

CCRC

FORMAL MEMORANDUM

COMMUNICATING WITH APPLICANTS -STAGE 2

Initial introduction to the applicant

1. Case Review Managers (CRMs) should have a reasonable understanding of a case before communicating with the applicant. The CRM's first letter to the applicant should normally set out the Commission's understanding of the issues raised, giving the applicant an early opportunity to raise any matters not addressed in the letter. However, in some cases the caseworker may prefer to send an initial letter of introduction, stating that the case has been allocated and explaining the caseworker's role in the review, sending a second letter to set out the Commission's understanding of the issues raised.

Communications where the applicant has a representative.

2. Case review is facilitated by establishing at the outset the most appropriate arrangements for communicating with applicants and/or their representatives. These arrangements should be maintained throughout, unless it is necessary to modify them because of developments during the review.
3. When an applicant is represented, the CRM should decide whether to deal directly with the applicant or with the applicant's representative. Much will depend on the nature of the case. It is sometimes best to discuss these arrangements by calling the representative. When the CRM writes directly to an applicant who is legally represented, all letters to and from the applicant should normally be copied to the legal representative. The arrangements made should always be confirmed in writing to the applicant and the representative.
4. Generally, the CRM will deal with an applicant or the applicant's representative. In some cases, there are campaign groups, or other actively interested parties, whose involvement can be managed through the applicant's representative. If there is no representative, arrangements should be made to communicate with one campaign group, or other interested party, only.

Openness during the review

5. The Commission wishes to be as open as possible with applicants. A satisfactory relationship is facilitated by a clear understanding of what is meant by 'open'. It means that, when a case has been reviewed, the Commission will explain what it has done, what it has learned and the conclusions that it has reached in respect of the issues raised by the applicant, always subject to any constraints on disclosure.
6. It is generally unhelpful to an applicant for the CRM to make piecemeal disclosure of information discovered during the course of a review. The applicant may not be able to appreciate its full significance. Sometimes, the full significance of new information will only be determined by a decision-making Commissioner or committee of Members. It will be appropriate to disclose facts learned during the course of a review if the CRM requires comment on them, or a response from an applicant, again always subject to any constraints on disclosure.
7. Whilst applicants may wish to know what steps are being taken during a review, the implications of such disclosure must be considered. For example, an applicant might generally be told that an expert has been consulted, but it will not always be appropriate to disclose the Commission's intention to interview a witness, or to disclose what a witness has said whilst the review is in progress.

Frequent Communication by telephone

8. Some applicants make frequent telephone calls to the CRM. To deal effectively with each call, it is important to identify its purpose. CRMs should explain to the applicant the Commission's role, and should focus on new issues. Some applicants will press CRMs to disclose information. CRMs should explain that disclosure is not necessarily made until the Commission has made either a decision to refer, or a provisional decision not to refer.
9. It is unhelpful to applicants for CRMs to express views on the safety of the original conviction, or the merits of the application. CRMs should not commit themselves to updating applicants regularly, or within a set period. Reviews may take longer than expected, and broken commitments are only likely to cause unnecessary frustration or disappointment to the applicant.

Requests for written communication

10. In the course of a review, there may be specific questions that the CRM would like to put to the applicant. They are generally best asked in writing. This allows an applicant to consider what is being asked, to take his/her time in drafting a response, and possibly to obtain legal advice on them

before responding. If an applicant does not respond satisfactorily to written questions, or is not able to, it may be appropriate for the applicant to be interviewed. It may also be appropriate to meet with an applicant in cases where a time extension for further representations has been granted, but the representations have not been forthcoming.

11. Applicants and/or their representatives who ask for meetings with CRMs should be encouraged to submit their representations in writing. If they believe, nevertheless, that a meeting would assist, they should be asked to explain clearly in writing the reasons why such a meeting is considered necessary. If an applicant cannot express himself/herself adequately in writing, the request for a meeting should generally be granted, though this should not be necessary if the applicant is legally represented. It is for the CRM to decide what is likely to be the most effective way of obtaining the applicant's representations.

Conduct of the review

12. Applicants and/or their representatives sometimes request the CRM to undertake specific investigations. Such requests should always be considered carefully, but it is for the CRM to decide what investigations are to be carried out, and what disclosure is to be made of their outcome.