedly tested the CCRC’s ability to remain independent of MoJ, and to be seen to be so”.¹⁰⁸

86. Karen Kneller told us that the relationship today between the Commission and the Ministry of Justice was “constructive” and “good” and she emphasised the Commission’s independence from the Ministry of Justice, saying that she was “very comfortable” with it.¹⁰⁹ She did venture to say that “things can take longer than we would like”, pointing to commissioner recruitment as an example.¹¹⁰ And, later on she said that “as an organisation, we struggle to get our voice heard”.¹¹¹

107 Ministry of Justice, [Tailored Review of the Criminal Cases Review Commission](#), 2019

108 *R (Warner) v Secretary of State for Justice* [2020] EWHC 1894 (Admin)

109 Oral evidence, [Work of the Criminal Cases Review Commission](#), 29 April 2025, Q158

110 Oral evidence, [Work of the Criminal Cases Review Commission](#), 29 April 2025, Q156

111 Oral evidence, [Work of the Criminal Cases Review Commission](#), 29 April 2025, Q160

87.

CONCLUSION

We are concerned about the CCRC's independence and its relationship with the Ministry of Justice. Independence requires the chair and senior leadership to prioritise and defend the interests and constitutional functions of the institution above all. In practice, this does not appear to be happening. This is demonstrated by the decision to delay the publication of the report by Chris Henley KC into the CCRC's handling of the Andrew Malkinson case due to the pre-election period.

88.

CONCLUSION

It appears to us that the senior leaders have not been doing enough to challenge the Ministry of Justice and ensure that it has the resources it needs to carry out its functions. We are unclear whether this is due to a lack of robust lobbying on the part of the Commission's leadership or a failing on the Ministry of Justice's part to provide the Commission with the support that it needs.

89.

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.

5 Remote-first

90. The CCRC has had an office in central Birmingham since its inception. In January 2022, rather than moving to a post-pandemic hybrid model of working like many other workplaces, the Commission decided to adopt fully remote working permanently, a policy which it refers to as “remote-first”. Its staff work only from home and meetings and other interactions, including most Board meetings, take place online. The office in Birmingham is, however, still maintained and used daily by some staff who are required to be there¹¹² and used by all staff “when meetings are best held in person”.¹¹³ Karen Kneller and Amanda Pearce told us that, although they live in the West Midlands, they come into the office “one or two days every couple of months”¹¹⁴ but are “available and online all the time”.¹¹⁵
91. In the run up to the evidence session, former commissioners and case review managers whose work at the Commission had been office-based conveyed their concerns to us about the remote-first policy. We heard that the office layout, where case review managers with complementary experience—for example, a criminal lawyer and a former police officer—sat together alongside a commissioner, fostered collaborative working. It enabled expertise to be shared, advice and support to be sought and, importantly, commissioners to be kept abreast of cases throughout the review process. There was, we heard, a vibrant, collegiate relationship between commissioners and staff. Amanda Pearce described the arrangements currently in place to maintain virtual staff relationships:

We encourage people to make contact with each other and to work collaboratively where that is appropriate. We then have line 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.¹¹⁶

In their letter to the Committee following the oral evidence session, the CCRC leadership emphasised that remote-first had not affected the CCRC’s work:

112 Oral evidence, [Work of the Criminal Cases Review Commission](#), 29 April 2025, Q7
113 Letter from Karen Kneller and Amanda Pearce to the Chair, [13 May 2025](#)
114 Oral evidence, [Work of the Criminal Cases Review Commission](#), 29 April 2025, Q3; Q6
115 Oral evidence, [Work of the Criminal Cases Review Commission](#), 29 April 2025, Q170
116 Oral evidence, [Work of the Criminal Cases Review Commission](#), 29 April 2025, Q144

The values of the CCRC, our practices and our use of technology mean that we do not all have to be in the same place to maintain high visibility and team cohesion, provide strong leadership and deliver our statutory responsibilities effectively.¹¹⁷

92. In her evidence to the Committee, Karen Kneller explained that the decision to move to fully remote working was driven by recruitment. She told us that they had “effectively exhausted the local pool of candidates”¹¹⁸ and could “no longer match the salaries of some of the businesses in the Birmingham area”,¹¹⁹ so needed to be able to draw on candidates from a larger area. We were told that, since moving to fully remote working, they had been able to “grow significantly the pool of talent available” and “recruit a high calibre of team members from across the UK”.¹²⁰ CCRC employees, including commissioners, now live and work across the UK¹²¹ and, according to the CCRC’s 2023–24 Annual Report, “the vast majority of staff [are] being recruited from areas outside the daily commutable area of our office in Birmingham”.¹²²

93. **CONCLUSION**

We were shocked by the CCRC leadership’s decision—quite out of line with the rest of the public sector where hybrid working prevails—to turn the organisation fully remote. We struggle to understand how investigative case work, with its complexities and potential for distress, is suitable to be undertaken fully from home, even with the most robust virtual support in place. We find it difficult to see how staff can readily and spontaneously get advice, talk through difficult issues or share concerns—with each other and with commissioners—in the way they had done in the office. Amanda Pearce told us that that there was “no magic” to working in the office. Although we would not describe it as “magic”, we believe that there is much to be gained for staff and their work from interacting in the office.

94. **RECOMMENDATION**

Fundamentally, we question whether fully remote working is right for the Commission and urge the interim chair to evaluate its impact on the Commission’s efficiency, the quality of casework and on staff wellbeing and morale.

117 Letter from Karen Kneller and Amanda Pearce to the Chair, [13 May 2025](#)

118 Oral evidence, [Work of the Criminal Cases Review Commission](#), 29 April 2025, Q7

119 Oral evidence, [Work of the Criminal Cases Review Commission](#), 29 April 2025, Q9

120 Letter from Karen Kneller and Amanda Pearce to the Chair, [13 May 2025](#)

121 Oral evidence, [Work of the Criminal Cases Review Commission](#), 29 April 2025, Q17

122 CCRC, [Annual Report and Accounts 2023 to 2024](#), HC281

95.

