



Criminal Cases Review Commission

## CASEWORK POLICY

Policy Title: **Communicating with Applicants**

Reference: **CW-POL-03**

Version: **2.0**

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### The CCRC’s Quality Statement

The CCRC is committed to achieving high-quality case reviews as quickly as possible. In order to achieve this, we operate under a Quality Management System; please see ‘Q-POL-01 CCRC Quality Policy’ for further information. Our policy documents are available on our website: [www.ccrcc.gov.uk](http://www.ccrcc.gov.uk).

If you or someone you represent has difficulty accessing the internet then please contact us via 0300 456 2669 (calls charged at local rate) and we will send a hardcopy of the relevant policy free of charge.

This is a quality-controlled document. Significant changes from the last issue are in grey highlight: like this. Significant deletions are shown as: [text deleted].

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## Introduction

This document outlines the CCRC's approach to communicating with applicants and their representatives. The CCRC aims to be open with applicants but also needs to ensure that cases are reviewed and progressed in a timely fashion.

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## Key Points

- 1) On receipt of an application a 'Frequently Asked Questions' document, which addresses the issues most often raised by applicants, will be sent to the applicant. The applicant will be informed, in general terms, what will happen next and the likely timescale.
- 2) Correspondence will be acknowledged within 10 working days of being received. Applicants and/or their representative will be regularly updated, whilst the review is in progress, at least once every 12 weeks.
- 3) Where an applicant is represented, appropriate arrangements will be made by the Case Review Manager for communication with the applicant and/or their representative.
- 4) Where it appears to the CCRC that the behaviour of an applicant's representative is inappropriate, the CCRC will have regard to policy 'CW-POL-05 Inappropriate Conduct from Applicants' Representatives'.
- 5) The CCRC will generally request communication to be in writing, although reasonable adjustments, including meeting in person, will be considered where appropriate.
- 6) Requests to undertake specific investigations will always be considered carefully, but it is for the CCRC to decide what investigations are to be carried out, and what disclosure is to be made of their outcome.
- 7) Material relevant to the CCRC's referral decisions will be disclosed in accordance with policy 'CW-POL-19 Disclosure by the CCRC'.
- 8) Communications from the CCRC will usually be in English but consideration will be given to any request for material to be translated.
- 9) Complaints will be dealt with in accordance with policy 'CW-POL-12 Complaints'.
- 10) If an applicant or their representative persistently continues to correspond after a full response has been made, and nothing new is being raised, the CCRC will consider whether to apply restrictions in accordance with policy 'CW-POL-14 PAM (Persistent, Abusive, Malicious) Applicants'.
- 11) Policy 'CW-POL-24 Non-Cooperation, Absconsion and Withdrawn Applications' will be used to manage situations in which an applicant or their representative fails to co-operate with the CCRC's review.

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## Definitions

Key Word	Meaning
Applicant	The person named in an application to the CCRC
CRM	Case Review Manager
Lawyer	A legal professional (i.e. legal executive, solicitor, barrister)
Representative	A person who helps an Applicant. This person could be a friend or family member, or a lawyer.

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## 1 Initial Actions

- 1.1 On receipt of an application a “Frequently Asked Questions” document, which addresses the issues most often raised by applicants, will be sent to the applicant with an acknowledgement letter.
- 1.2 Although Casework Administration staff will strive to answer any relevant additional queries, it is generally not practical for them to enter into conversation about the issues in the case.
- 1.3 The applicant and/or their representative will be informed, in general terms, what will happen next and the likely timescale.
- 1.4 Irrespective of which stage the case review is at, all correspondence will be acknowledged within 10 working days of being received:
  - a) at the CCRC office (for hard copy post / letters) and/or
  - b) in the individual / group mailbox (for emails).

## 2 Case Review

- 2.1 In cases that need a more in-depth review, the applicant and/or their representative will be updated when the case has been allocated to a Case Review Manager (CRM).
- 2.2 Some cases raise only one or two straightforward issues, and they will generally be reviewed relatively quickly. Accordingly, it may be that the first communication from the CRM will set out the CCRC’s decision not to refer the case back to the appeal court.

