



Criminal Cases Review Commission

CASEWORK POLICY

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

Reference: **CW-POL-14**

Version: **1.0**

Contents

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

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

OFFICIAL - Criminal Cases Review Commission		
Document Ref: CW-POL-14	PAM (Persistent, Abusive, Malicious) Applicants	Date Issued: 15/07/2021
Page 1 of 7	Uncontrolled When Printed	Version: 1.0

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 legal representative ([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 unless submitted by a legal representative who identifies something new and compelling ([section 5](#)).
 - VIII. Repeated complaints on issues that have already been addressed will not be considered or responded to ([section 6](#)).
 - IX. Staff and Commissioner names will be withheld ([section 8](#)).
 - X. 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 Director of Casework Operations (DCO) or the Chief Executive.
- 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) All PAM restrictions are reviewed annually.

Definitions

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

OFFICIAL - Criminal Cases Review Commission		
Document Ref: CW-POL-14	PAM (Persistent, Abusive, Malicious) Applicants	Date Issued: 15/07/2021
Page 2 of 7	Uncontrolled When Printed	Version: 1.0

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.
- 2.2 This decision will be made by the Director of Casework Operations (DCO) and will be communicated to the applicant in writing. Further correspondence received from the applicant after such a decision has been communicated will be saved and noted in the Case record.
- 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, the DCO may decide 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.

OFFICIAL - Criminal Cases Review Commission		
Document Ref: CW-POL-14	PAM (Persistent, Abusive, Malicious) Applicants	Date Issued: 15/07/2021
Page 3 of 7	Uncontrolled When Printed	Version: 1.0

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 DCO.
- 3.2 Where the DCO considers such communication 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 individually (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 DCO. The DCO may decide 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.

5 Re-applications

- 5.1 The CCRC does not 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.¹

¹ See 'CW-POL-04 Case Review Process' for further information.

OFFICIAL - Criminal Cases Review Commission		
Document Ref: CW-POL-14	PAM (Persistent, Abusive, Malicious) Applicants	Date Issued: 15/07/2021
Page 4 of 7	Uncontrolled When Printed	Version: 1.0

- 5.2 If an applicant continues to submit re-applications and does not raise anything new that is relevant, the DCO (in consultation with an appropriate Commissioner if necessary) will decide:
- I. Not to accept any further re-applications from that applicant, or
 - II. Further applications must be submitted by a lawyer who must identify:
 - a) The relevance of the submissions, and
 - b) Provide **new and compelling grounds** to justify the CCRC accepting the application.

6 Complaints

- 6.1 All applicants have a right to make a formal complaint as set out in the CCRC's complaints policy² 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.
- 6.3 This decision will be taken by the Chief Executive (in consultation with the DCO, 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 made by the DCO, and will be communicated to the individual in writing.

² See 'CW-POL-12 Complaints' for further information.

OFFICIAL - Criminal Cases Review Commission		
Document Ref: CW-POL-14	PAM (Persistent, Abusive, Malicious) Applicants	Date Issued: 15/07/2021
Page 5 of 7	Uncontrolled When Printed	Version: 1.0

7.3 Any further correspondence received from the individual after such a decision has been communicated will be brought to the attention of the DCO. Such correspondence 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.³
- II. Not providing additional copies of case-related documents (e.g. the decision document or transcripts) that have already been provided.⁴

8.2 All PAM restrictions are reviewed annually.

9 Decision-making for the purposes of this policy

9.1 Decision-making throughout this policy is the responsibility of either the DCO 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 the Director of Finance and Corporate Services to take the relevant decision instead.

³ 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.

⁴ Subject Access Request (SAR) and Freedom of Information (FOI) requests are not affected by this policy.

OFFICIAL - Criminal Cases Review Commission		
Document Ref: CW-POL-14	PAM (Persistent, Abusive, Malicious) Applicants	Date Issued: 15/07/2021
Page 6 of 7	Uncontrolled When Printed	Version: 1.0

AppendicesNone

Relevant CCRC Documents

Q-MAN-01	CCRC Quality Manual
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: Casework Support Co-ordinator
Issue authorised by: Director of Casework Operations

Version History

Date Issued	Version	Brief Details of Change	DCR
15/07/2021	1.0	First Issue	21/04

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

OFFICIAL - Criminal Cases Review Commission		
Document Ref: CW-POL-14	PAM (Persistent, Abusive, Malicious) Applicants	Date Issued: 15/07/2021
Page 7 of 7	Uncontrolled When Printed	Version: 1.0