CONCLUSION

We were told that recruitment played a role in the decision to become fully remote. However, we hope that other options were thoroughly explored first and staff were consulted before this drastic step was taken. Moving to a hybrid model of working in January 2022 may have been sufficient to widen the pool of candidates given Birmingham's central location and good transport links. If recruitment was the driving factor, the CCRC's senior leaders should have been pushing the Ministry of Justice hard for more funding to enable the Commission to offer competitive salaries.

96.

CONCLUSION

The regular physical presence of senior leaders in the office conveys, to staff and stakeholders, that the leadership is present, operational and effective.

97.

RECOMMENDATION

We recommend that the senior leadership should have a regular presence in the office, particularly in light of recent events and the high-profile criticism directed at the Commission. In our view, it is imperative that the organisation moves towards a hybrid model to ensure that it operates more effectively.

6 Conclusions on the CCRC's effectiveness and leadership

98. As referred to in paragraph 7, in 2015 our predecessor Committee said:

We conclude that the CCRC is performing its functions reasonably well, and we have identified areas for improvement, but we were struck by the disparity between what critics believe it to be doing and what it claims that it is doing. At times there was complete disagreement, even on objective and factual matters. This indicates that at the very least the CCRC has a problem with public perception, including with the awareness of applicants as to what it can do for them and of all stakeholders, including applicants, their representatives, and others, as to how it operates. The CCRC will never convince its most vociferous detractors, but it could be doing more to ensure that its work and processes are well understood.¹²³

99. **CONCLUSION**

We conclude that, a decade on from our predecessor Committee's inquiry into the CCRC, there is evidence that the situation for the CCRC has deteriorated significantly. At the time of writing, the CCRC lacks a chair and has struggled to secure a sufficient number of commissioners, which are central to how it operates. The CCRC has moved to remote-first as a means of operation, which is out of step with the rest of the public sector and seems unsuited to the nature of their work. An independent review found a number of significant failures in how it dealt with one of the most significant miscarriages of justice of recent times. The leadership of the organisation failed to respond adequately to Andrew Malkinson's acquittal and to the publication of the independent review.

123 Justice Committee, Twelfth Report of Session 2014–15, [Criminal Cases Review Commission](#), March 2015, HC 850

100. CONCLUSION

The CCRC is a hugely important organisation and the senior leadership could have done much more in their evidence to reassure us that they understood the seriousness of the criticisms it has faced and the need for an overhaul of the organisation to rebuild public trust and provide applicants to the CCRC with the justice they deserve. For an organisation that is designed to identify failures within the criminal justice system, the CCRC's leadership has shown a remarkable inability to learn from its own mistakes.

101. CONCLUSION

We are concerned that the current structure of the CCRC does not appear to be functioning as it should. The Criminal Appeal Act 1995 created the CCRC as a body corporate, with the commissioners as members of the Commission, vested with the statutory functions to investigate and refer miscarriages of justice to the courts. At present, it appears that the relationship between the commissioners and the senior leadership team is not operating effectively. The absence of a chair, or even an interim chair, since January appears to have caused significant difficulties. The Ministry of Justice must take a degree of responsibility for not putting a plan in place to replace Helen Pitcher.

102. RECOMMENDATION

We recommend that the interim chair's review considers how the relationship between the commissioners and the senior leadership team can be made to operate more effectively.

103. CONCLUSION

The released extracts from the panel report on the former Chair made clear that one of her main failings was the absence of any evidence that the Chief Executive's performance was subject to sufficient challenge. It is likely that the interim chair will have to bring about significant changes to the working practices of the CCRC. These changes are likely to involve undoing practices brought in by the current Chief Executive.

104. CONCLUSION

The information provided to us by Chris Webb and Chris Henley KC has raised significant doubts regarding the evidence given by Karen Kneller on 29 April. Subsequently, in response to that information, Karen Kneller has provided some clarifications of her statements. We are not persuaded by these clarifications. It is regrettable that her original answers were not satisfactory and required further clarification.

105.

CONCLUSION

We cannot perform our scrutiny function if witnesses provide incomplete or partial responses to our questions. The information provided since the session establishes that Karen Kneller omitted important information that would have provided a more accurate account of how the CCRC handled the Henley report. As a result of our concerns regarding the performance of the CCRC and the unpersuasive evidence Karen Kneller provided to the Committee, we no longer feel that it is tenable for her to continue as Chief Executive of the CCRC.

EMBARGOED ADVANCE NOTICE: Not to be published in full, or in part, in any form before 00.01am on Friday 23 May 2025

Conclusions and recommendations

Introduction

1. 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. (Recommendation, Paragraph 3)

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

2. It should not have taken an independent review for the CCRC to apologise to Andrew Malkinson. The public statements of the then Chair of the CCRC, Helen Pitcher, after Andrew Malkinson's acquittal were woefully inadequate and showed a worrying lack of understanding of the potential damage to the CCRC's reputation and public confidence that would almost inevitably arise from a failure to admit its mistakes and to apologise. By failing to offer a timely apology and by seeking to claim credit for the acquittal, the leadership of the CCRC caused significant damage to the organisation's reputation. The CCRC's statements gave the impression that the organisation and its leadership were more concerned with defending their own reputation than offering an honest assessment of how they had failed Andrew Malkinson. (Conclusion, Paragraph 18)
3. Karen Kneller's statements on 29 April in relation to the version of the report sent to the CCRC by Chris Henley KC in January 2024 are problematic. Chris Henley KC was entitled to be concerned that Karen Kneller had wrongly suggested that he was somehow partly responsible for the delays in finalising the report. We welcome the clarifications provided by Karen Kneller in her letter on 20 May, but we regret that these were only provided because of Chris Henley KC's further correspondence. (Conclusion, Paragraph 21)

