



FORMAL MEMORANDUM
COMMUNICATING WITH APPLICANTS

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Introduction

- 1. This document outlines the Commission’s approach to communicating with applicants and their representatives. The Commission aims to be open with applicants but also needs to ensure that cases are reviewed and progressed in a timely fashion.

Stage 1

- 2. Upon receipt of an application a “Question and Answer” leaflet, which addresses the issues most frequently raised by applicants, will be sent to the applicant with an acknowledgement letter:
- 3. Although Stage 1 staff will always strive to answer any additional queries, it is generally not practicable for them to enter into dialogue about the issues in the case.

4. After the application has been accepted for review, the applicant will be informed by letter whether it can be reviewed thoroughly within a comparatively short timescale (Category A), or whether it will have to join the list of those requiring a more time-consuming review (Category B or C). For further information see [Case Categorisation](#) and [Casework Pathways](#).

Category A Cases

5. Some Category A cases raise only one or two straightforward issues, and they will be reviewed very quickly. Accordingly, it may transpire that the first communication from the case reviewer will be a letter containing the Provisional Statement of Reasons outlining the Commission's decision not to refer.

Category B and C cases

6. The applicant (and/or his/her representative) will be notified by letter at the earliest opportunity that a case has been allocated. The case reviewer will generally spend some time considering the application before making contact with the applicant.
7. The case reviewer's first substantive letter to the applicant usually sets out the Commission's understanding of the issues and seeks clarification and confirmation of the issues where necessary. It is important to clarify all issues at the outset, as a decision may be made to treat new issues, raised after the case has been substantially reviewed, as a separate application: see [Extensions for Further Representations](#). In category B cases this letter should be sent to the applicant within two weeks and in category C cases within four weeks.
8. Contact with applicants should be maintained by the case reviewer, at least once every three months, while the review is in progress.

Lines of Communication

9. Where an applicant is represented, appropriate arrangements will be made by the case reviewer for communication with the applicant and/or their representative.
10. Where an applicant is legally represented, all letters to and from the applicant should normally be copied to the legal representative.
11. Where there are campaign groups, or other actively interested parties, communication will be through the applicant's representative. If there is no representative, arrangements will generally be made to communicate with only one campaign group or other interested party.

12. Where it appears to the Commission that the behaviour of an applicant's representative is inappropriate, the case reviewer will have regard to [Applicants' representatives, inappropriate conduct](#).

Translation of materials

13. The Commission has no statutory or other general obligation to provide translations of material to applicants.
14. Where the applicant is represented, as a general rule all communications from the Commission will be in English. It is acknowledged that an unrepresented applicant may experience particular difficulties in communicating with the Commission in written English.
15. The Commission will consider any request for material to be translated on an individual basis. If the Commission's review would be assisted by the provision of translated material to the applicant, or if such translation would enable an applicant to make his or her best possible case, the Commission may decide to exercise its discretion to translate documentation.
16. If the Commission's Statement of Reasons is translated, the final version will be the English version that has been signed by a Commissioner.
17. The Commission is a public body which exercises its statutory functions in Wales. The Welsh Language Board (established by the Welsh Language Act 1993) has not, thus far, notified the Commission that it is required to prepare a scheme specifying the measures it will take in relation to the use of the Welsh language in connection with the provision of services. Any request for translation into Welsh will be considered in the same way as a request for translation into any other language.

Disclosure

18. The Commission aims to be as open as possible with applicants. It is generally unhelpful, however, for the Commission to make piecemeal disclosure of information discovered during the course of a review.
19. Material relevant to the Commission's decision to refer or not to refer will be disclosed in accordance with the Commission's disclosure policy: see [Disclosure by the Commission](#).

Identity of Commissioners

20. It is important that the Commission should be in a position to safeguard the integrity of its strategic, interim and final decision-making processes. Accordingly, the identity of
 - Commissioners involved in a review as Assigned Commissioner;
 - and

- Commissioners engaged in Case Planning Committees or Advisory Committees; and
 - Commissioners who take decisions not to refer as Single Commissioner; and
 - Commissioners who take decisions to refer (or to exercise the discretion not to refer) at case committees
- will not generally be provided to applicants or their representatives until the end of the review.

The applicant's case is generally best put in writing

21. To avoid the possibility of any misunderstanding or doubt, the Commission will generally request an applicant to communicate in writing.
22. Legal advice and assistance is available to assist in responding to the Commission's requests for further information, or to make representations to the Commission.

Meeting and interviewing applicants

23. Any decision to meet or interview an applicant will generally be based on the needs of the review or in order to advance the objectives of review.
24. An applicant and/or their representative may be asked to submit their representations in writing if they believe that a meeting would assist or benefit the case review: see [Interviewing](#).

The Commission is responsible for the conduct of the review

25. Applicants sometimes request the Commission to undertake specific investigations. Such requests will always be considered carefully, but it is for the Commission to decide what investigations are to be carried out, and what disclosure is to be made of their outcome.

Post-decision Contacts with Applicants

26. Applicants sometimes continue to contact with the Commission after a final decision has been communicated and the case has been closed. The Commission's approach to such matters is set out in its Formal Memorandum [Post-decision Activity on cases](#).

Staff Personal Security

27. If an applicant's behaviour causes a member of staff to be concerned about personal security, the situation will be managed in accordance with the Commission's policy Management of persons who present a potential risk to the safety of staff.

Non-cooperation cases

28. If applicants or their representatives fail to co-operate with the Commission's review, the Commission will manage the situation in accordance with its Formal Memorandum [non-co-operation, absconsion and withdrawal.](#)