



# EXTENSIONS FOR FURTHER REPRESENTATIONS/SUBMISSIONS

## CASEWORK POLICY

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#### **Introduction**

1. This document sets out the CCRC’s policy in relation to the granting of extensions of time for receipt of further representations or submissions (hereinafter referred to as “submissions”) in response to an initial decision.
2. The CCRC will always permit an applicant to respond to an initial decision where it has obtained relevant new material as a result of enquiries carried out by the CCRC. 20 working days will be permitted for further submissions in the majority of cases. In some more complex cases 40 days will be permitted.
3. There is no statutory or other provision which sets a time limit for further submissions. It is a key objective of the CCRC to deal with cases both efficiently and expeditiously.
4. The CCRC has determined that the periods set out above are the minimum to be granted to an applicant to respond to an initial decision. There are some cases where, for a variety of reasons, it is unreasonable to require a response within that period. This policy advises when and how the discretion to permit additional time might be exercised.

## **Extensions of time**

5. In all cases a further 20 working days may be granted by the Case Review Manager. Any subsequent extensions may be granted only with the agreement of a Group Leader.
6. Initial or subsequent extensions of time for the making of further submissions may be appropriate having regard to factors such as the complexity of the issues involved, the likely difficulty of obtaining or giving necessary instructions or the fact that lengthy documents obtained by the CCRC have been disclosed for the first time with the initial decision. Subsequent extensions should not normally be granted for longer than two months at a time.
7. The opportunity to respond to the initial view is afforded in order to elicit further submissions on the issues addressed in the initial decision, not to invite the raising of new issues or the submission of new arguments or evidence. Where genuinely new matters are raised in the further submissions, it is at the CCRC's discretion whether to respond to them within the existing case review, or to require a new application to be submitted. Any decision as to whether or not to require a new application to be submitted in those circumstances should be made by the Group Leader, in consultation with the Case Review Manager and decision-making Commissioner (or Lead Commissioner where there is a committee).
8. The overriding factors in the exercise of the discretions referred to above should be fairness (a) to the applicant in question and (b) to other applicants to the CCRC. The CCRC will have regard to the facts that there is generally (i) no limit to the number of times an applicant may apply to the CCRC and (ii) little or no detriment to an applicant being asked to reapply at a later stage when his/her submissions are complete.
9. The CCRC will not normally consider the following reasons as being by themselves sufficient to justify an extension of time for further submissions:
  - (i) the applicant has only recently identified a new issue, argument or matter which, so it is contended, merits consideration and/or investigation by the CCRC;
  - (ii) a change of legal representative, or the initial appointment of a legal representative, by the applicant after the issue of the provisional decision;
  - (iii) unjustified delays by the applicant or his representative in the consideration of the provisional decision.

10. Should an applicant or his representative indicate within the relevant time limit that there will be no further submissions, then there is no requirement for the CCRC to await the expiry of the period granted before progressing the case further.