



Criminal Cases Review Commission

## CASEWORK POLICY

Policy Title: **Further Submissions**

Reference: **CW-POL-08**

Version: **3.0**

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### 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].

### Introduction

This document sets out the CCRC's policy in relation to the issuing of a provisional decision which allows time for an applicant or their representative(s) to make further representations or submissions (hereinafter referred to as "submissions") in response.

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## Key Points

- 1) The CCRC will always permit an applicant to respond to an initial decision where it has obtained relevant new material.
- 2) 20 working days will be permitted for further submissions in the majority of cases. In some more complex cases 40 working days will be permitted.
- 3) A decision to allow an extension of time will be made having regard to several factors including the complexity of the issues involved, or the disclosure of lengthy documents obtained by the CCRC.
- 4) Subsequent extensions should not normally be granted for longer than two months at a time.
- 5) The opportunity to respond to the initial view is provided in order to obtain further submissions on the issues addressed in the initial decision, **not** to invite the submission of new arguments or evidence.
- 6) The overriding factor is fairness to the applicant and fairness to the CCRC's other applicants.
- 7) If an applicant or their representative indicate within the relevant time limit that there will be no further submissions, then there is no requirement for the CCRC to await the expiry of the period granted before progressing the case further.

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## Definitions

Key Word	Meaning
Applicant	The person named in an application to the CCRC
CRM	Case Review Manager
Lawyer	A legal professional (i.e. a legal executive, solicitor, or barrister).
Representative	A person who helps an Applicant. This person could be a friend or family member, or a lawyer.
Submissions	Something for the CCRC to consider when reviewing a case.

## 1 General Information

- 1.1 The CCRC will always permit an applicant to respond to an initial decision where it has obtained relevant new material as a result of enquiries carried out by the CCRC. 20 working days will be permitted for further submissions in the majority of cases. In some more complex cases 40 working days will be permitted.
- 1.2 There is no legal or other provision which sets a time limit for further submissions. It is a key objective of the CCRC to deal with cases both efficiently and effectively.
- 1.3 The CCRC has determined that the periods set out above are the **minimum** to be granted to an applicant to respond to an initial decision, where there is relevant new material. There are some cases where, for a variety of reasons, it is unreasonable to require a response within that period.

## 2 Extension of Time to make Further Submissions

- 2.1 In all cases a further 20 working days may be granted by the Case Review Manager (CRM). Any subsequent extensions may be granted only with the agreement of a Group Leader.
- 2.2 Initial or subsequent extensions of time for the making of further submissions may be appropriate having regard to factors such as the complexity of the issues involved, the likely difficulty of obtaining or giving necessary instructions, or the fact that lengthy documents obtained by the CCRC have been disclosed for the first time with the initial decision. Subsequent extensions should not normally be granted for longer than two months at a time.
- 2.3 Where an applicant or their representative asks for additional time to pursue a line of investigation, the CCRC will consider whether it is a reasonable line of investigation and whether the interests of justice would be best served by the CCRC taking responsibility for that line of investigation, or allowing time for the applicant or their representatives to pursue the investigation. Where appropriate, we may decide to make a decision on the basis of submissions already received and any additional submissions will be treated as a fresh application. We will keep in mind that our purpose is to find, investigate and refer possible miscarriages of justice.

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- 2.4 The opportunity to respond to the initial view is provided in order to obtain further submissions on the issues addressed in the initial decision, **not** to invite the raising of new issues or the submission of new arguments or evidence. Where genuinely new matters are raised in the further submissions, it is at the CCRC's discretion whether to respond to them within the existing case review, or to require a new application to be submitted. Any decision as to whether or not to require a new application to be submitted in those circumstances should be made by the Group Leader, in consultation with the CRM and decision-making Commissioner (or Lead Commissioner where there is a committee).
- 2.5 The overriding factors in the exercise of the discretions referred to above are fairness to the applicant and fairness to the CCRC's other applicants. The CCRC will have regard to the facts that there is generally:
- a) No limit to the number of times an applicant may apply to the CCRC<sup>1</sup> and
  - b) Little or no detriment to an applicant being asked to reapply at a later stage when his/her submissions are complete.
- 2.6 The CCRC will not normally consider the following reasons as being by themselves sufficient to justify an extension of time for further submissions:
- a) The applicant has only recently identified a new issue, argument, or matter which, so it is contended, merits consideration and/or investigation by the CCRC.
  - b) A change of legal representative, or the initial appointment of a legal representative, by the applicant after the issue of the provisional decision.
  - c) Unjustified delays by the applicant or their representative in the consideration of the provisional decision.
- 2.7 Should an applicant or their representative indicate within the relevant time limit that there will be no further submissions, then there is no requirement for the CCRC to await the expiry of the period granted before progressing the case further.

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<sup>1</sup> Where, however, an applicant makes repeated applications which raise the same submissions and do not contain anything of substance that is new and relevant, the CCRC may impose restrictions under policy 'CW-POL-14 PAM (Persistent, Abusive, Malicious) Applicants'.

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## Appendices

None

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## Relevant CCRC Documents

Q-POL-01 CCRC Quality Policy  
CW-POL-14 PAM (Persistent, Abusive, Malicious) Applicants

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## Document Control

Document author: Head of Quality  
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
30/10/2023	2.0	Amend: Introduction, 2 [title], Relevant Docs. New: Footnote 1	22-26
12/08/2024	3.0	New: 2.3	24-32

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