4. The Committee does not understand why the CCRC would consider itself bound by the government's General Election guidance. Even if it did consider the guidance applicable, we do not understand why applying that guidance would lead to the conclusion that the report should not be published, given that this was not a party-political issue. The report was concerned with the CCRC's approach to Andrew Malkinson's applications, not with government decision-making. We accept that after the General Election was called on 22 May 2024, the CCRC might have decided to check with the Ministry of Justice whether the Henley report could be published. However, we were not convinced by Karen Kneller and Amanda Pearce's explanation that publication was impossible. Given the CCRC's constitutional independence and the importance of the report, the leadership of the CCRC should have arrived at their own view as to whether publication at the earliest possible date was necessary, whatever the guidance or the Ministry of Justice said. (Conclusion, Paragraph 25)
5. Chris Webb's resignation letter to Karen Kneller set out several concerns over the delays to the publication of the Henley report. When asked about the reason why Chris Webb resigned in the evidence session on 29 April, Karen Kneller's answers did not reflect the content of Chris Webb's resignation letter. Karen Kneller's responses indicated that she was aware that he had "hoped the report would have been published earlier". Karen Kneller has since provided clarification to us as to the intention of her answers to this line of questioning. However, in our view Karen Kneller's answers misrepresented the true position, which was that Chris Webb had communicated significant concerns over both the causes and consequences of the delays to the publication of the report. (Conclusion, Paragraph 29)
6. We accept that it was appropriate for the CCRC to provide feedback to Chris Henley KC on the version of the report that had been shared with them. However, it was inappropriate for the CCRC to suggest to Chris Henley KC that his report should not draw broader conclusions on the CCRC as an organisation and its casework based on his analysis of the CCRC's handling of Andrew Malkinson's case. The CCRC's leadership should have accepted that the gravity of the failings in the handling in the Andrew Malkinson case would lead to concerns that it was highly unlikely to be an isolated example. In fact, the extracts from the CCRC's letter to Chris Henley KC on 11 March 2024 indicate that the leadership were operating under the misguided assumption that the fallout from the report could be contained if they simply accepted the recommendations and referred to the fact that the findings "were limited to this case". (Conclusion, Paragraph 36)
7. In her evidence on 29 April and her letter on 20 May, Karen Kneller denied that the CCRC had attempted to water down the report in any way. Karen Kneller did not inform us in her evidence that one of the reasons the Henley report was delayed was that the CCRC had expressly requested changes to

minimise the impact of Henley's findings and conclusions. These requests did not represent "additional information", "typographical errors" or "factual issues". In our view, it was entirely inappropriate to commission an independent review by a leading criminal lawyer and then to seek to suggest that the reviewer should alter their findings. We are disappointed that Karen Kneller's letter on 20 May does not even acknowledge that asking Chris Henley KC to limit the breadth of his conclusions and remove potential "soundbites" was in any way problematic. (Conclusion, Paragraph 37)

8. The leadership's handling of the Henley report was utterly incompetent. The level of delay and the attempt to minimise the damage to the CCRC's reputation were a spectacular failure of leadership. (Conclusion, Paragraph 38)
9. In our view, Chris Henley KC's assessment of the work done by the CCRC was damning. It is true of course that the review focused only on one case, but it is also clear beyond doubt that Chris Henley KC's conclusions have significant implications for the CCRC's overall approach to its casework. The mistakes made in relation to Andrew Malkinson's application should have been taken as evidence of systemic problems within the CCRC. It was therefore wrong for the CCRC to repeatedly emphasise that Chris Henley KC's report was "necessarily limited" to one case. The CCRC stated that they accepted all of Chris Henley KC's recommendations, which we welcome. However, we are unconvinced that the CCRC has taken on board the strength of his overall conclusions about the quality of the CCRC's work on Andrew Malkinson's applications. Those findings have significantly damaged public confidence in the CCRC's approach to its work. The CCRC's response should have reflected the severity of Chris Henley KC's conclusions. (Conclusion, Paragraph 39)

Leadership

10. There is merit in Amanda Pearce's suggestion that the CCRC should be able to explain its decisions on whether to refer cases to the appeal courts. This would allow for greater transparency which would aid proper scrutiny of the Commission's decisions. This might go some way towards rebuilding public trust in the CCRC. (Conclusion, Paragraph 45)
11. 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. (Recommendation, Paragraph 46)

12. We support the conclusions of the Westminster Commission and some of the comments made by Karen Kneller regarding the interim chair. The chair should be someone who is not afraid to be honest about the flaws of the CCRC and the changes that need to be made. (Conclusion, Paragraph 47)
13. 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. (Recommendation, Paragraph 48)
14. The former Chair held multiple executive roles which gave the perception of a lack of focus and may have contributed to the CCRC's failings. (Conclusion, Paragraph 49)
15. The next permanent chair or interim chair of the CCRC should be dedicated to the organisation above all other duties. (Recommendation, Paragraph 50)
16. The CCRC has now been without an interim chair for four months. This is an unacceptably long period of time for the organisation to be without a chair, particularly following a difficult and turbulent period. (Conclusion, Paragraph 51)
17. We reiterate the importance of our request for pre-appointment scrutiny of the next permanent chair. We believe this is vital given the recent failings of the CCRC and the shortcomings of the previous chair. (Conclusion, Paragraph 54)
18. We were not satisfied by the justifications given by Karen Kneller for her attendance at expensive training courses in France, using public money. There is a potential conflict of interest in Karen Kneller attending the course at INSEAD on the recommendation of the then Chair who held a board-level position at the business school at that time. It is not clear from Karen Kneller's answers whether proper consideration was given to this. (Conclusion, Paragraph 64)

Resources and relationship with the Ministry of Justice

19. The significant budget reductions imposed on the Commission in previous decades must have had a lasting effect on its ability to conduct timely and comprehensive investigations, especially when combined with an increasing caseload. Despite recent budget increases, its current expenditure remains 15 per cent lower than it was in 2005 in real terms. The Chief Executive was reticent about giving us a full picture of the resource constraints

facing the organisation. She did however suggest that it was currently understaffed, leading to case review managers having large caseloads. (Conclusion, Paragraph 70)

