



Criminal Cases Review Commission

CASEWORK POLICY

Policy Title: **Complaints**

Reference: **CW-POL-12**

Version: **2.0**

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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.

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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.

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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 and/or bias. Handling complaints is an important part of the public service that the CCRC provides. It aims to provide the highest standards of service and to get things right. Therefore, if you have a complaint the CCRC would like to hear from you.

Key Points

- 1) The CCRC wants to know when its service falls short of what is expected so that it can put things right for the complainant, make improvements and learn from the experience. The complaints procedure enables the CCRC to identify areas for improvement in its practices, policies and training.
- 2) Although complaints are preferred in writing, or on a specific complaints form (which can be requested from the CCRC), they can also be received verbally by speaking to the Complaints Manager.
- 3) Complaints will be investigated by the Complaints Manager or delegated to another appropriate member of the CCRC team.
- 4) Formal complaints should be received by the CCRC within three months of the event which created the subject of the complaint. Alternatively, complaints may be considered within three months of a case review ending.
- 5) All formal complaints are logged and will be acknowledged by the Complaints Department within ten working days of receipt. It aims to provide a full response within 40 working days of receipt.
- 6) If you are dissatisfied with the handling of your complaint or the complaint response you have received, you can seek a review of the complaint investigation under Stage 2 of this policy.
- 7) Complaints further escalated in relation to the way a complaint has been investigated will be considered by the Chief Executive who will assign a Non-Executive Director or other senior member of the management team under Stage 3 of this policy.

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- 8) 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.
- 9) The complaints process is not a continuation of the review of an application.

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.
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 This complaints policy exists to identify and remedy legitimate service 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 or bias.
- 1.2 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.

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- 1.3 The Complaints Department is responsible for carrying out the functions set out in this policy. Impartiality is a central concept. Complaints will be investigated by the Complaints Manager or another 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.
 - 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.

Procedure

2 How to Complain

- 2.1 The CCRC prefers a complaint to be made in writing. This can be as a letter, email, or using a specific complaints form, which can be requested from the CCRC by calling the free phone number 0800 538 5724.
- 2.2 Reasonable adjustments (e.g. allowing a complaint to be made by phone call or voicemail) will be considered where a complainant has, or might have, difficulty in communicating clearly in written form. They can do this by speaking to the Complaints Manager.
- 2.3 Formal complaints should be received by the CCRC within three months of the event which created the subject of the complaint, or of the complainant becoming aware of the issue. Alternatively, complaints may be considered within three months of a case being closed.
- 2.4 Where there is a clear and justifiable reason for a complaint being submitted outside the three-month time limit, the Complaints Manager may exercise discretion to decide whether it is appropriate and fair to consider it. Factors that may support such a decision include, but are not limited to:

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- The complainant's vulnerability, including health, communication or personal circumstances,
- Whether consideration of the complaint could contribute to organisational learning or service improvement,
- Whether the complaint raises broader concerns about policies or processes that can be addressed without the need to examine case-specific material.

3 Triage

- 3.1 All complaints are passed to the Complaints Manager who is responsible for triaging incoming correspondence and considering the most appropriate course of action. This may include another department or individual responding, depending on the issue raised.
- 3.2 In cases where a decision is made that the expression of dissatisfaction or query would be better dealt with as part of an ongoing review process or by a different department, the complainant will be informed in writing.
- 3.3 When a formal complaint is accepted it is logged and will be acknowledged by the Complaints Department within 10 working days of receipt.

4 Investigation Stage 1

- 4.1 The Complaints Department aims generally to provide a substantive response within 40 working days of receipt of the complaint, but this is not always possible. A more specific estimated timescale for when a substantive response can be expected will be given based upon the individual complaint and circumstances. Should the Complaints Manager require more time to fully investigate a complaint, the complainant will be informed in writing.
- 4.2 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.

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- 4.3 Where it is deemed appropriate for other CCRC functions in relation to the case to be paused or stopped during the complaint consideration, the Complaints Manager will refer to the Casework Operations Director. Steps may include members of staff no longer dealing with the complainant.
- 4.4 The complaint investigation will look at the service provided, at the approach that the CCRC has taken to the issues raised within a case review, and the way in which the CCRC's conclusions have been set out in the decision documents. It will consider the relevant policies and procedures followed whilst considering a case, and the manner, tone and mode of communication.
- 4.5 A complaint investigation is not an appeal process or a re-review of a case. It will not consider the merit of case submissions or substitute a decision in a case review for a different one.
- 4.6 A complaint is considered upheld if the substantive concern is made out, even if it is concluded that it has not affected the outcome of a case review. A complaint is considered partially upheld if certain aspects of the complaint are made out, but the substantive issues are not.

5 Redress and Making Things Right

- 5.1 Where a complaint is upheld (whether partially or fully), it is important for the CCRC to make things right. The Complaints Manager will consider how best to do this. On most occasions this is likely to be limited to the rectification of the problem together with an explanation and apology. Other forms of redress may include:
- Further explanation or clarification of review decisions to help an applicant understand the decisions made and conclusions reached.
 - A request that specific issues be reconsidered, or a recommendation that a case be re-opened. In these circumstances a complaint is deemed to be upheld, or partially upheld, whether or not the substantive issues in the complaint are accepted.

