



COMMUNICATING WITH APPLICANTS

CASEWORK POLICY

Table of Contents

- Introduction 1
- Stage 1 1
- Review 2
- Significant Decisions..... 2
- Verifying applicant’s contact details 3
- Lines of Communication 3
- Meetings with applicants and/or their representatives 3
- Disclosure 4
- The CCRC is responsible for the conduct of the review..... 4
- Translation of materials..... 4
- Post-decision Contacts with Applicants 5
- Staff and Commissioner Personal Security..... 5
- Non-cooperation cases 5

Introduction

1. 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.

Stage 1

2. 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.
3. 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.
4. The applicant and/or their representative will be informed, in general terms, what will happen next and the likely timescale.

Review

5. 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.
6. 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 Case Review Manager will set out the CCRC's decision not to refer the case back to the appeal court.
7. In all other cases, the applicant and/or their representative will be contacted by the Case Review Manager at the earliest reasonable opportunity after the case has been allocated for review. The Case Review Manager will generally spend some time familiarising themselves with the application before making contact with the applicant and/or their representative.
8. The Case Review Manager'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: see [Extensions for Further Representations](#). This letter will normally be sent to the applicant within 12 weeks of the case having been allocated for review to the Case Review Manager.
9. Applicants and/or their representative will be updated, whilst the review is in progress, at regular intervals, at least once every three months, unless the applicant specifies that they do not want to receive updates pending the decision on the case.

Significant Decisions

10. In this context, significant decisions mean:
 - Decisions not to refer
 - Decisions to refer
 - Decisions in respect of a reapplication
11. Where an applicant is in custody (including held in a Young Offender Institution or under a Mental Health Act order or in an Immigration Removal Centre), 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, for risk assessment purposes.

12. 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: [CCRC-#1288725-REPORTING CRIMES, MISCONDUCT AND SIGNIFICANT RISKS](#)

Verifying applicant's contact details

13. 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:
 - In cases where communication has been received from the applicant within the preceding 3 months, it will be sufficient to rely on the information provided in the most recent communication.
 - In cases where no communication has been received from the applicant in the preceding 3 months, an appropriate external enquiry will need to be made.

Lines of Communication

14. Where an applicant is represented, appropriate arrangements will be made by the Case Review Manager for communication with the applicant and/or their representative.
15. 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.
16. Where it appears to the CCRC that the behaviour of an applicant's representative is inappropriate, the Case Review Manager will have regard to the CCRC's policy, [Applicants' representatives: Inappropriate conduct](#).

Meetings with applicants and/or their representatives

17. To avoid the possibility of any misunderstanding or doubt, the CCRC will generally request an applicant and/or their representative to communicate in writing.
18. 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.

19. In addition to the reasonable adjustments mentioned above, in appropriate cases the Case Review Manager 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.
20. Decisions to meet are made on objective grounds, related to the needs of the review, to advance the Commission's objectives or in the wider interests of justice.
21. 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:
 - The applicant has been able to fully communicate the relevant issues for the CCRC to consider during the review.
 - The applicant is given the best opportunity to understand the CCRC's processes and any other relevant factors.

Disclosure

22. The CCRC aims to be as open as possible with applicants and their representative. It is generally unhelpful, however, for the CCRC to make piecemeal disclosure of information discovered during the course of a review.
23. Material relevant to the CCRC's decision to refer or not to refer will be disclosed in accordance with the CCRC's disclosure policy: see [Disclosure by the Commission](#).

The CCRC is responsible for the conduct of the review

24. 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.

Translation of materials

25. The CCRC has no statutory or other general obligation to provide translations of material to applicants.
26. 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.

Communicating with applicants.

This document will be reviewed and updated when necessary.

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27. 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.
28. If the CCRC's decision document for the case is translated, the final version will be the English version that has been signed by the decision maker.
29. The CCRC is a public body which exercises its statutory functions in Wales. The Welsh Language Board (established by the Welsh Language Act 1993) 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.

Post-decision Contacts with Applicants

30. Applicants and/or their representatives sometimes continue to contact with the CCRC after a final decision has been communicated and the case has been closed. The CCRC's approach to such matters is set out in its policy on [Post-decision Activity on cases](#).

Staff and Commissioner Personal Security

31. 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.

Non-cooperation cases

32. If an applicant or their representative fails to co-operate with the CCRC's review, the CCRC will manage the situation in accordance with its policy on [Non-co-operation cases, absconsion and withdrawn applications](#).