20. 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. (Recommendation, Paragraph 71)
21. Operating without a full quota of commissioners and delays to their recruitment are serious and urgent issues for the CCRC. However, Karen Kneller's evidence did not appear to reflect this, demonstrated by her response that recruitment is not up to the Commission. While the Ministry of Justice is ultimately responsible, it is up to the Commission to lobby, exert pressure and push for the process to be speeded up. Given the importance of commissioners to the organisation, the leadership could have been lobbying the Ministry of Justice much harder to resolve the fee issue and speed up recruitment—far more than just “regular contact” is required. (Conclusion, Paragraph 76)
22. Karen Kneller told us that the “validity of the work of the CCRC or any decision taken is not impacted by commissioner numbers”. We question this assertion. Operating without a full quota of commissioners, in other words ‘short-staffed’, must place pressure on those in position, thereby increasing organisational risk. This is further evidence that the CCRC leadership does not appear to us to be treating this issue with the seriousness it warrants. (Conclusion, Paragraph 77)
23. The Ministry of Justice's approach to commissioner recruitment, including the recruitment of an interim chair, is also concerning. We are shocked that negotiations over the fee paid to commissioners took as long as three years to resolve and that a recruitment exercise that appears to have begun in April 2024 will take until the end of 2025 to conclude. (Conclusion, Paragraph 78)
24. We are concerned that the current terms of appointment for commissioners are not sufficiently attractive to recruit and retain the best possible candidates. Further, a minimum time commitment of 52 days per annum does not seem sufficient. (Conclusion, Paragraph 79)
25. 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. (Recommendation, Paragraph 80)
26. Commissioners, who take the key decisions in respect of the CCRC's work, are the backbone of the organisation. The arrangements introduced as a result of the Ministry of Justice's Tailored Review in 2019 changed the role

set out for them in statute with the effect that they are now no longer fully involved in, and able to input into, the making of key decisions about the organisation. (Conclusion, Paragraph 83)

27. The interim chair's review should consider the impact of this change, with a view to substantially increasing the number of commissioners on the CCRC Board. The review should also consider whether the current corporate structure of the organisation and its lines of decision-making are appropriate. (Recommendation, Paragraph 84)
28. We are concerned about the CCRC's independence and its relationship with the Ministry of Justice. Independence requires the chair and senior leadership to prioritise and defend the interests and constitutional functions of the institution above all. In practice, this does not appear to be happening. This is demonstrated by the decision to delay the publication of the report by Chris Henley KC into the CCRC's handling of the Andrew Malkinson case due to the pre-election period. (Conclusion, Paragraph 87)
29. It appears to us that the senior leaders have not been doing enough to challenge the Ministry of Justice and ensure that it has the resources it needs to carry out its functions. We are unclear whether this is due to a lack of robust lobbying on the part of the Commission's leadership or a failing on the Ministry of Justice's part to provide the Commission with the support that it needs. (Conclusion, Paragraph 88)
30. 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. (Recommendation, Paragraph 89)

Remote-first

31. We were shocked by the CCRC leadership's decision—quite out of line with the rest of the public sector where hybrid working prevails—to turn the organisation fully remote. We struggle to understand how investigative case work, with its complexities and potential for distress, is suitable to be undertaken fully from home, even with the most robust virtual support in place. We find it difficult to see how staff can readily and spontaneously get advice, talk through difficult issues or share concerns—with each other and with commissioners—in the way they had done in the office. Amanda Pearce told us that that there was “no magic” to working in the office. Although we would not describe it as “magic”, we believe that there is much to be gained for staff and their work from interacting in the office. (Conclusion, Paragraph 93)

32. Fundamentally, we question whether fully remote working is right for the Commission and urge the interim chair to evaluate its impact on the Commission's efficiency, the quality of casework and on staff wellbeing and morale. (Recommendation, Paragraph 94)
33. We were told that recruitment played a role in the decision to become fully remote. However, we hope that other options were thoroughly explored first and staff were consulted before this drastic step was taken. Moving to a hybrid model of working in January 2022 may have been sufficient to widen the pool of candidates given Birmingham's central location and good transport links. If recruitment was the driving factor, the CCRC's senior leaders should have been pushing the Ministry of Justice hard for more funding to enable the Commission to offer competitive salaries. (Conclusion, Paragraph 95)
34. The regular physical presence of senior leaders in the office conveys, to staff and stakeholders, that the leadership is present, operational and effective. (Conclusion, Paragraph 96)
35. We recommend that the senior leadership should have a regular presence in the office, particularly in light of recent events and the high-profile criticism directed at the Commission. In our view, it is imperative that the organisation moves towards a hybrid model to ensure that it operates more effectively. (Recommendation, Paragraph 97)

Conclusions on the CCRC's effectiveness and leadership

36. We conclude that, a decade on from our predecessor Committee's inquiry into the CCRC, there is evidence that the situation for the CCRC has deteriorated significantly. At the time of writing, the CCRC lacks a chair and has struggled to secure a sufficient number of commissioners, which are central to how it operates. The CCRC has moved to remote-first as a means of operation, which is out of step with the rest of the public sector and seems unsuited to the nature of their work. An independent review found a number of significant failures in how it dealt with one of the most significant miscarriages of justice of recent times. The leadership of the organisation failed to respond adequately to Andrew Malkinson's acquittal and to the publication of the independent review. (Conclusion, Paragraph 99)
37. The CCRC is a hugely important organisation and the senior leadership could have done much more in their evidence to reassure us that they understood the seriousness of the criticisms it has faced and the need for an overhaul of the organisation to rebuild public trust and provide applicants to the CCRC with the justice they deserve. For an organisation that is

designed to identify failures within the criminal justice system, the CCRC's leadership has shown a remarkable inability to learn from its own mistakes. (Conclusion, Paragraph 100)

