

Conviction and Sentence Appeals in the Court of Appeal

This leaflet is intended to provide helpful information to victims and families of victims about how the Court of Appeal Criminal Division works and what support is available.

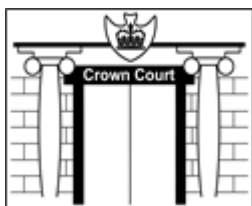


**HM Courts &
Tribunals Service**

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The Court of Appeal Criminal Division



There is only **one** Court of Appeal and it is based in the Royal Courts of Justice in London.

Sometimes the Court sits in other locations, but most hearings are in London. The Court hears appeals from all the Crown Courts in England and Wales.



The Court of Appeal is usually made up of two or three senior Judges.

Appealing against a conviction or sentence



A defendant can only appeal to the Court of Appeal if they were convicted or sentenced in the Crown Court (not the Magistrates Court). They can only appeal their conviction or sentence **once**. Once they have lodged an application, we call them an applicant.



If an applicant wants to appeal their conviction or sentence, the law says they have to do this within 28 days. They can still apply after this time, but they have to give good reasons why they did not appeal in time.



Victims are not normally involved in the appeal hearing (they don't need to give evidence again or even attend), because all the evidence has already been given before the jury. A conviction appeal is **not a retrial**.



The Court considers the **Grounds of Appeal** (points of law or any new evidence) which the applicant or their lawyer has provided. These are the reasons the applicant has given for why he or she says that the **conviction is unsafe**. That is the test for the Court in conviction appeals.

In sentence appeals the Court has to decide whether the sentence was **manifestly excessive** (too long) or wrong for some other reason.

What happens?



An application is received in the Criminal Appeal Office and staff then prepare the case for a Judge.



A senior Judge looks at all the papers and decides whether the Grounds of Appeal are arguable – **the Permission Stage (also called the Section 31 or Leave Stage)**

If the Judge refuses the application, the applicant has two options:

1. accept the decision (an end to the case, also called '**lapsing**') or
2. 'Renew the application' (ask the Court to look at the decision again).

If the Judge gives permission to appeal (sometimes called leave to appeal) the case will be prepared for a hearing.



If an applicant renews the application to the Court there will be a **Renewal Hearing**. 2 or 3 Judges will decide if the Grounds of Appeal are arguable. An applicant in custody is not entitled to attend this hearing but could apply to the Court to be allowed to attend.

The Court can refuse the **renewed** application and may also make a **loss of time order** (this means the applicant spends longer in prison. This is the end of the case (also called a **final determination**))

The Court (2 or 3 judges) allows the **renewed** application and grants funding for lawyers to present the appeal.



Full Court Appeal hearing (2 or 3 judges) decide the appeal – **the Appeal Hearing**. The applicant will now be called an appellant and is entitled to attend the appeal hearing (usually by video-link). The appellant will be represented by a barrister or a solicitor advocate. The Prosecution will normally be represented in **all conviction** cases and in **some sentence** cases (such as where the offence involved a fatality)



Why do we need an appeal court?



We need an appeal court because sometimes the Crown Court can get the law wrong or new evidence can come to light after someone has been convicted or sentenced.

Who is a victim?



Victims of crime are all people who have suffered **harm** which was directly caused by a criminal offence. In cases where a fatality was caused by a criminal offence, this includes the close family of the deceased person.

What are my rights as a victim of a crime?



[The Victims' Code](#) explains the rights that everyone can expect to receive as a victim of crime.

How do we support victims?

By keeping them informed

After an application has been lodged with us



We will find out which Witness Care Unit (“WCU”) has been handling the case and then let them know about the appeal application as soon as we can.

The Permission Stage (also called the “Section 31” or “Leave” Stage)



In many cases involving a victim (and in all fatality cases), the Prosecution will provide a response to the Grounds of Appeal. This is to help the Court and will set out any reasons arguing against the appeal.



If there is going to be an appeal hearing, the CPS and the WCU will always be informed.

If an application is renewed or lapses (see the boxes on the flowchart), we will inform both the CPS and the WCU at the same time as we inform an applicant.

Setting a hearing date



The List Office will always inform the CPS and the WCU of any hearing date in a case involving a victim. The WCU will tell the victim when the hearing is.



Victims can attend the hearing in person or they can ask (usually through the WCU) if it is possible for them to watch the hearing through a remote link if one is available (this means using a mobile phone or computer to watch the hearing through the internet instead of attending in-person).

After the hearing



In all victim cases, a copy of the Court Order (the decision) will be sent to the WCU. They can provide victims with a form to request a copy of the Judgment of the Court (reasons for any decision). This can also be translated into a different language if needed.