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- 2.3 In all other cases, the applicant and/or their representative will be contacted by the CRM at the earliest reasonable opportunity after the case has been allocated for review. The CRM will generally spend some time familiarising themselves with the application before contacting the applicant and/or their representative.
- 2.4 The CRM's first substantive letter to the applicant and/or their representative usually sets out the CCRC's understanding of the issues and seeks clarification and confirmation of the issues where necessary. It is important that there is clarity about what the issues are at the outset. A decision may be made to treat new issues, raised after the review has commenced, as a separate application.<sup>1</sup> This letter will normally be sent to the applicant within 12 weeks of the case having been allocated for review to the CRM.
- 2.5 Applicants and/or their representative will be updated, whilst the review is in progress, at regular intervals (at least once every 12 weeks), unless the applicant specifies that they do not want to receive updates pending the decision on the case.

### 3 Significant Decisions

- 3.1 In this context, significant decisions mean:
- a) Decisions not to refer
  - b) Decisions to refer
  - c) Decisions in respect of a re-application
- 3.2 For risk assessment purposes, where an applicant is in custody,<sup>2</sup> the CCRC will notify the prison Governor (or Ward Manager or Centre Manager) of the fact that the applicant is receiving significant news from the CCRC.
- 3.3 Regardless of whether an applicant is in custody or not, in circumstances where the CCRC believes that there is a threat or risk to people or property, it will apply the policy set out in 'CW-POL-19 Disclosure by the CCRC'.

<sup>1</sup> See 'CW-POL-08 Further Submissions' for further information.

<sup>2</sup> Including being held in a Young Offender Institution or under a Mental Health Act order or in an Immigration Removal Centre.

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## 4 Verifying an Applicant's Contact Details

- 4.1 Prior to sending a significant decision, or any other communication which contains sensitive personal data, to an applicant the correct contact details for the recipient must be verified:
- 1) In cases where communication has been received from the applicant within the preceding 12 weeks, it will be sufficient to rely on the information provided in the most recent communication.
  - 2) In cases where no communication has been received from the applicant in the preceding 12 weeks, an appropriate external enquiry will need to be made.
- 4.2 In cases where the CCRC is unable to establish any contact details for an applicant, section 1 of 'CW-POL-24 Non-Cooperation, Absconson and Withdrawn Applications' will apply.

## 5 Lines of Communication

- 5.1 Where an applicant is represented, appropriate arrangements will be made by the CRM for communication with the applicant and/or their representative.
- 5.2 Where there are campaign groups, or other actively interested parties, communication will be through the applicant's representative. If there is no representative, arrangements will generally be made to communicate with only one campaign group or other interested party.
- 5.3 Where it appears to the CCRC that the behaviour of an applicant's representative is inappropriate, the CRM will have regard to policy 'CW-POL-05 Inappropriate Conduct from Applicants' Representatives'.

## 6 Meetings with Applicants and/or their Representatives

- 6.1 To avoid the possibility of any misunderstanding or doubt, the CCRC will generally request an applicant and/or their representative to communicate in writing.

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- 6.2 Reasonable adjustments will be considered where an applicant has, or might have, difficulty in communicating clearly in written form. The CCRC will have regard to whether the applicant is represented / assisted in their application.
- 6.3 In addition to the reasonable adjustments mentioned above, in appropriate cases the CRM or another representative of the CCRC will meet with the applicant and/or their representative. An applicant or their representative may be asked to submit a reasoned request in writing if they feel that a meeting would benefit the review.
- 6.4 Decisions to meet are made on objective grounds, related to the needs of the review, to advance the CCRC's objectives or in the wider interests of justice.
- 6.5 Priority will be given to situations where the applicant is unrepresented, and the CCRC considers that the applicant is unable to communicate effectively in writing, to ensure that:
- a) The applicant has been able to fully communicate the relevant issues for the CCRC to consider during the review.
  - b) The applicant is given the best opportunity to understand the CCRC's processes and any other relevant factors.

## 7 Disclosure

- 7.1 The CCRC aims to be as open as possible with applicants and their representative(s). It is generally unhelpful, however, for the CCRC to make disjointed disclosure of information discovered during the course of a review. Material relevant to the CCRC's decision to refer or not to refer will be disclosed in accordance with policy 'CW-POL-19 Disclosure by the CCRC'.

## 8 The CCRC is Responsible for the Conduct of the Review

- 8.1 Applicants and/or their representatives sometimes request the CCRC to undertake specific investigations. Such requests will always be considered carefully, but it is for the CCRC to decide what investigations are to be carried out, and what disclosure is to be made of their outcome.<sup>3</sup>

<sup>3</sup> See 'CW-POL-04 Case Review Process' for further information.