38. We are concerned that the current structure of the CCRC does not appear to be functioning as it should. The Criminal Appeal Act 1995 created the CCRC as a body corporate, with the commissioners as members of the Commission, vested with the statutory functions to investigate and refer miscarriages of justice to the courts. At present, it appears that the relationship between the commissioners and the senior leadership team is not operating effectively. The absence of a chair, or even an interim chair, since January appears to have caused significant difficulties. The Ministry of Justice must take a degree of responsibility for not putting a plan in place to replace Helen Pitcher. (Conclusion, Paragraph 101)
39. We recommend that the interim chair's review considers how the relationship between the commissioners and the senior leadership team can be made to operate more effectively. (Recommendation, Paragraph 102)
40. The released extracts from the panel report on the former Chair made clear that one of her main failings was the absence of any evidence that the Chief Executive's performance was subject to sufficient challenge. It is likely that the interim chair will have to bring about significant changes to the working practices of the CCRC. These changes are likely to involve undoing practices brought in by the current Chief Executive. (Conclusion, Paragraph 103)
41. The information provided to us by Chris Webb and Chris Henley KC has raised significant doubts regarding the evidence given by Karen Kneller on 29 April. Subsequently, in response to that information, Karen Kneller has provided some clarifications of her statements. We are not persuaded by these clarifications. It is regrettable that her original answers were not satisfactory and required further clarification. (Conclusion, Paragraph 104)
42. We cannot perform our scrutiny function if witnesses provide incomplete or partial responses to our questions. The information provided since the session establishes that Karen Kneller omitted important information that would have provided a more accurate account of how the CCRC handled the Henley report. As a result of our concerns regarding the performance of the CCRC and the unpersuasive evidence Karen Kneller provided to the Committee, we no longer feel that it is tenable for her to continue as Chief Executive of the CCRC. (Conclusion, Paragraph 105)

Appendix 1: Correspondence from Chris Webb to Karen Kneller, dated 5 July 2024

Dear Karen,

I am writing to inform you that, after careful consideration, I have decided to terminate my contract with the Criminal Cases Review Commission (CCRC) as per the terms and conditions of our agreement, from the date of this letter.

As you are aware, I was commissioned by the CCRC in November 2023, to provide strategic crisis communication advice to the Commission, supporting them with the handling and publication of the Chris Henley KC Report into the case of Andrew Malkinson, through to 31st March 2024. Given that the Henley Report was still unpublished by the end of March, I obtained further agreement to continue supporting the CCRC until publication of the report which, at that time, I understood to be imminent.

However, the publication of the report continues to be delayed due to circumstances both outside of the CCRC's control and of its own making. With no agreed publication date forthcoming, I believe that I can no longer make a significant or meaningful contribution to this work and therefore feel it is right for me to step away.

Over the last seven months [CCRC staff member] and I have worked diligently on many plans for the publication of the Henley Report, considering all conceivable outcomes and presenting the best options to deal with them. We have now reached a position which, I believe, is no longer sustainable. I have grave concerns that the non- publication of the Henley Report in the immediate future, brings considerable risks to the reputation of the Commission and the Chairman. It also means that the CCRC has not followed through on undertakings given to Andrew Malkinson and other stakeholders.

In coming to this decision, I have also considered my own position. As a specialist crisis comms consultant who relies on my reputation and network to attract new contract work, I am sure you understand that it is untenable for me to be party to decisions and actions that I can no longer agree with or support.

I would like to thank you and colleagues at the CCRC for giving me the opportunity to work with you. [CCRC staff Member] is an excellent asset to your organisation and I have enjoyed working with him immensely. In my professional opinion, his commitment to the Commission as well as his judgement on many difficult and controversial issues has been outstanding.

I will send my final invoice and arrange for the return of the CCRC laptop to you within the next 14 days.

Yours sincerely,

Chris Webb (MCIPR)
Director

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Appendix 2: Correspondence from Chris Webb to the Justice Committee, dated 15 May 2025

Dear Mr. Slaughter,

Following a telephone call from Tessa Munt MP on 15th May 2025 which was in response to my email and CCRC resignation letter sent to both of you, Ms Munt posed additional questions and invited me to highlight any further information that might assist the Justice Committee.

I am currently away from home and do not have access to my full personal notes, however I have compiled an account of the top five issues which I believe are relevant and should be brought to your attention.

1. Management of the Henley Report

As I have already stated, I repeatedly raised concerns, with the Chief Executive, Karen Kneller; the Chairman, Helen Pitcher; and [Committee Staff Member], acting [Position], regarding the delays in publishing the Henley Report.

From the beginning of my appointment, weekly meetings were held to discuss the progress, emerging issues, and risks connected with the Henley Report. These meetings were attended by Karen Kneller, Amanda Pearce, [CCRC staff] and me.

Following receipt of the first draft of the report in January 2024, detailed discussions took place among Karen Kneller, Amanda Pearce, [and other Committee staff Members] in relation to the report's content and tone. There was a view among some that the language used was "provocative".

After a short time, I became deeply concerned that decisions regarding the Henley Report were being taken by Ms Kneller—the same individual who, during Mr Malkinson's applications to the CCRC, held the position of Head

of Casework. In my view, this constituted a clear conflict of interest. As one person aptly described it to me, it was akin to “an individual marking their own homework.”

2. Advice on Resolving the Conflict of Interest

I raised my concerns directly with the Chairman, Helen Pitcher, and recommended the establishment of a “GOLD Group”—an independent oversight body that could make decisions in the best interests of the organisation with complete impartiality. I further proposed that this group be chaired by an external third party to ensure genuine independence. As part of the initial scoping, I approached [name], the former [Position] who has substantial experience in managing critical incidents.

Ms Pitcher spoke directly with [former Position] and, while she ultimately agreed to the formation of an independent oversight group, she determined that the group should be chaired by a lay member of the CCRC Board. Consequently, [name] was appointed as Chair.

This group met periodically to review the Henley Report, consider revisions, and discuss the timing and arrangements for publication. Importantly, Ms Kneller was not a member of this group.

3. Date of Publication

Between March and July 2024, several publication dates were proposed and subsequently deferred for varying reasons. By late June, no clear timescales had been set and there were discussions suggesting that publication might be postponed until September or later. I strongly opposed this suggestion. For me, it was the final straw—as reflected in my resignation letter.

