

The following are answers to some of the basic questions that we are regularly asked by colleagues exploring setting up a member innocence project in another university.

1) Is insurance needed?

Each institution must ensure that they are insured in respect of innocence project activity. INUK does not offer any insurance in this regard, but we do not anticipate that there will be any onerous requirements on existing institutional liability cover. Simple notification and a brief description of activity to insurers may suffice because innocence projects will not be offering or giving legal advice. Universities that already have pro bono or clinical education schemes will already be insured, and notification to insurers of the new activity will normally suffice.

2) What level of staff supervision is required?

Staff supervision is usually undertaken by the director (staff member) of the innocence project who is responsible for the overall running and management of his/her university's innocence project. The staff director should ensure that students work in accordance with the innocence projects protocols, that 'clients' are regularly updated on the progress of their cases, and that legal advice is not inadvertently given and/or that inappropriate representations are not made.

3) What is the time commitment?

Although there is no 'optimum time' that students should spend on casework, it is recommended that students commit on average between 4-6 hours a week on casework over the duration of the academic term, with additional time spent on reading up on issues pertaining to wrongful convictions, generally, and the specific investigation. To ensure that students manage and utilise their time effectively, it is also recommended that the innocence projects has a time log recording the number of hours that each student has dedicated to innocence project work (e.g. S. Smith - reading through witness statements and making a summary - 4 hours), which should be regularly reviewed by the staff director.

4) How many students are needed to run an innocence project?

The size of our member innocence projects vary, ranging from smaller projects consisting of 5-8 students working on 1 or 2 cases, to larger projects with over 50 students working on up to 10 cases. The amount of management required and the organisational model therefore differs depending on the size and scale of the project. A typical model adopted by most member innocence projects is for students to work in smaller groups with each group tasked with a case overseen by the staff director who will allocate students with specific tasks.

The ways in which student members are organised may also have to be slightly adapted depending on the stage of development of the innocence project. In the early days of an innocence project, where students may be awaiting case documents, there may not be a substantial amount of investigative work. During this early stage, systems will need to be established and implemented, and basic research/fundraising done, which is key to ensure the long-term sustainability of an innocence project and also create work to keep students occupied whilst awaiting for the case documents to arrive.

However, as the investigation develops cases may require more caseworkers to organise and analyse the large volumes of paperwork and case documents when they are eventually obtained by the innocence project.

We strongly encourage staff directors to utilise the online member's forum to ask questions and share ideas on how to manage and organise his/her universities innocence project.

The INUK also hosts two conferences each year in Spring and Autumn where staff directors and student caseworkers come together to exchange experiences and ideas and best practices for innocence project work.

5) Do all students need to attend the INUK conferences?

INUK offers two conferences each year in Spring and Autumn. The aim of these conferences is to assist member innocence projects to understand the problem of wrongful convictions so that they can make progress with their cases.

We strongly recommend that ALL staff directors and innocence project students attend the INUK conferences.

In addition, each member innocence project will assess its own additional training needs and provide for them to support its investigations.

6) How should an innocence project select students as caseworkers?

Each member innocence project is free to select students in a way to suit them. An application form that might be used is contained in the Innocence Projects Starter Pack that is provided to Members.

Some of our members accept all students who apply to them. Others ask students to undertake particular tasks such as writing an essay, carrying out a specific piece of research, or producing a reflective account based on two sessions of the student's choice from the training programme. Staff then look at or mark the work produced to aid selection. Some members arrange for students to informally interview potential new caseworker colleagues and some directors interview the students themselves. The overriding concern is to ensure that potential new recruits understand the importance of the commitment and that casework should not simply be treated as a CV-enhancing exercise.

Some of our members have had difficulties with students who sign up for casework, and who subsequently do not put in the required time or effort. A student contract of commitment is recommended (a specimen is provided in the Innocence Projects Starter Pack) to ensure that students take their commitment seriously. It is also recommended that an institution has in place a system for letting students go from a project if they fail to show sufficient commitment.

7) How are cases obtained?

Member innocence projects work only on cases referred to them by INUK.

All applications to INUK for assistance from alleged innocent victims of wrongful conviction are entered onto the INUK central bank of cases, whether they are eligible or ineligible. However, only eligible cases will be referred for member projects to choose from.

