



Innocence Network UK (INUK)

Innocence Projects Starter Pack

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1) INTRODUCTION

This Starter Pack was produced by INUK for member innocence projects, so that members can avoid “re-inventing the wheel” and so that there is a degree of consistency between how we all operate. The intention is not to insist that all member innocence projects have to operate in the same way – on the contrary, as an educational network we value diversity and hope that by working together we can share methods and ideas in the interests of best practice.

Members may adapt the suggested wording to meet their own requirements, depending on how they choose to run their projects.

In the interests of network identity, we require that all correspondence from member projects has the INUK logo alongside that project’s own university headed paper.

Other documents and pro formas are provided via the members Forum on the INUK website.

We encourage member projects to give us feedback on this pack, and to make suggestions for other items that would be useful to include.

2) INTRODUCTORY CLIENT CARE LETTER



(NAME OF INNOCENCE PROJECT)
ADDRESS

DATE

CLIENT'S NAME AND, IF PRISONER, HIS/HER PRISON NUMBER
ADDRESS:

Dear (NAME OF CLIENT),

Innocence Network UK (INUK)/ (NAME OF INNOCENCE PROJECT)

As you know, your case has been referred to us by the INUK. This is to introduce ourselves and to outline what you can expect from our Innocence Project. INUK has given us your case details, including your Preliminary Questionnaire and other documents you have supplied.

Our Innocence Project will allocate a team of students to your case who will look more closely at the information and/or case materials you have supplied. We may also ask for clarification of the details you have provided and more information to assist the students' investigation of your case. We will notify you once this is arranged. Also, we will write to you shortly with the name of the solicitor or barrister who is working with our students and the contact name at our university for any queries that you may have. If you already have a solicitor working on your behalf towards making an application to the Criminal Cases Review Commission (CCRC), then we can only work on your case with that solicitor's permission, as well as yours.

For your information, as the (NAME OF INNOCENCE PROJECT) is a member of the Innocence Network UK (INUK), we will work according to INUK's casework protocols, which were sent to you when your case was allocated to us. They may be periodically reviewed, by agreement with other INUK member projects, and we will keep you informed of any changes that occur.

It is important to us that our students learn from their work with you, and they will be working on a voluntary basis outside their normal lesson timetable. You may find that their investigation of your case may take longer than would be ideal. However, we will write to you at least twice a term to update you on our progress, including at the beginning and the end of each term.

www.innocencenetwork.org.uk

Our Innocence Project operates during term time only. Therefore, if you contact us outside of term time you may not receive confirmation of your correspondence until the new term begins. However, if you have any urgent queries at any time, then these should be addressed to the staff director.

It is important to note that innocence projects do not replace the role of practising solicitors and barristers, and that our innocence project **CANNOT** give you any legal advice. Any letters you receive from us will be to seek instructions from you on a particular point, or to update you, and you must **NOT** treat these as legal advice. Any legal advice will come from the lawyers working with the innocence project. We do not currently have the same rights to write to you confidentially under Rule 39a as practising lawyers do, but the practising lawyer will be able to send our letters to you on that basis.

Our Innocence Project is a pro bono (“free”) legal clinic and participating lawyers will make no charges for their legal advice and services under the project. However, if at some point you may be eligible for legal aid, it will be dealt with by the relevant participating lawyer.

Lastly, the same duty of confidentiality will apply to staff and students on the innocence project as applies to practising lawyers – we will not discuss your case details with anyone outside our project and the INUK without your permission.

You are free at any time to terminate our assistance. However, our Innocence Project reserves the right to terminate our investigation of your case if, at any point, we have good reason to believe that you are not factually innocent of the crime for which you have been convicted, or in the event of any circumstances that may cause our continued investigation of your case to be inappropriate.

Please sign the enclosed copy of this letter to confirm that you have received this letter and have read and understood its content. A stamped addressed envelope is enclosed for its return.

Yours sincerely

(NAME OF INNOCENCE PROJECT)

Signature	
I, _____ (name), confirm that I have received a copy of the above letter and have read and understood its content.	
..... Signature Date

3) INVITATION LETTER TO LOCAL SOLICITORS



(NAME OF INNOCENCE PROJECT)
STAFF DIRECTOR
ADDRESS

NAME OF LAW FIRM/ SOLICITOR/ BARRISTER
ADDRESS

Dear (NAME OF SOLICITOR/ BARRISTER),

Innocence Network UK/ (NAME OF INNOCENCE PROJECT)

This letter is to introduce you to the (NAME OF INNOCENCE PROJECT) and to invite you to participate in a pro bono partnership with our Innocence Project by supervising student teams on their casework.

