



Criminal Cases Review Commission

## CASEWORK POLICY

Policy Title: **PAM (Persistent, Abusive, Malicious) Applicants**

Reference: **CW-POL-14**

Version: **2.0**

### Contents

Introduction .....	2
Key Points.....	2
Definitions .....	3
1 Background Information .....	3
2 Closed Cases.....	3
3 Live Cases .....	4
4 Telephone Calls, Voicemails, and e-mails .....	4
5 Applications and Re-applications .....	5
6 Complaints .....	5
7 No Application Cases.....	6
8 Other restrictions that can be imposed.....	6
9 Review of Restrictions.....	7
10 Decision-making for the purposes of this policy .....	7
Relevant CCRC Documents .....	8
Document Control .....	8

### 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].

OFFICIAL - Criminal Cases Review Commission		
Document Ref: <b>CW-POL-14</b>	<b>PAM (Persistent, Abusive, Malicious) Applicants</b>	Date Issued: <b>22/11/2022</b>
Page <b>1</b> of <b>8</b>	Uncontrolled When Printed	Version: <b>2.0</b>

---

## Introduction

This policy outlines the restrictions that the CCRC can put in place to deal with correspondence from persistent, abusive and/or malicious (PAM) applicants.

---

## Key Points

- 1) The CCRC has a duty to exercise its functions efficiently and fairly.
- 2) 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.
- 3) The following restrictions are available under this policy:
  - I. Correspondence will be read but not responded to unless deemed necessary by the CCRC ([sections 2 and 3](#)).
  - II. Correspondence will only be read if it is written by a lawyer<sup>1</sup> ([section 2](#)).
  - III. Telephone calls will not be accepted ([section 4](#)).
  - IV. Voicemails will not be listened to ([section 4](#)).
  - V. E-mails will be blocked ([section 4](#)).
  - VI. Re-applications will not be accepted ([section 5](#)).
  - VII. Re-applications will not be accepted for a fixed period of time ([section 5](#)).
  - VIII. Applications and re-applications will not be accepted unless submitted by a lawyer who identifies something new and compelling ([section 5](#)).
  - IX. Repeated complaints on issues that have already been addressed will not be considered or responded to ([section 6](#)).
  - X. Staff and Commissioner names will be withheld ([section 8](#)).
  - XI. Further copies of case-related documents (e.g. the decision document or transcripts) will not be provided ([section 8](#)).
- 4) The CCRC also receives persistent correspondence and/or calls from those who have not made any application to the CCRC. The principles in this policy apply equally to those situations.
- 5) Decision-making throughout this policy is the responsibility of either the Casework Operations Director (COD), the Chief Executive or an appropriate person as delegated by the COD or Chief Executive.

---

<sup>1</sup> Someone who is professionally qualified, holds a current practising certificate, is regulated by an appropriate body in the UK, and is formally instructed by the applicant so as to owe a professional duty of care to the applicant and to the Courts.

OFFICIAL - Criminal Cases Review Commission		
Document Ref: <b>CW-POL-14</b>	<b>PAM (Persistent, Abusive, Malicious) Applicants</b>	Date Issued: <b>22/11/2022</b>
Page <b>2</b> of <b>8</b>	Uncontrolled When Printed	Version: <b>2.0</b>

- 6) A decision to impose a restriction will be communicated in writing to the applicant and will set out the reasons why that decision has been taken.
- 7) PAM restrictions in relation to applications and re-applications are reviewed every 5 years. All other PAM restrictions are reviewed annually.

---

## Definitions

Key Word	Meaning
COD	Casework Operations Director
Lawyer	A legal professional (i.e. a legal executive, solicitor, or barrister)
PAM	Persistent, Abusive, Malicious

---

## 1 Background Information

- 1.1 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.
- 1.2 The provisions in this policy are linked to:
  - CW-POL-03 Communicating with Applicants
  - #1906355 The Management of Risk to the Safety of Commissioners and Staff.

## 2 Closed Cases

- 2.1 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 took 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. This decision will be communicated to the applicant in writing.

OFFICIAL - Criminal Cases Review Commission		
Document Ref: <b>CW-POL-14</b>	<b>PAM (Persistent, Abusive, Malicious) Applicants</b>	Date Issued: <b>22/11/2022</b>
Page <b>3</b> of <b>8</b>	Uncontrolled When Printed	Version: <b>2.0</b>

- 2.2 [text deleted] Further correspondence received from the applicant after such a decision has been communicated will be saved and noted in the Case Narrative.
- 2.3 In extreme cases, an applicant will continue to correspond with the CCRC after a decision has been made under [paragraph 2.1](#) above and that further correspondence fails to raise fresh and relevant issues. In those cases, a decision may be made that further correspondence on the case will only be read if it is from a lawyer. Any such decision will be communicated to the applicant in writing.

### 3 Live Cases

- 3.1 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 COD.
- 3.2 Where such communication is considered to be excessive or inappropriate, and the applicant has been previously advised of this, the applicant will be contacted in writing and told that future correspondence will be read but will not be replied to (outside the CCRC's reasoned decision document for the case) unless it raises other relevant issues which require resolution before that decision.

### 4 Telephone Calls, Voicemails, and e-mails

- 4.1 Excessive, inappropriate, or abusive telephone calls, voicemails, and/or emails will be brought to the attention of the COD. A decision may be made that:
- I. No further telephone calls will be taken.
  - II. No further voicemails will be listened to.
  - III. Emails will no longer be received (the email address will be blocked).
- 4.2 A decision to impose one of the above restrictions will be communicated, in writing, to the applicant. The communication will also explain why the restriction(s) are being imposed. This applied to live and closed cases.