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## 9 Translation of Materials

- 9.1 The CCRC has no statutory or other general obligation to provide translations of material to applicants.
- 9.2 Where the applicant is represented, as a general rule all communications from the CCRC will be in English. It is acknowledged that an unrepresented applicant may experience particular difficulties in communicating with the CCRC in written English.
- 9.3 The CCRC will consider any request for material to be translated on an individual basis. If the CCRC's review would be assisted by the provision of translated material to the applicant, or if such translation would enable an applicant to make his or her best possible case, the CCRC may decide to exercise its discretion to translate documentation.
- 9.4 If the CCRC's decision document for the case is translated, the final version in English will be signed by the decision maker. In the event of a disparity between the meaning in English and the meaning in the translated language, the English version will prevail.
- 9.5 The CCRC is a public body which exercises its statutory functions in Wales. The Welsh Language Board<sup>4</sup> has not, thus far, notified the CCRC that it is required to prepare a scheme specifying the measures it will take in relation to the use of the Welsh language in connection with the provision of services. Any request for translation into Welsh will be considered in the same way as a request for translation into any other language.
- 9.6 Any required translation will be arranged, and paid for, by the CCRC.

## 10 Post-Decision Contact with Applicants

- 10.1 Once a final decision has been made and communicated, the case is closed. However, the CCRC occasionally receives further contact from the applicant or their representative after we have finished reviewing their case. The contact will be categorised as one of the following four options and will be dealt with as below:

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<sup>4</sup> Established by the Welsh Language Act 1993.

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## 10.2 Complaints

These will be dealt with in accordance with policy 'CW-POL-12 Complaints'.

## 10.3 Post-closure correspondence

Post-closure correspondence will be passed to the nominated CRM, who will take an active role in giving advice on who should make the response and when the response should be made. As a general rule, a response will be dispatched within 10 working days. Where the correspondence raises new evidence or argument that has not been considered previously, the CCRC will consider whether a (further) review of the case is necessary.

## 10.4 Persistent post-closure correspondence

If an applicant or their representative persistently continues to correspond after a full response has been made, and nothing new is being raised, the CCRC will consider whether to apply any restriction(s) in accordance with policy 'CW-POL-14 PAM (Persistent, Abusive, Malicious) Applicants'. If restrictions are applied under that policy, any continuing correspondence will be passed to the Director of Casework Operations instead of the nominated CRM.

## 10.5 Requests for post-closure disclosure

If a request is made for further disclosure about a non-referral case after it has been closed, the CCRC will only provide copies of the decision document and/or any documents disclosed with that document.<sup>5</sup>

# 11 **Personal Security of Staff and Commissioners**

11.1 If an applicant's and/or their representative's behaviour causes a member of CCRC personnel to be concerned about personal security, the situation will be managed in accordance with the CCRC's policy on management of persons who present a potential risk.

11.2 If a Case Risk Assessment identifies the need for enhanced security measures to be put in place for the protection of CCRC staff and Commissioners, a decision may be made by the Casework Operations Director to send the CCRC's decision document without the Commissioner being named or needing to sign the document. If so, the wording at the end of the decision document will read:

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<sup>5</sup> See 'CW-POL-19 Disclosure by the CCRC' for further information.

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**This decision has been made by a Commissioner on behalf of the CCRC.**

The CCRC's internal process will record the Commissioner's details; no document will be sent without the internal process being completed.

## 12 Non-Cooperation Cases

12.1 If an applicant / their representative fails to co-operate with the CCRC's review, the CCRC will manage the situation in line with policy 'CW-POL-24 Non-Cooperation, Absconsion and Withdrawn Applications'.

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### Appendices

None

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### Relevant CCRC Documents

Q-POL-01	CCRC Quality Policy
CW-POL-04	Case Review Process
CW-POL-05	Inappropriate Conduct from Applicants' Representatives
CW-POL-08	Further Submissions
CW-POL-12	Complaints
CW-POL-14	PAM (Persistent, Abusive, Malicious) Applicants
CW-POL-19	Disclosure by the CCRC
CW-POL-24	Non-Cooperation, Absconsion and Withdrawn Applications

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### Document Control

Document author: Head of Quality

Issue authorised by: Casework Operations Director

### Version History

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15/07/2021	1.0	First Issue	21-04
30/10/2023	2.0	Merge; 7.1 & 7.2. Amend; 9.4. New; 4.2	23-31

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