While the announcement of the General Election did have an impact, it was apparent that decisions around timing were also influenced by other factors—including annual leave and the availability of key individuals—rather than the interests of Mr Malkinson or the impact on the wider Commission.

4. Was Pressure Put on Chris Henley to Change the Report?

I cannot speak to whether Mr Henley felt under pressure to alter the tone or content of the report. This is a matter for the Committee to explore directly with Mr Henley.

5. Awareness of Other Cases

Effective crisis communication requires a comprehensive understanding of all organisational risks. I recommended the creation of a risk matrix to identify and assess vulnerabilities, but this was not produced. Nevertheless, other cases—and their associated risks—were discussed during our weekly meetings.

However, these were typically addressed on a case-by-case basis, rather than being considered collectively, even though in my view there were clear patterns and recurring failings.

I hope this information is of use to the Committee. Please do not hesitate to contact me if any further clarification is required.

Yours sincerely,

Chris Webb (MCIPR)
Director
CriComm Ltd

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Appendix 3: Correspondence from Chris Henley KC to the Justice Committee, dated 16 May 2025

Dear Mr Slaughter,

I watched Karen Kneller, the Chief Executive of the CCRC, give evidence to your Committee on Tuesday 29th April, concerning my Report into their handling of the Andrew Malkinson case. I was very disappointed to listen to her answers.

The suggestion that somehow ‘typographical errors’ and ‘tracked changes’ in the report, which she repeatedly referred to as very much a draft, as being the explanation in the long delay in publication, was thoroughly misleading. There were no tracked changes in the version I sent to the CCRC, no typographical errors were raised with me by the CCRC and I did not describe it as a draft when I sent it through to them at the end of January.

I received a letter from the CCRC on 11th March which made certain requests of me to change the language, or particular words because the CCRC was anxious about criticism which was likely to follow. I considered these requests, but it was obvious that the CCRC’s overriding concern was to limit the negative impact the Report would have on the CCRC and its then Chair. I thought it reasonable and proper to consider the requests, and in some respects, in fairness, I made limited adjustments, but without diminishing, I hope, the clear message and conclusions of my report.

The one thing I was not prepared to say was that there were no broader implications to my findings, which is what the CCRC were at pains for me to say. All I could say was that I had only examined material relating to the Malkinson case, but my conclusions show that my concerns about quality and oversight ran more widely.

I raised on a number of occasions my unhappiness with the delay in publishing the final version of the report. It felt like every stage was taking far too long, and like you I was unconvinced about the need for delay caused by the calling of the general election. (I noted that you didn't get a satisfactory answer to your enquiry on this point either).

I understood the need for the Judicial Inquiry team and the GMP to have a say in possible areas for redaction but this should have been much more swiftly in my view.

I attach a copy of the letter I received from Amanda Pearce on the CCRC's behalf on 11 March so that you can judge whether Karen Kneller's answers to you were accurate. I am of course happy to assist you further in any way you consider necessary.

I have copied in your colleague Tessa Munt MP as she seemed particularly interested and effective on this issue

Best wishes Chris

Chris Henley KC
Head of Chambers
Mountford Chambers

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Appendix 4: Correspondence from CCRC Commissioners to the Justice Committee, received 15 May 2025

Dear Mr Slaughter and Members of the Justice Committee,

As the Commissioners of the Criminal Cases Review Commission (CCRC), we would like to express our gratitude for the opportunity for our Chief Executive, Karen Kneller, and Casework Operations Director, Amanda Pearce, to present evidence to the Committee during your session on 29 April.

We appreciate the Committee's interest in the work of the CCRC and the opportunity to contribute to your scrutiny of the Commission's role and performance. The constructive engagement from Committee Members and the thoughtful discussion during the hearing were greatly valued.

As Commissioners, we are deeply committed to the CCRC's core mission—to investigate potential miscarriages of justice fairly, independently, and thoroughly. The professionalism and dedication of both the Commissioners and staff continue to underpin the work of the Commission, and we remain focused on delivering justice for those who may have been wrongly convicted.

We place high value on collaborative working across the Commission. Commissioners work closely with staff, sharing expertise and insight to ensure decisions are robust, balanced, and reflect a diversity of perspectives. We also take seriously our role in mentoring and developing colleagues, helping to strengthen the organisation's knowledge, skills, and resilience.

Like all organisations, there are times when we do not get everything right. We recognise that there is a perception—and at times a reality—that we have not always taken responsibility as swiftly or clearly as we should. We are aware that this can impact public trust in the Commission.

Public trust is the cornerstone of any justice system. It is essential that those who seek the Commission's assistance feel confident that their cases will be reviewed fairly, impartially, and with the utmost integrity. When mistakes do occur, we must be accountable, acknowledge our errors, and learn from them. The Commission's public apology to Andrew Malkinson, whose wrongful conviction and imprisonment represent a deeply regrettable failure, reflects our recognition of the serious consequences that can arise when we do not meet the standards rightly expected of us. We understand that when public trust is compromised, the very foundation of justice is weakened. Rebuilding this trust is not only essential for the individuals we serve, but also for the credibility of the criminal justice system as a whole. We are committed to being more open in such circumstances, responding promptly, and ensuring that lessons are actively applied to strengthen our work, rebuild trust, and enhance public confidence in the CCRC.

While Commissioners remain fully engaged in the work of the CCRC, we continue to operate without a Chair until that appointment is made. The appointment process is operated by the Ministry of Justice. Section 8(3) of the Criminal Appeal Act 1995 requires that the Chair of the Commission be appointed by the King, on the recommendation of the Prime Minister. Contrary to press reports, the current Commissioners and the Commission have not been consulted or approached to be part of that process. We await the appointment of an Interim Chair, who we look forward to welcoming in due course. They will play a vital role in working with us as we move forward, continuing to strengthen the organisation and deliver on our responsibilities to the public and the justice system.

In line with the findings of the most recent tailored review, we would like to clarify that while the CCRC is constituted as a Body Corporate, its governance responsibilities are in practice delegated to a Board comprising the Chair, three non-executive directors, the Chief Executive and two other senior executives, and three Commissioners appointed by the Chair. This distinction is important in understanding the respective roles of individual Commissioners versus the collective governance function. This is an arrangement the incoming Interim Chair may wish to review, to ensure it remains appropriate and effective.

