



Criminal Cases Review Commission

CASEWORK POLICY

Policy Title: **Complaints**

Reference: **CW-POL-12**

Version: **1.0**

Contents

Key Points.....	2
Definitions	2
1 General Principles.....	3
2 Process	4
3 Making Things Right	5
4 Persistent Applicants.....	5
5 Judicial Review Process	6
6 Subject Access and Freedom of Information Requests	6
Relevant CCRC Documents	6
Document Control.....	6

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.

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]**.

Introduction

This policy states the CCRC’s approach to handling complaints made by people who have been affected by the functions, actions, or decisions of the CCRC. It also addresses allegations made in relation to discrimination.

OFFICIAL - Criminal Cases Review Commission		
Document Ref: CW-POL-12	Complaints	Date Issued: 15/07/2021
Page 1 of 6	Uncontrolled When Printed	Version: 1.0

Key Points

- 1) The complaints procedure enables the CCRC to identify areas for improvement in its practices and policies.
- 2) Complaints will be investigated by an appropriate person who has not been involved with the issue which caused the complaint, and in line with the CCRC's wider principles of openness and thoroughness.
- 3) Complaints can be received orally, in writing, or on a specific complaints form which can be requested from the CCRC.
- 4) Formal complaints should be received by the CCRC within 3 months of the event which created the subject of the complaint. Alternatively, complaints may be considered within 3 months of a case being closed.
- 5) All formal complaints are logged and will be acknowledged by the Complaints Department within 10 working days of receipt. We aim to provide a full response within a further 25 working days.
- 6) Complaints made in relation to the way a complaint has been investigated will be considered by the Chief Executive or a Non-Executive Director. Such complaints must be lodged within 25 working days from the date of the CCRC's response to the original complaint.
- 7) Where a complaint is upheld, it will often be appropriate for the CCRC to make things right. On most occasions this is likely to be limited to the rectification of the problem together with an apology. Alternatively, a case may be re-opened or a specific issue reconsidered.
- 8) This complaints policy is separate from the judicial review process. Please see 'CW-POL-13 Judicial Review' for more information.

Definitions

Key Word	Meaning
Complaint	An expression of negative satisfaction
Counsel	Barrister; a type of lawyer
Customer	The person(s) who have direct contact with the CCRC. This is usually taken to mean the applicant and/or their legal representative, or any other appropriate person acting on behalf of the applicant.
DPA	Data Protection Act 2018
FOI	Freedom of Information Act 2000
Satisfaction	The perception of the degree to which the person's requirements / expectations have been fulfilled.

OFFICIAL - Criminal Cases Review Commission		
Document Ref: CW-POL-12	Complaints	Date Issued: 15/07/2021
Page 2 of 6	Uncontrolled When Printed	Version: 1.0

Key Word	Meaning
Stakeholder	Persons who have an interest in the CCRC's work but are not the subject of the application under review. This group includes: the applicant's family and friends, campaign groups, members of the public, and academic personnel.

1 General Principles

- 1.1 The complaints procedure enables the CCRC to identify areas for improvement in its practices and policies. Complaints are, therefore, an important source of information on the quality of the service provided by the CCRC.
- 1.2 This complaints policy exists to identify and remedy legitimate grievances held by those affected by the functions, actions, or decisions of the CCRC. Primarily, this includes applicants, their representatives, and victims. The complaints procedure also addresses any allegations made in relation to discrimination.
- 1.3 The Complaints Department has the responsibility to carry out the functions set out in this policy, which includes impartiality as a central concept. Complaints will be investigated by an appropriate person who has not been involved with the issue which caused the complaint, and in accordance with the CCRC's wider principles of openness and thoroughness.
- 1.4 This policy does not cover:
- a) Dissatisfaction or disagreement solely with the decision not to refer a conviction and/or sentence; this does not, and cannot, form the basis of a complaint to the CCRC.¹
 - b) A general view from members of the public who wish to express dissatisfaction regarding the functions of the CCRC or in relation to specific cases to which they have no direct connection.

¹ However, the CCRC's decision in respect of not referring a case can be challenged in the Administrative Court by way of a judicial review; see 'CW-SOP-13 Judicial Review' for further information.