Practical support

Generally



Support is provided through the Witness Care Unit and in fatality cases, the CPS. Victims should contact them for further support or to arrange any of the services/facilities that are in this leaflet.

The Witness Service are an independent support service for victims. They can also offer practical and emotional support to victims. This includes:

- Basic information on court procedure and layout
- Someone to listen to and talk to about the case who is not involved with it
- Support at the appeal if requested
- Explanation of legal jargon or decisions
- Referral on, if appropriate, to local community based services within Victim Support or another agency.

The Witness Service cannot offer legal advice, give an opinion on the likely outcome of a case or comment in court on the effects of the crime on the victim.

The Witness Service can be contacted on:

Telephone: 0207 192 2423

Email: centralcriminal.cc@cawitnsservice.cjsm.net



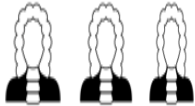
Our General Office Victim Liaison Officer can also provide information regarding the current status of a case and the appeal process to the WCU.

The General Office can be contacted on:

Telephone: 0207 947 6011

Email: generaloffice@criminalappealoffice.justice.gov.uk

The hearing itself



This will usually be at the Royal Courts of Justice in London in open Court – in other words a courtroom open to the public.



An appellant in custody is entitled to attend their appeal. In most cases, the Court will arrange their attendance through a video-link from the prison. If victims attend the hearing they will most likely see the appellant on a screen in the Court room.

To support victims who want to attend a hearing in person, we can make arrangements for:

- A small private room for victims and their family / friends / supporters to wait in on the day of the hearing until the case is called on.
- Separate seating for victims to keep them separate from any friends and family of the applicant/appellant.
- Presence of security staff if there is a risk of conflict in the hearing room.
- Separate entrance for victims - we can't guarantee which entrance an applicant or appellant (who is not in custody) or their family might use, but we could liaise with security and arrange to bring victims and their family in earlier, before the building is open to the public, or to bring them in via an entrance that is not open to the public.



Once the victim receives notification of the hearing date, if they wish to attend the hearing, either in person or remotely, or to discuss any of the potential arrangements above, they should contact the Criminal Appeal List Office.

The list office can be contacted on:

Telephone (either through the WCU or directly): 02079476632 or 02079476269

Email: listoffice@criminalappealoffice.justice.gov.uk

Remote hearings



To apply to watch a hearing remotely, [a form](#) must be completed. Victims can ask their WCU/the CPS for help with this. If a victim has asked to watch the hearing remotely through the internet and this is available, they will be sent a link to the hearing by email by the Court Clerk and the Clerk might also arrange to “test” the link in advance of the hearing.



The Court Clerk will ask the victim to switch off their camera and mute their microphone so they are not seen or heard, the victim should join the hearing using an abbreviation rather than their real name so they will not be recognised/identified- the victim views proceedings only. This can be a very practical and easy way to see what is happening at the hearing (if it is available), but victims should still consider whether they might still need some emotional support.

Victim Personal Statements



If a victim has made a Victim Personal Statement (VPS) for the Crown Court, that statement will be given to the Judges in the Court of Appeal before the hearing in **any sentence appeal** hearing and it will be taken into account.



If something has changed since the statement was made and if it needs to be updated, victims should speak to the WCU who must notify the CPS. Any updated Victim Personal Statement has to be sent to us through the CPS or it cannot be considered by the Court.

How long do appeals typically take?



In **conviction** cases, the Court aims to deal with cases:

- if permission to appeal was granted by a Judge, within 10 months
- if permission to appeal was refused by a Judge, within 13 months.

The Court aims, on average, to process straightforward **sentence** cases (from receiving the form in the Criminal Appeal Office to the final Court hearing) within 5 months.

How do I complain?



You can phone us and ask for a copy of our complaints procedure, speak to one of our customer service officers on 020 7947 6011 or write to:

Customer Service Officer
Criminal Appeal Office
Royal Courts of Justice
Strand
London
WC2A 2LL

Alternatively you can email generaloffice@criminalappealoffice.justice.gov.uk

We will respond to your complaint within 10 working days, or sooner if we can.

Victim Support

Victim support are a charity supporting people who are victims of crime and traumatic incidents in England and Wales. You can find out more information [on their website](#).

How will I be notified of the hearing date?

Once the hearing date has been formally listed, your WCU will be informed via email notification with the hearing date and other important information. They are responsible for notifying you and the relevant Probation Service in this case about any developments in the appeal.

Can I attend the hearing?

