



Criminal Cases Review Commission

CASEWORK POLICY

Policy Title: **Non-Cooperation, Absconsion and Withdrawn Applications**

Reference: **CW-POL-24**

Version: **1.0**

Contents

Key Points.....	2
Definitions	2
1 The CCRC is unable to trace the applicant.....	2
2 Applicants who have absconded from prison.....	3
3 Non-cooperation with the CCRC.....	3
4 Withdrawn applications	4
5 Decision Making.....	4
Relevant CCRC Documents	5
Document Control.....	5

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 document sets out the CCRC’s approach to cases in which:

- I. The CCRC is unable to trace the applicant.
- II. The applicant has absconded from prison.
- III. The applicant is not co-operating with the CCRC.
- IV. The applicant wishes to withdraw their application.

OFFICIAL - Criminal Cases Review Commission		
Document Ref: CW-POL-24	Non-Cooperation, Absconsion and Withdrawn Applications	Date Issued: 15/07/2021
Page 1 of 5	Uncontrolled When Printed	Version: 1.0

Key Points

- 1) Applicants will generally be given 20 working days to respond to a request from the CCRC.
- 2) Cases will be closed if the applicant cannot be contacted, or if the applicant does not cooperate with the review process.
- 3) The CCRC will not generally attempt to ascertain the whereabouts of an applicant who has absconded from prison. If, however, the CCRC becomes aware of the applicant's whereabouts, the matter may be reported to the Police.
- 4) The CCRC has the power to review in the absence of an application. In principle, therefore, a review may proceed even when the applicant has indicated that they would prefer to withdraw.
- 5) A decision to close a case in any of the circumstances addressed by this policy can be made by the Director of Casework Operations, the Chief Executive, or a Commissioner.

Definitions

None

1 The CCRC is unable to trace the applicant

- 1.1 If correspondence is returned to the CCRC marked "gone away", "not at this address" or other similar terms, and there is no up-to-date information as to how the applicant can be contacted, the CCRC will take reasonable steps to obtain a forwarding address.
- 1.2 If the CCRC ascertains a new address for the applicant, a letter will be sent, requesting confirmation that the applicant wishes the review to continue. If no response is received within 20 working days, the case will be closed.
- 1.3 If the CCRC is unable to trace the applicant, the case will be closed. If the applicant contacts the CCRC subsequently, they will generally be advised to make a further application.

OFFICIAL - Criminal Cases Review Commission		
Document Ref: CW-POL-24	Non-Cooperation, Absconson and Withdrawn Applications	Date Issued: 15/07/2021
Page 2 of 5	Uncontrolled When Printed	Version: 1.0

2 Applicants who have absconded from prison

- 2.1 The CCRC will not generally attempt to ascertain the whereabouts of an applicant who has absconded from prison. If, however, the CCRC becomes aware of the applicant's whereabouts, the matter may be reported to the Police.¹
- 2.2 If an applicant is represented and the lawyers are instructed sufficiently well to conduct any appeal, it will generally be appropriate for the CCRC to continue with the review.² If the applicant is not represented but is able to communicate sufficiently well (for example, by email) with the CCRC, then the review will continue. Otherwise, the application will generally be closed.

3 Non-cooperation with the CCRC

- 3.1 The applicant will be given 20 working days to reply to a request from the CCRC. The applicant should provide the information sought by the CCRC or tell us the reasons why it is not possible to do so, within that timescale. Any application for further time will be considered in line with the CCRC's policy on extensions for further submissions.³
- 3.2 If the applicant does not cooperate with our review,⁴ then the CCRC will ask the applicant to confirm in writing that they will not help us.
- 3.3 Where there is no response or confirmation of the decision not to cooperate, unless there are exceptional circumstances,⁵ the CCRC will close the case without further investigation.

¹ See 'CW-POL-19 Disclosure by the CCRC' for further information.

² Confirmed in *R v Charles and Tucker* [2001] 2 Cr App R 15.

³ See 'CW-POL-08 Extensions for Further Submissions'.

⁴ This could be in a variety of ways e.g. by failing to provide authority or information reasonably requested by the CCRC.

⁵ This is **not** related to the exceptional circumstances discussed in 'CW-POL-06 Exceptional Circumstances'.

OFFICIAL - Criminal Cases Review Commission		
Document Ref: CW-POL-24	Non-Cooperation, Absconson and Withdrawn Applications	Date Issued: 15/07/2021
Page 3 of 5	Uncontrolled When Printed	Version: 1.0

4 Withdrawn applications

- 4.1 If an applicant makes a written request to withdraw an application, the CCRC will consider whether it appears that the request is being made on an informed basis. If it appears that any improper pressure is being applied to the applicant then the CCRC will make appropriate enquiries. If the capacity of the applicant to make informed decisions is in doubt then the CCRC will contact the applicant's representative or encourage legal representation to be sought. Where appropriate, the CCRC will seek medical or other advice.
- 4.2 The CCRC has the power to review in the absence of an application.⁶ In principle, therefore, a review may proceed even when the applicant has indicated that they would prefer to withdraw. Before proceeding on that basis in respect of a withdrawn application, the CCRC will consider:
- I. any significant legal or public interest issues raised by the application; and
 - II. appropriate use of the CCRC's resources.
- 4.3 Where the applicant has made an informed decision to withdraw their application, the CCRC would only proceed with a review:
- I. in exceptional circumstances, and
 - II. where there is a clear public interest in so doing.
- 4.4 Where the CCRC is satisfied that the applicant would fail to pursue an appeal even if the case were to be referred, the review will be closed.

5 Decision Making

- 5.1 A decision to close a case in any of the circumstances addressed by this policy can be made by the Director of Casework Operations, the Chief Executive, or a Commissioner.

⁶ See section 14(1) Criminal Appeal Act 1995.

OFFICIAL - Criminal Cases Review Commission		
Document Ref: CW-POL-24	Non-Cooperation, Absconson and Withdrawn Applications	Date Issued: 15/07/2021
Page 4 of 5	Uncontrolled When Printed	Version: 1.0

Appendices

None

Relevant CCRC Documents

Q-MAN-01 CCRC Quality Manual
Q-POL-01 CCRC Quality Policy
CW-POL-08 Extensions for Further Submissions
CW-POL-19 Disclosure by the CCRC

Legal Documents (available for free from www.legislation.gov.uk)
Criminal Appeal Act 1995

Document Control

Document author: Head of Quality
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Version History

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15/07/2021	1.0	First Issue	21/04

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

OFFICIAL - Criminal Cases Review Commission		
Document Ref: CW-POL-24	Non-Cooperation, Absconson and Withdrawn Applications	Date Issued: 15/07/2021
Page 5 of 5	Uncontrolled When Printed	Version: 1.0