By way of background, the (NAME OF INNOCENCE PROJECT) is an extra-curricula pro bono legal clinic which teaches law through working on real cases of alleged wrongful convictions. We are also a member of the Innocence Network UK (INUK), an organisation established in the University of Bristol in September 2004 to encourage and support the setting up of Innocence Projects within UK universities. (see <www.innocencenetwork.org.uk> for full details)

The aim of INUK's member Innocence Projects is to conduct thorough, objective and independent investigations of claims of factual innocence by alleged victims of wrongful conviction. All case investigations are conducted under academic supervision and with participating solicitors working on a *pro bono* basis. If evidence of factual innocence is found or the evidence that led to the conviction is discredited, the innocence project will assist in making an application to the Criminal Cases Review Commission for that person's case to be reviewed for referral back to the appeal courts.

Like all other member Innocence Projects of the INUK, the (NAME OF INNOCENCE PROJECT) does not replace the role of practising lawyers, and does not give legal advice, which would, instead, be given by the solicitor working with the innocence project on a *pro bono* basis where he or she deems fit.

Student activity within the (NAME OF INNOCENCE PROJECT) is co-ordinated at the university by an academic member of staff – the staff director. The role of participating solicitors is to assist with student

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investigations and casework, and to act as the client's solicitor where that person is unrepresented. Supervision would typically take about two hours once a fortnight during term time, or at such periods as suit each case. Also, in line with the INUK casework protocols, we keep clients regularly updated with the progress of their cases. Any letters to clients will normally be sent by the lawyers working with the innocence project under Rule 39A.

Cases are referred to us by the INUK and these will ideally have a local connection. Although most of our clients do not have any legal representation, some of our clients may already have a solicitor on their cases. In such circumstances, we will only take on the case if permission from the existing solicitor, as well as the prisoner, has been granted, and the solicitor or barrister may have to make suitable arrangements with the client's existing solicitor. In those cases, alternatively, with everyone's consent we may work on cases under the distant supervision of the prisoner's existing solicitor.

I would be grateful for an indication of whether you or anyone in your firm is prepared to become involved with our innocence project. We appreciate that firms receive many requests for their help, and that time is limited. However, we hope that the benefits of working *pro bono* with keen young minds will be a persuading factor in your decision.

We are enclosing some brochures with more detail about the INUK, and also a copy of the introductory letter we will send to prisoners at outset.

I would be happy to discuss any aspect of the innocence project with you if you have any queries. My direct line is

Yours sincerely

STAFF DIRECTOR

(NAME OF INNOCENCE PROJECT)

2.4 All students wishing to act as Case Managers must attend an annual Innocence Network UK (INUK) Training Programme for Innocence Projects.

3. Attendance and Commitment

3.1 Innocence Project student members will undertake to commit approximately 4-6 hours a week to casework and other activities related to the Innocence Project, although this may vary depending on the nature of the case and work required.

3.2 Attendance at Innocence Project meetings is required. If members fail to attend three meetings without explanation it will be assumed that they have withdrawn from the Innocence Project.

3.3. Members agree to work together to produce an end of year report of activities undertaken and future steps.

[3.4 Appropriate forms of assessment will be determined by individual innocence projects as they see fit, normally utilising either Critical Reflective Diary or a short Critical Reflective Essay.]

For more information, please read the INUK Innocence Projects Protocols.

Signature

I, _____ (name), confirm that I have read and understood the above Guidelines, and will agree to comply with the above Guidelines if my application is successful.

.....
Signature

.....
Date

NOTES FOR APPLICANTS

1. Please attach additional sheets to the application form if necessary.
2. Completed application forms should be addressed to the Innocence Project Recruitment Team and returned to the Innocence Project Office, _____ (address).
3. Applications must arrive at the Innocence Project Office no later than _____ (date).
4. Selected applicants may be required to attend an interview with the Recruitment Team.
5. Please note that incomplete, illegible or late applications will not be considered by the Recruitment Team.
6. The Recruitment Team reserves the right to select or reject applicants on the basis of the merits of the application and the recruitment capacity of the Innocence Project.
7. Successful applicants will be notified by _____ (date).

5) LETTER IN REPLY TO ENQUIRIES FOR ASSISTANCE FROM/ ON BEHALF OF PRISONERS



(NAME OF INNOCENCE PROJECT)
STAFF DIRECTOR
ADDRESS

CLIENT'S NAME AND, IF PRISONER, HIS/HER PRISON NUMBER

ADDRESS:

Dear (NAME OF CLIENT),

Innocence Network UK (INUK)/ (NAME OF INNOCENCE PROJECT)

Thank you for your enquiry to the (NAME OF INNOCENCE PROJECT).