An important part of our governance is the role of the Chief Executive as the Accounting Officer for the CCRC. As Accounting Officer, Karen Kneller is responsible for ensuring the proper stewardship of public funds, ensuring the Commission delivers its statutory functions efficiently and effectively, and upholding the highest standards of accountability. This role is key to ensuring transparency and integrity in the operations of the CCRC and in the delivery of justice to those seeking review.

As requested, our Chief Executive will be providing further information and clarification on several points raised in the session. We trust the additional information will provide clarity and support the Committee's continued scrutiny.

Thank you once again for the invitation and the opportunity to contribute to your important work.

Yours sincerely,

The Commissioners of the Criminal Cases Review Commission
Criminal Cases Review Commission

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Appendix 5: Correspondence from Karen Kneller to the Justice Committee, dated 20 May 2025

Dear Mr Slaughter

I write in response to the letter from the Clerk of the Justice Committee sent yesterday relating to the evidence I presented in the committee meeting of 29 April, and allegations about it made subsequently by two people.

The letter from your committee focuses on two areas:

1. Chris Webb's comments concerning the part of the committee session in which his name was mentioned
2. Chris Henley KC's comments responding to the part of the committee session which discussed delays to the publication of Mr Henley's report.

I deal with these below.

It was not my intention to mislead the committee in any way during the session on 29 April, nor to fail to answer as transparently as I could the questions that were asked. I believe my answers were reasonable and appropriate, although I am sorry if anything has been taken from them that was not intended, or if my answers were not sufficiently clear.

1. Questions and answers related to Chris Webb

Mr Webb's name was introduced to the session by a member of the committee, rather than by me or my colleague. I am aware that Mr Webb had not wished to be particularly visible, and I had not anticipated being asked to comment on his work for the CCRC.

The word 'response' is a particularly important one here. The CCRC had a response to Mr Henley's report, something discussed at length by members of the CCRC team, including Commissioners and the CCRC Board, and

ultimately published in a section of the document along with Mr Henley's report, headlined 'The CCRC's Response' (see contents list on p1, and on p115 of [Integrated-Report-Response-Redacted-Copy.pdf](#)).

I was asked at Q59: 'Did he [Chris Webb] tell you that he had serious concerns about the CCRC's response to the Henley review?'

My answer – 'Not that I recall, no' – related to our response, which had been to accept the report from Mr Henley, particularly the recommendations he made in it, and to make an undertaking to implement each of those recommendations. I don't recall that Mr Webb had concerns about that response.

When I was then immediately asked about the reasons for Mr Webb leaving the CCRC, I replied that he 'may have hoped that the [Henley] report would have been published earlier' and I went on to add that it was 'unfortunate that [it] took as long as it did to get it published' and 'I think we could possibly have got it published earlier, so that is absolutely a regret'.

We too were frustrated by the number of steps that had to be taken prior to final publication of the report.

Mr Webb's resignation letter, which has been shared with the committee, raises the issue of publication delay several times. Comments sent by us to the Sunday Times relating to Mr Webb's points, in advance of last Sunday's article, included the lines: "While he was working with the CCRC, and in his resignation letter, Chris Webb made clear his concerns about delays in the publication of Mr Henley's report. Mr Webb provided wise counsel to the CCRC in the time he was with us, and we remain grateful for the work he did." These did not appear in the published article, but I am happy to share them with you.

2. The report from Chris Henley KC and the time taken to publish

There are several points in this section about which further comment might be helpful.

I note that Mr Henley has written to the committee: "The suggestion that somehow 'typographical errors' and 'tracked changes' in the report which she repeatedly referred to as very much a draft, as being the explanation in the long delay in publication, was thoroughly misleading."

I said in the committee session that my "understanding [was] that the report that we got in January was a draft" - it should be noted it was not described as a draft - and I mentioned typographical errors and tracked changes as elements of the report which suggested it could reasonably be regarded

as a draft. In other words, it was not the finished product. I did not suggest that those elements resulted in the time taken to publish the final version of the report.

‘Track changes’ was on in the first version of the report we received, although this appeared to relate mostly to paragraph spacing and the numbering of some paragraphs, and there were typographical errors, as might be anticipated in a report of this length at this stage. These were not raised with Mr Henley as we understood that he was going to reflect on and revise the report.

At the same point in the session, I referred to ‘factual issues’, and our communication about those with Mr Henley did contribute to the time between the draft version and the final version, received at the beginning of April. Ten issues which we considered to be of some significance are listed in Annex A, pp9–10 of our letter to Mr Henley of 11 March 2024, which I understand has been provided to you by Mr Henley.

The Commission and Mr Henley mutually agreed to a discussion – this took place in person on 26 February 2024 - and this was followed up in the letter of 11 March 2024. As is apparent from the letter, the Commission wanted to ensure that the report was ‘as accurate, fully informed and as fair as possible’. There is nothing improper in this: the CCRC was a willing participant in the review (which we had commissioned) and was entitled to put forward its views for consideration. We understand that Mr Henley accepted our right to comment and he in turn, offered to reflect and submitted a new and final version of the report on 5 April 2024. The contents of the letter of 11 March are wholly constructive and give transparency to the process; they are not an attempt to edit or water down. Moreover, we understand Mr Henley stands by his final report and his recommendations (all of which have been or are in the process of being implemented).

We were understandably concerned that Mr Henley’s comments, intentionally or otherwise, might be taken to refer to all the casework of the CCRC, rather than that carried out in Mr Malkinson’s case. Mr Henley had full access to all our work on Mr Malkinson’s applications only, not to material relating to work on the more than 30,000 other applications made to us or more than 800 references to the appellate courts, resulting in the correction of more than 500 miscarriages of justice.

The full terms of reference of the review can be found on pp5–7 of the [Report & CCRC Response](#) document.