INUK undertakes the administration and assesses the eligibility of all applications for innocence projects assistance to member innocence projects for the following reasons:

- (1) to reduce the administrative burden for member innocence projects so that they can direct their efforts and resources to case investigations
 - (2) to avoid a situation where more than one institution is working on a single case
- Member innocence projects must agree not to advertise for or solicit cases independently and pass any new enquiries from potential 'clients' on to INUK for eligibility assessment.

INUK will not refer cases to a member innocence project unless it is satisfied that the necessary infrastructures for innocence project work including data protection provisions are in place for casework to be undertaken in accordance with the INUK casework protocols.

Requests for new cases can only be made by the staff director of the member innocence project.

INUK notes that whilst cases are taken for educational purposes by universities, evidential practicalities will play an important part in case selection/referral, for example, convictions for sex offences based on the word of the alleged victim alone may, for practical reasons, have a lower priority for member innocence projects than convictions that might be overturned by DNA testing, for instance.

8) Withdrawal from cases

Innocence projects have the right to withdraw from cases where the investigation finds that the 'client' is not innocent.

Innocence projects may also withdraw from a case for practical reasons, for instance, non-communication by the 'client' or withholding of information by the 'client' which impedes the ability to conduct a full investigation of the claim of innocence. If a member innocence project intends to withdraw from a case, it must inform the INUK of its reasons for withdrawal PRIOR to formally communicating its decision to the 'client'.

INUK reserves the right not to renew the membership of an innocence project if it deems the reasons for the withdrawal from a case to be unsatisfactory, e.g. the claim of innocence has not been sufficiently investigated without good reason.

9) How are pro bono lawyers found?

The INUK Innocence Projects Starter Pack contains a template letter which member innocence projects can send to law firms in their local area/region asking practitioners to get involved. Member innocence projects can also invite pro bono organisations, local law firms and their local press etc. to the launch of their projects, which will help raise awareness and attract practitioner involvement.

10) How does the relationship with the legal profession work?

Member innocence projects do not replace the role of practising lawyers and do NOT give legal advice.

Where the 'client' already has a solicitor acting towards an appeal, students will work alongside the solicitor (by agreement).

Where the 'client' does not currently have a solicitor working on an appeal the innocence project will work independently on a case and seek any legal advice from a pro bono solicitor or barrister where required.

It is important to note that innocence projects do not replace legal aid but, rather, offer pro bono (free for public good) assistance to 'clients' for whom legal aid is not available.

11) How are prison visits arranged?

To best ensure confidentiality, it is recommended that innocence projects should try, as far as possible, to obtain legal rather than social visits when interviewing 'clients' in prison.

Legal visits can be obtained if students are accompanied by a practising lawyer who is happy to accompany students on legal prison visits.

Some member projects have negotiated with their local prisons for students to have legal visits with 'clients'/prisoners, accompanied by a staff director who is not a practicing solicitor/barrister.

12) Do innocence projects work with campaigning/ victim-support groups?

We recognise that campaign/victim-support groups can offer a great deal of support to the clients of innocence projects and their families and have a wealth of vital information that can assist case investigations. There are also educational benefits for students from working with campaign/victim-support organisations, as it makes students alive to the reality of what happens to victims and families when a possible wrongful conviction has occurred.

However, it has to be emphasised that as the INUK and its member innocence projects are NOT campaign organisations or victim-support groups, the importance of maintaining a position of professional non-alignment must be stressed.

13) What happens during university Vacation periods?

Most innocence projects operate only during term-time, and 'clients' will be aware of this from initial letters of instruction from a member project. Where cases are running during university vacation periods, a professional standard of management and supervision is still required.

It is expected that member projects will notify the 'clients' before any vacation periods of the temporary halt in casework, and again, write to the 'client' shortly after the term starts, when casework resumes. More details on expected communication with the 'client' are contained in the INUK Protocols. The key expectation is to regularly keep the 'client' informed and updated.

14) What happens when students leave?

There may be several changes of student caseworkers throughout the duration of an innocence project case (especially as cases will normally run for several years). Staff directors will, therefore, need to think about continuity when recruiting new members for their innocence projects, which can be facilitated by having a mixture of undergraduate or postgraduate/vocational students from different year groups.

15) How are innocence projects funded?

The cost of operating an innocence project is minimal, in our experience. For most innocence projects, office equipment will be provided by their universities and most of the costs incurred are logistical, such as students' travelling expenses when visiting prisoners, etc. Many member innocence projects have also adopted innovative methods for sponsorship and fund-raising, such as organising fund-raising events and approaching student unions and local law firms for sponsorship and support.