Yes, you may request to watch proceedings via Cloud Video Platform (CVP) or attend the hearing in-person. Please be aware that arrangements for hearings may be altered at very short notice, particularly (but not exclusively) if the case involves a sentence of imprisonment of 4 years or less. It also is advisable to double check the [daily cause list](#) (at around 4:30pm the day before the hearing).

How can I attend the hearing by video link (CVP)?

Once they have received the notification of the hearing date, your WCU will contact you to ask if you wish to attend the hearing. If you wish to request to attend via video link, they will advise you to fill out [this remote observation form](#) and will send the completed form to the Criminal Appeal List Office. Please note one form must be filled out for each attendee and all remote observation forms must be approved by the judges, in advance of the hearing. Therefore it is advisable to complete this form as soon as you receive it.

How can I attend the hearing in-person?

Once they have received the notification of the hearing date, your WCU will be in touch to ask if you wish to attend the hearing. If you wish to attend in-person, please provide your name and contact number to your WCU officer. They will inform the Criminal Appeal Office that you wish to attend. The team can also arrange a quiet room to sit in before/after the hearing, nearby to the court room.

What happens if the hearing is cancelled or rearranged?

If the hearing has is cancelled or re-scheduled at very short notice, you will be contacted by via telephone (or voicemail) by the Criminal Appeal Office. Please ensure that the telephone number you provide has an answer phone facility. If more than one person will be attending the hearing, please agree a lead contact number for use by the Criminal Appeal Office.

What are the security procedures at the court?

Visitors must go through security every time they enter a court or tribunal building. Please allow extra time to go through security prior to the start of the hearing. You may have to queue between 9:00 am and 10:00 am. There are also rules on what items you can take in. Further information about what you can and can't take into court can be found [here](#).

Does the court provide reasonable adjustments?

At HM Courts & Tribunals Service (HMCTS) we want to provide:

- an experience that works for everyone
- services that people with disabilities can use independently where possible
- services that can be used in a fair way

We know that people with disabilities sometimes need our help and support to use our services. This can mean that we need to provide something different so you can access and use our services in the same way as a person without a disability. We often call this a reasonable adjustment.

We're able to do lots of things that mean that people with disabilities can use our services independently wherever possible and in a way that is fair, for example:

- providing our forms in large print
- providing our guidance in audio or easy read
- making sure hearing enhancement systems are available
- providing a separate waiting area
- making sure ramps and lifts are available.

This list doesn't include everything we can do to help, and we'll always talk to you first about what you need.

If you need help or support in the court room, we will also discuss this with the judge hearing your case. Judges are committed to making sure everyone has a fair hearing.

How can I arrange a reasonable adjustment?

Disabilities affect people differently so we won't always know what will help. If you have a disability that means you can't access our information and services please get in touch with us. You can request help and support as a reasonable adjustment by contacting our Disability Contact Officers.

- **Email:** RCJ.DCO@justice.gov.uk
- **Telephone:** Martin Roberts (0207 947 7248) or James Parkinson (0207 947 7912)

To help us provide the best help and support, please explain how your disability affects you and give as much information as you can. Our staff will always talk with you and agree any reasonable adjustments you need.

Many areas of the RCJ are Grade 1 listed, and this means there may be restrictions to the adjustments we can make. Some of the areas you will need to access could be a 5 or 10 minute walk from the nearest entrance.

If you need a **parking space** (blue badge holders only) please contact us at least 24 hours before your hearing:

- **Email:** listoffice@criminalappealoffice.justice.gov.uk and RCJ.DCO@justice.gov.uk
- **Telephone:** 0207 947 7248.

When contacting us please provide us with your case number, car registration, make, model and colour and your Blue Badge number and issuing authority.

Step free access

Step free entrances are available at West Green (9:00am – 4:30pm) and Bell Yard North (9:00am - 4.30pm).

- Step-free access (via ramps, stair lifts and lifts) is available to most areas of the building. A map detailing the best routes for step-free access is available at each entrance and/or upon request.
- Accessible toilets are located throughout the RCJ. Maps are available but please let us know if you need details in advance.
- If you have **limited mobility**, we have a limited number of manual wheelchairs available for use. You may bring a carer or helper to support you using the wheelchair.
- **Assistance dogs** are welcome in all HMCTS buildings.

Hearing enhancement systems

For the hearing itself, we can provide hearing enhancement systems in some of our courts (available at reception). We also have portable hearing loops available on

request. We do require notice of this in advance of the hearing by email to RCJ.DCO@justice.gov.uk.

Prayer Room

There is a prayer room available for use at the court. Please ask at reception or ask the court usher to direct you to this.