OFFICIAL - Criminal Cases Review Commission		
Document Ref: CW-POL-12	Complaints	Date Issued: 15/07/2021
Page 3 of 6	Uncontrolled When Printed	Version: 1.0

2 Process

- 2.1 The CCRC prefers a complaint to be made in writing. This can be written as a letter / email or using a specific complaints form (which can be requested for free from the CCRC).
- 2.2 Reasonable adjustments (e.g. allowing a complaint to be made by phone call or voicemail) will be considered where an applicant has, or might have, difficulty in communicating clearly in written form.
- 2.3 All complaints are passed to the Complaints Department, which is responsible for considering the most appropriate course of action. Wherever possible, the Department aims to resolve expressions of dissatisfaction informally and as quickly as possible.
- 2.4 Formal complaints should be received by the CCRC within 3 months of the event which created the subject of the complaint. Alternatively, complaints may be considered within 3 months of a case being closed. Only in exceptional circumstances will the CCRC accept complaints that are lodged over the 3-month time limit.
- 2.5 All formal complaints are logged and will be acknowledged by the Complaints Department within 10 working days of receipt. We aim to provide a full response within a further 25 working days. A more specific estimated timescale for when a substantive response can be expected will be given based upon the individual complaint.
- 2.6 In matters where there may be a conflict of interest, investigations will be delegated to another appropriate member of staff.
- 2.7 Complaints made in relation to the way a complaint has been investigated will be considered by the Chief Executive or a Non-Executive Director. On occasions it may be appropriate for the Chief Executive to nominate another appropriate senior member of staff, or Board member, or seek independent advice from counsel. Such complaints must be lodged within 25 working days from the date of the CCRC's response to the original complaint.
- 2.8 In cases where a decision is made that the expression of dissatisfaction would be better dealt with as part of the ongoing review process or by a different department, the complainant will be informed in writing. If there is a dispute about whether a complaint requires investigation under this complaints policy, the matter will be referred to the Chief Executive.

OFFICIAL - Criminal Cases Review Commission		
Document Ref: CW-POL-12	Complaints	Date Issued: 15/07/2021
Page 4 of 6	Uncontrolled When Printed	Version: 1.0

- 2.9 Unless it is deemed inappropriate, other CCRC functions in relation to the case (for example, the case review process) will continue whilst the investigation into a complaint is carried out.
- 2.10 Where it is deemed appropriate for other CCRC functions in relation to the case (for example, the case review process) to be paused or stopped, the Complaints Department will refer to the Director of Casework Operations. Steps may include members of staff no longer dealing with the complainant.

3 Making Things Right

- 3.1 Where a complaint is upheld, it will often be appropriate for the CCRC to make things right. On most occasions this is likely to be limited to the rectification of the problem together with an apology. In some circumstances, a case may be re-opened or a specific issue reconsidered. In these circumstances a complaint is deemed to be upheld, and recorded as such, whether or not the substantive issues in the complaint are accepted.
- 3.2 If other forms of remedy are considered appropriate, any proposals will be put to the Chief Executive for consideration.

4 Persistent Applicants

- 4.1 If, after the complaints process has been exhausted, the CCRC receives repeated complaints from the same person:
- I. On the same subject, or
 - II. A series of unsubstantiated complaints on different subjects

that person will be dealt with under the CCRC's policy on persistent applicants. Please see 'CW-POL-14 PAM (Persistent, Abusive, Malicious) Applicants' for more information.

OFFICIAL - Criminal Cases Review Commission		
Document Ref: CW-POL-12	Complaints	Date Issued: 15/07/2021
Page 5 of 6	Uncontrolled When Printed	Version: 1.0

5 Judicial Review Process

- 5.1 This complaints policy is separate from the judicial review process. Judicial review is a type of court proceeding in which a judge reviews the lawfulness of a decision or action made by the CCRC. Please see 'CW-POL-13 Judicial Review' for more information.

6 Subject Access and Freedom of Information Requests

- 6.1 This complaints policy is separate from the CCRC's process in relation to Subject Access and Freedom of Information requests and responses; please see the 'CCRC Guidance on Requesting Information Under FOI and DPA' document (available at www.ccrcc.gov.uk) for more information.

Appendices

None

Relevant CCRC Documents

Q-MAN-01	CCRC Quality Manual
Q-POL-01	CCRC Quality Policy
Q-SOP-05	Customer Feedback
CW-POL-13	Judicial Review
CW-POL-14	PAM (Persistent, Abusive, Malicious) Applicants
N/A	CCRC Guidance on Requesting Information Under FOI and DPA

Document Control

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Version History

Date Issued	Version	Brief Details of Change	DCR
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OFFICIAL - Criminal Cases Review Commission		
Document Ref: CW-POL-12	Complaints	Date Issued: 15/07/2021
Page 6 of 6	Uncontrolled When Printed	Version: 1.0