The timeline below illustrates the key reasons for the time taken to publish the report, which we commissioned in August 2023. These include the time taken to receive the first version of the report (approximately five months), to reach a final version of the report after the initial copy had been received

(just over two months), to agree redactions to the final report with other bodies (one and a half months), to allow the general election to take place (one and a half months), and to publish after the election (two weeks).

Timeline

- **17 August 2023** – the CCRC decided that a review of the handling of Mr Malkinson’s case would be led by an external KC.
- **21 August 2023** - we announced ([Specifics of upcoming independent review into CCRC investigations - Criminal Cases Review Commission](#)) that we had commissioned Mr Henley to carry out an independent review. The terms of reference stated that ‘the full report [was] to be provided by 24 October 2023 and earlier if possible’.
- **19 October 2023** – we announced ([Update to Chris Henley KC’s review - Criminal Cases Review Commission](#)) the report was to be received later than anticipated but was expected ‘to be completed this calendar year’.
- **14 December 2023** – we announced ([Independent review into the CCRC’s handling of Andrew Malkinson case - update - Criminal Cases Review Commission](#)) that Mr Henley’s report would not be completed until the ‘start of 2024’. We reported that this was ‘...due to Mr Henley’s wish to source further material from third-party organisations and a requirement to conduct interviews crucial to a comprehensive assessment of the matters involved’.
- **29 January 2024** – a report arrived from Mr Henley.
- **13 February 2024** – we wrote to Mr Henley, thanking him for the report which had now been considered, and asking to meet in person to “share some concerns about the text”. We also told him that we had set up a group – the Strategic Advisory Group (SAG) - to oversee our response to the report. This group was set up by the (former) CCRC Chair, chaired by our senior independent director, and reported to the (former) Chair and the Board.
- **26 February 2024** – two senior members of the CCRC team travelled to Truro to meet Mr Henley, who was involved in a long-running trial there, to discuss the report and move it towards a final version.
- **11 March 2024** – a letter was sent to Mr Henley, thanking him for his “draft report” and for agreeing to “consider some additional information”.

(I must make it clear that the letter of 11 March 2024 contains very sensitive information which has been redacted from the published report at the request of the Crown Prosecution Service and Greater

Manchester Police to avoid creating a substantial risk of prejudice to any ongoing investigation or potential prosecution, and any future defendant's right to a fair trial.)

- **21 March 2024** – a revised report was received from Mr Henley
- **26 March 2024** – a letter was sent to Mr Henley asking if he was content for the report to be anonymised, as had been discussed. He was.
- **28 March 2024** – an anonymised version of the report was sent to Mr Henley.
- **29 March 2024** – Mr Henley identified an error in the anonymisation and found “a few other minor typos which have been missed”.
- **3 April 2024** – Mr Henley sent a revised anonymisation which introduced other errors. He also “spotted a few typos and also made a couple of stylistic changes”.
- **4 April 2024** – a version of the report was sent to Mr Henley with the anonymisation corrected.
- **5 April 2024** – Mr Henley sent the final report to the CCRC, having “spotted two missing words, so have made very slight changes to para 19 and adjusted some of the spacing so that my name is not isolated on the final change” (we took this to mean ‘page’), and confirmed that the latest amended report was the final version (writing “I think we really are there now... I have redated it to 5th April 2024.”)
- **16 April 2024** – the CCRC response to the report was finalised and we wrote to the Andrew Malkinson Inquiry on the same date. Following the Inquiry's guidance, we shared the report, also on 16 April 2024, with Greater Manchester Police (GMP) and with the Crown Prosecution Service (CPS), and the Independent Office for Police Conduct (IOPC) on 17 April 2024 (once we'd established appropriate points of contact).
- **24 April 2024** - we shared the integrated document containing our draft response with Mr Henley and, at his request, made some amendments.
- **20 May 2024** – redactions requested by CPS and GMP were finalised. (For the avoidance of doubt, there are no redactions in the published report other than those requested by CPS and GMP.)
- **20 May 2024** – the redacted copy of Mr Henley's report was supplied to Mr Malkinson and to his representatives APPEAL (it should be noted that in APPEAL's response/ acknowledgement to us of 23 May 2024,

they set out what they believed to be 11 additional ‘typographical errors’ (their words)). We also asked GMP to share the report with the victim of the offence.

- **21 May 2024** – the report was shared with the victim of the offence.
- **23 May 2024** – a general election was announced, preventing publication of the report (see our letter to the Justice Select Committee of 13 May 2025 laying out the background to this).
- **4 July 2024** – the general election was held
- **9 July 2024** – Parliament returned for the election of the Speaker
- **17 July 2024** – the State opening of Parliament
- **18 July 2024** – the CCRC published the report by Chris Henley KC and the CCRC response.

I hope the points and information shared above assists the committee in its work.

Yours sincerely

Karen Kneller

Chief Executive

Criminal Cases Review Commission

Formal minutes

Wednesday 21 May 2025

Members present

Andy Slaughter, in the Chair

Josh Babarinde

Matt Bishop

Linsey Farnsworth

Warinder Juss

Tessa Munt

Dr Neil Shastri-Hurst

Mike Tapp

Leadership of the Criminal Cases Review Commission

Draft Report (*Leadership of the Criminal Cases Review Commission*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 105 read and agreed to.

Summary agreed to.

Appendices agreed to

Resolved, That the Report be the Third Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available (Standing Order no.134).

Adjournment

Adjourned to a day and time to be fixed by the Chair.

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

Tuesday 29 April 2025

Karen Kneller, Chief Executive, Criminal Cases Review Commission;

Amanda Pearce, Casework Operations Director, Criminal Cases Review Commission

[Q1-170](#)

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List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the [publications page](#) of the Committee's website.

Session 2024–25

Number	Title	Reference
2nd	Appointment of the Chief Inspector of HM Crown Prosecution Service Inspectorate	HC 578
1st	Appointment of the Chair of the Independent Monitoring Authority for the Citizens' Rights Agreements	HC 485
1st Special	The constitutional relationship with the Crown Dependencies: Government Response	HC 582