OFFICIAL - Criminal Cases Review Commission		
Document Ref: <b>CW-POL-14</b>	<b>PAM (Persistent, Abusive, Malicious) Applicants</b>	Date Issued: <b>22/11/2022</b>
Page <b>4</b> of <b>8</b>	Uncontrolled When Printed	Version: <b>2.0</b>

## 5 Applications and Re-applications

- 5.1 The CCRC does not usually impose a limit on the number of times a person may apply for a review of their conviction(s) and/or sentence(s), but each subsequent application for the same conviction or sentence will be subject to the CCRC's existing policy on re-applications.<sup>2</sup>
- 5.2 If an applicant submits multiple applications in relation to different offences which do not raise anything of relevance or substance, or continues to submit re-applications in relation to the same offence(s) and does not raise anything new that is both relevant and significant, the COD (in consultation with an appropriate Commissioner if necessary) may decide:
- I. Not to accept further applications / re-applications unless they are submitted by a lawyer who has clearly identified:
    - a) The relevance of the submissions, and
    - b) Provided **new and compelling grounds** to justify the CCRC accepting the application / re-application.
  - II. Not to accept any further re-applications from that applicant for a specified period of time, or
  - III. Not to accept any further re-applications from that applicant.

The CCRC recognises that the restrictions at 5.2(II) and 5.2(III) would only be appropriate in extreme cases.

## 6 Complaints

- 6.1 All applicants have a right to make a formal complaint as set out in the CCRC's complaints policy<sup>3</sup> including escalating their complaint according to stage two of the complaints policy.
- 6.2 Once the complaints process is exhausted, the CCRC will not continue to correspond with the complainant regarding the same issue or deal with repeat complaints on the same matter.

---

<sup>2</sup> See 'CW-POL-04 Case Review Process' for further information.

<sup>3</sup> See 'CW-POL-12 Complaints' for further information.

OFFICIAL - Criminal Cases Review Commission		
Document Ref: <b>CW-POL-14</b>	<b>PAM (Persistent, Abusive, Malicious) Applicants</b>	Date Issued: <b>22/11/2022</b>
Page <b>5</b> of <b>8</b>	Uncontrolled When Printed	Version: <b>2.0</b>

6.3 This decision will be taken by the Chief Executive (in consultation with the COD, as appropriate).

## 7 No Application Cases

7.1 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.

7.2 The decision not to acknowledge or otherwise reply, or take further calls will be communicated to the individual in writing.

7.3 Any further correspondence received from the individual after such a decision has been communicated will be read, but not replied to, unless it raises something that may constitute an application to the CCRC.

## 8 Other restrictions that can be imposed

8.1 In addition to the restrictions outlined above, the following restrictions can be imposed whenever the CCRC believe it is necessary:

- I. Withholding the names of Staff and/or Commissioners.<sup>4</sup>
- II. Not providing additional copies of case-related documents (e.g. the decision document or transcripts) that have already been provided.<sup>5</sup>

---

<sup>4</sup> The CCRC may deem it necessary to carry out a Case Risk Assessment. If so, then the CCRC will also follow document '#1906355 The Management of Risk to the Safety of Commissioners and Staff'.

<sup>5</sup> Subject Access Request (SAR) and Freedom of Information (FOI) requests are not affected by this policy.

OFFICIAL - Criminal Cases Review Commission		
Document Ref: <b>CW-POL-14</b>	<b>PAM (Persistent, Abusive, Malicious) Applicants</b>	Date Issued: <b>22/11/2022</b>
Page <b>6</b> of <b>8</b>	Uncontrolled When Printed	Version: <b>2.0</b>

## 9 **Review of Restrictions**

- 9.1 PAM restrictions in relation to applications and re-applications are reviewed every 5 years. All other PAM restrictions are reviewed annually.

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

- 10.1 Decision-making throughout this policy is the responsibility of either the COD or Chief Executive, but may be delegated to an appropriate member of staff. On occasions (for example, where a conflict of interest exists or through unavailability) it will be necessary and appropriate for the Finance and Corporate Services Director to take the relevant decision instead.
- 10.2 The CCRC will keep a record of the reasons why restrictions are imposed under this policy and of any delegation of decision-making responsibility.
- 

OFFICIAL - Criminal Cases Review Commission		
Document Ref: <b>CW-POL-14</b>	<b>PAM (Persistent, Abusive, Malicious) Applicants</b>	Date Issued: <b>22/11/2022</b>
Page <b>7</b> of <b>8</b>	Uncontrolled When Printed	Version: <b>2.0</b>

---

## Appendices

None

---

## Relevant CCRC Documents

Q-POL-01	CCRC Quality Policy
CW-POL-03	Communicating with Applicants
CW-POL-04	Case Review Process
CW-POL-12	Complaints
CW-SOP-11	PAM Process
#1906355	The Management of Risk to the Safety of Commissioners and Staff

---

## Document Control

Document author: Legal and Information Officer

Issue authorised by: Casework Operations Director

## Version History

Date Issued	Version	Brief Details of Change	DCR
15/07/2021	1.0	First Issue	21/04
22/11/2022	2.0	Amend: Key Points, 2.1, 2.2, 4.2, 5.2, 10.1. New: Section 9, 10.2	22/24

---

**\*\*\*END OF DOCUMENT\*\*\***

---

OFFICIAL - Criminal Cases Review Commission		
Document Ref: <b>CW-POL-14</b>	<b>PAM (Persistent, Abusive, Malicious) Applicants</b>	Date Issued: <b>22/11/2022</b>
Page <b>8</b> of <b>8</b>	Uncontrolled When Printed	Version: <b>2.0</b>