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- 5.2 If other forms of remedy are considered appropriate, any proposals will be put to the Chief Executive or Casework Operations Director for consideration.
- 5.3 There are no financial remedies available under the complaints policy.

6 Escalation Stage 2

- 6.1 If a complainant has concerns with the manner in which their complaint has been handled, or the way in which the complaint decision has been communicated to them, they can seek a review of the complaint investigation under Stage 2 of the complaints process. Such complaints must be lodged within 20 working days of the date of the substantive response.
- 6.2 During a Stage 2 complaint review, another appropriate member of staff will check how the original complaint investigation was carried out, that concerns raised have been appropriately considered, reasoned and communicated, and that no substantive point has been missed.
- 6.3 The reviewer cannot overrule a complaint decision. If they identify an error or failure in the standard of service, they can:
- Request that the original complaint investigator address the issue
 - Address the issue themselves within their response if appropriate
 - Recommend that the Complaint be reconsidered (they can do this as an extension of their stage 2 review if the recommendation is accepted by the Complaints Manager or, in exceptional circumstances, they can suggest that another member of staff look at the complaint).

7 Escalation Stage 3

- 7.1 Further complaints made in relation to the way a complaint has been investigated may be considered under stage 3 of this policy. Such complaints must be lodged within 20 working days from the date of the CCRC's response to Stage 2 of the process.

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- 7.2 Not all requests for a stage 3 review will automatically progress to a Stage 3 investigation. They will be considered by the Chief Executive Officer (CEO) or another member of the senior management team, who will decide whether the complaint has been appropriately concluded and should be closed, or whether it should be further considered under Stage 3 of the complaints process. The complainant will be informed in writing and if appropriate an estimated response date will be provided.
- 7.3 Complaints that were deemed 'out of time' cannot proceed to stage 3.
- 7.4 Stage 3 of the complaints process is a further review process; it is not an appeal process. It will not overrule a decision merely on the basis that the complainant continues to disagree.
- 7.5 During stage 3, the CEO, a Non-executive Director, or senior member of the Management Team will consider the handling of the complaint at both previous stages.
- 7.6 If the Stage 3 complaint is upheld, the reviewer will consider the most appropriate course of action to correct the issue in consultation with the Complaints Manager and the Casework Operations Director. Any disagreements or conflicts of interest will be referred to the CEO.

8 Post closure

- 8.1 Once a final decision has been made and communicated, the complaint is closed. The Complaints Department will answer initial queries but does not engage in protracted post closure communication. It is important that the Complaints Manager can move on to investigate other complaints awaiting consideration.
- 8.2 If the Complaints Department continues to receive post closure communications, these are passed to the Complaints Manager, whose role it is to consider whether any further response from the complaints team is required.

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9 Persistent Applicants/ Complainants

- 9.1 The CCRC does not accept repeated complaints on the same subject or multiple unsubstantiated complaints in relation to the same matter, purely on the basis that the complainant continues to disagree with the decision.
- 9.2 If ongoing communication is deemed to be unproductive or outside of the scope of the complaints policy (for example repeat or further case submissions) the Complaints Manager may:
- Warn the complainant that the complaint process has been exhausted, and if continued communications are sent, they may receive no further response.
 - Pass the communication to another relevant person or department to respond, if appropriate.
 - Refer the situation for consideration under the CCRC's policy on persistent applicants.
- 9.3 Please see 'CW-POL-14 PAM (Persistent, Abusive, Malicious) Applicants' for more information.

10 Judicial Review Process

- 10.1 Judicial review is a type of court proceeding in which a judge reviews the lawfulness of a decision or action made by the CCRC.
- 10.2 Applicants who wish to challenge the decision on their case because they believe that the decision is unlawful, irrational, or unreasonable can write to the CCRC under the pre-action protocol in accordance with the Judicial Review process.
- 10.3 If no satisfactory resolution can be met, then the applicant can issue proceedings in the Administrative Court.
- 10.4 Please see 'CW-POL-13 Judicial Review' for more information.

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11 Subject Access and Freedom of Information Requests

- 11.1 Complaints in relation to the conduct of the staff who respond to requests for information are covered by this policy.
- 11.2 However, a complaint in relation to how an information request or a subject access request has been handled (including the disclosure made and any exemptions or redactions applied) does not fall within this policy. Complaints in relation to suspected breaches of the Freedom of Information Act 2000 (FOI), or the Data Protection Act 2018 (DPA) should be addressed to the CCRC's Data Protection Officer.
- 11.3 Please see the 'CCRC Guidance on Requesting Information Under FOI and DPA' document (available at www.ccrcc.gov.uk or via the free phone number at 0800 538 5724) for more information.

Appendices

None

Relevant Documents

Q-POL-01	CCRC Quality Policy
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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15/07/2021	1.0	First Issue	21-04
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