

PERSISTENT APPLICANTS

CASEWORK POLICY

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**Introduction**

1. The CCRC has a duty to exercise its functions efficiently and fairly. Public resource should not be taken up continuing in correspondence with applicants on the same subject with no new relevant points raised and nothing that can usefully be said in reply. The CCRC cannot provide an effective service to other applicants if its resources are diverted to applicants whose cases have been considered but turned down and who continue to make contact without raising plausible fresh grounds.
2. The provisions below are linked to the policies set out in the policies on [Communicating with Applicants](#) and [Post-Decision Activity On Cases](#) as well as the CCRC’s policy on ‘Management of Persons who Present a Potential Risk to the Safety of Staff’.

## **Closed cases**

3. Sometimes the CCRC receives persistent correspondence from an applicant whose case has been turned down, which raises nothing relevant in addition to the issues that have already been considered by the CCRC, or is otherwise inappropriate. In those cases, the CCRC will consider whether it had taken reasonable steps to enable the applicant to understand its function and communications. If it has, a decision can be made not to acknowledge receipt of or reply to further correspondence from that applicant. Such correspondence will be read, but not replied to, unless it raises fresh and relevant issues.
4. This decision will be made by the Director of Casework Operations and will be communicated to the applicant in writing. Further correspondence received from the applicant after such a decision has been communicated will be brought to the attention of the Director of Casework Operations.
5. In extreme cases, an applicant will continue to correspond with the CCRC after a decision has been made under paragraph 3 above and that further correspondence fails to raise fresh and relevant issues. In those cases, the Director of Casework Operations may decide that further correspondence on the case will only be read if it is from a legal representative. Any such decision will be communicated to the applicant in writing.

## **Live cases**

6. The CCRC also sometimes receives persistent correspondence from applicants at other stages of a review, for example, before a case has been allocated and/or during a review. Such cases will be brought to the attention of the Director of Casework Operations. Where the Director considers such communication to be excessive or inappropriate, and the applicant has been previously advised of this, the Director will write to the applicant to advise that future correspondence will be read but will not be replied to individually (outside the CCRC's reasoned decision document for the case) unless it raises other relevant issues which require resolution before that decision.

## **Telephone calls and e-mails**

7. The CCRC will take the same approach to telephone calls and e-mails where such calls and/or e-mails become excessive, inappropriate or abusive. In those circumstances, a decision may be made by the Director of Casework Operations that no further telephone calls will be

taken and/or that e-mails will no longer be received. The Director will write to the applicant to explain that decision and will set out the reasons why that decision has been taken.

## **Re-applications**

8. The CCRC does not impose a limit on the number of times a person may apply to the CCRC for a review of their conviction(s), but each subsequent application for the same conviction will be subject to the CCRC's existing policy on re-applications (see [FM STAGE 1 DECISIONS \(INCLUDING RE-APPLICATIONS\)](#)).
9. If an applicant continues to submit re-applications and does not raise anything new that is relevant, the Director of Casework Operations (in consultation with an appropriate Commissioner if appropriate) will make a decision not to accept any further re-applications from that applicant or that further applications are submitted through a legal representative who must identify compelling and substantial grounds to justify acceptance of the application.
10. In cases where a restriction under paragraph 9 above is applied, all submissions made in respect of the re-application must also be made by the legal representative who must identify the relevance of the submissions.

## **Complaints**

11. All applicants have a right to make a formal complaint as set out in the CCRC's complaints procedure including escalating their complaint according to stage two of the complaints procedure. Once the complaints process is exhausted the CCRC will not continue to correspond with them regarding the same issue or deal with repeat complaints on the same matter.
12. This decision will be taken by the Chief Executive (in consultation with the Director of Casework Operations, as appropriate).

## **No application cases**

13. The CCRC also receives persistent correspondence and/or calls from those who have not made any application to the CCRC. For example, either requesting unrelated advice or refusing to acknowledge that the

CCRC cannot assist. The principles in this policy apply equally to those situations.

14. The decision not to acknowledge or otherwise reply, or take further calls, will be made by the Casework Support Co-ordinators and will be communicated to the individual in writing.
15. Any further correspondence received from the individual after such a decision has been communicated will be brought to the attention of the Casework Support Co-ordinators. Such correspondence will be read, but not replied to, unless it raises something that may constitute an application to the CCRC.

### **Decision making for the purposes of this policy**

16. Decision making throughout this policy is the responsibility of either the Director of Casework Operations or Chief Executive, as set out above. On occasions (for example, where a conflict of interest exists or through unavailability) it will be necessary and appropriate for another member of the Senior Management Team to take the relevant decision.