As we are members of the Innocence Network UK (INUK), we have passed your e-mail/letter on to the Innocence Network UK (INUK) administration team. They deal with all enquiries for assistance and undertake eligibility assessment on cases before referring them to member innocence projects for further investigation.

In due course, they will reply to you with a Preliminary Questionnaire and further details. In the meantime, if you have any queries, please contact:

The Innocence Network UK
School of Law
University of Bristol
Wills Memorial Building
Queens Road
Bristol
BS8 1RJ

Regards,

STAFF DIRECTOR

www.innocencenetwork.org.uk



‘Educating to overturn and prevent the wrongful conviction of innocent people.’

Innocence Projects Student Handbook

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PART I - OVERVIEW OF INNOCENCE NETWORK UK

ABOUT INUK

The Innocence Network UK (INUK) was established by Dr Michael Naughton at the School of Law, University of Bristol in September 2004 to facilitate *casework*, *research* and *communications* in the area of wrongful convictions. INUK's overall aim is to improve the criminal justice system by overturning and preventing the wrongful conviction of the innocent.

INUK draws support from all parts of the wrongful conviction community - academics, criminal appeal lawyers, victim support groups and campaigning organisations, forensic scientists and investigative journalists. However, it is important to emphasise that INUK is NOT a campaign or victim support group.

INUK's legal and charitable status is covered by the University of Bristol, an exempt charity that is not required to register with the Charity Commission.

WHY DO WE NEED THE INUK?

1) The limitations of the Criminal Cases Review Commission and the Scottish Criminal Cases Review Commission:

Despite the creation of the Criminal Cases Review Commission (CCRC) or the Scottish Criminal Cases Review Commission (SCCRC) in Scotland, the problem of the wrongful conviction and/or imprisonment of factually innocent people remains a continuing feature of our criminal justice system. Put simply, innocent people are still being convicted and find it difficult, sometimes impossible, to have their cases referred back to the appeal courts

2) Victims:

The wrongful conviction of innocent people inevitably results in serious financial and emotional damage far beyond harm to the prisoner only. It extends to family, friends and society itself, because the real perpetrator is still at large and justice has not been done.

3) Progressing Prisoners Maintaining Innocence:

Life sentenced prisoners maintaining innocence are, generally, unable to progress through the prison system, with a view to consideration for parole, as they refuse to acknowledge their crimes (because they maintain innocence), which the system considers an essential pre-requisite for rehabilitation. So they are faced with the impossible decision of admitting to the crime, in the hope of release, or continuing to maintain innocence, knowing that they may never come out of prison as a result.

4) No Alternative Organisations:

The INUK was established because there is no other organisation that can address these problems in the same way. As an independent umbrella organisation, with a firm educational base, it can provide a strong voice in a unique, collaborative way.

WHAT DOES INUK DO?

INUK has three core functions: **casework**, **research** and **communication**.

Casework: INUK provides a casework referral service. It assesses applications for assistance by alleged victims of wrongful conviction, undertake preliminary investigations on cases and link eligible applicants with member innocence projects to undertake independent, objective investigations into their claims of innocence on a *pro bono* (free of charge) basis.

Research: INUK facilitates research into, among other related things: i) the causes of the wrongful conviction of the innocent; ii) the barriers to attempts to overturn these convictions that are presented by the Criminal Cases Review Commission (CCRC), the Scottish Criminal Cases Review Commission (SCCRC) and the respective courts of appeal; iii) the associated harmful consequences of wrongful conviction on victims, their families, loved-ones and society as a whole.

Communication: INUK communicates findings from its casework and research to alleged victims of wrongful conviction, policy makers, third-sector groups, various criminal justice bodies and members of the public.

HOW DOES THE INUK SUPPORT ITS MEMBER INNOCENCE PROJECTS?

Supporting and facilitating innocence project's investigations into alleged wrongful convictions falls under the 'Casework' arm of the INUK. The following denotes some of the key ways in which INUK supports its member innocence projects:

- 1) By referring suitable cases to member universities for further investigation. INUK centrally administers all applications for assistance from alleged innocent victims of wrongful conviction. This serves to avoid the administrative burden that individual innocence projects would otherwise have. It also prevents different innocence projects duplicating work for the same 'clients', and provides a valuable and evolving central research base.
- 2) INUK members are able to access INUK's diverse contacts with forensic science experts, barristers and solicitors, police officers, investigative journalists, campaign/victim-support organisations etc. to assist in their case investigations.
- 3) INUK members have access to casework resources, including a free, litigation software - 'Casemap' (sponsored by Lexis Nexis).
- 4) INUK members have access to a variety of useful materials including the INUK Innocence Projects Protocols, Starter Pack containing assorted template letters such as invitation to pro bono solicitor/barristers and client care letters, Student Handbook and First Steps documents to help new members get their innocence projects up and running.
- 5) INUK provides subsidized conferences for its members, which are designed to assist innocence projects to make progress with their cases and share information. These conferences are regularly reviewed and consist of high quality sessions and materials. Bristol and Cardiff universities were jointly 'Highly Commended' by Lord Goldsmith in the Attorney General's Pro Bono Awards 2007 for collaboration on devising and delivering the INUK national training programme.

6) INUK facilitates a 'members only' online Forum where Directors of member innocence projects can share knowledge, information and resources, as well as raise queries regarding all aspects of innocence project case investigations.

PART II- OVERVIEW OF INUK MEMBER INNOCENCE PROJECTS

WHAT IS AN INNOCENCE PROJECT?

An innocence project is a group of students investigating the case of a convicted person maintaining innocence who has exhausted the initial appeals process. Innocence projects work under academic supervision and with pro bono legal assistance from a practising lawyer where appropriate.

Caseworkers aim to conduct thorough, objective and independent investigations of claims of factual innocence by alleged victims of wrongful conviction. If evidence of factual innocence is found or the evidence that led to the conviction is discredited, innocence projects will assist in making an application to the CCRC or the SCCRC for that person's case to be reviewed for referral back to the appeal courts.

It is also possible that innocence projects may make applications for a Free Pardon under the exercise of the Royal Prerogative of Mercy in applications to the Secretary of State if strong evidence of factual innocence exist that does not provide legal grounds for appeal in the eyes of the CCRC and/or the SCCRC.

There are no definitive criteria for innocence projects, other than that they are concerned with allegations of factual/actual innocence as opposed to allegations of technical miscarriages of justice. Innocence projects do not consider claims that murder convictions should have been convictions for manslaughter, for instance.

It is important to note, however, that the INUK and its member innocence projects are not a replacement for legal aid.

WHY DO WE NEED INNOCENCE PROJECTS?

The structures of the existing criminal appeal system cannot guarantee that all innocent victims of wrongful conviction will overturn their convictions. Instead, the appeal courts attempt to determine whether criminal convictions are 'unsafe' in terms of whether the trial was 'fair', understood as compliance with the prevailing rules, as opposed to fair in terms of a just outcome from a lay perspective where a factually guilty person is convicted in a criminal trial and a factually innocent person acquitted.

In addition, legal aid is not always available to persons maintaining their innocence wishing to appeal, so finances are often a huge problem. Also, much has been written about the reducing number of criminal legal aid lawyers, so access to appropriate legal advice is not always easy.

WHAT DOES AN INNOCENCE PROJECT DO?

There is no single model for creating and running an innocence project, so projects will run in different ways. One size does not fit all!

INUK provides a casework referral service. It helps to link eligible applicants with member innocence projects to undertake full independent investigations into claims of innocence by alleged victims of wrongful convictions.

Innocence project investigations generally entail obtaining and analyzing all available used and unused evidence, requesting for retention of evidence, prison visits to alleged innocent victims of wrongful conviction, tracing and interviewing witnesses, conducting comprehensive research on forms of evidence, exploring new methods (e.g. DNA testing or other forensic science techniques) that could establish the validity of a claim of innocence, consulting with forensic science experts and making submissions to the appropriate public/ legal bodies.

Innocence projects are independent from the structures of the adversarial system and are neither defence nor prosecutorial oriented. Rather, innocence project investigations are geared towards truth seeking or testing the credibility of the claim of innocence, critically interrogating existing evidence or utilising new methods or techniques to prove or disprove the claim of innocence of an alleged victim of a wrongful conviction.

The INUK welcomes the diversity of ways in which innocence project work might be undertaken and does not wish to try to impose set ways or procedures on member projects. On the contrary, INUK's member innocence projects operate independently within these basic protocols and share ideas and best practice as they investigate claims of innocence by alleged victims of wrongful convictions.

THE PRACTICAL LIMITATIONS OF INNOCENCE PROJECTS

Whilst innocence projects help to meet the unmet legal needs of alleged victims of wrongful conviction whose cases have exhausted the appeals process and fall outside the scope of legal aid, innocence projects are continually grappling with a whole host of problems which limit the casework assistance that they can provide to those they seek to help.

Although the number of member innocence projects has continually grown over the last five years, at the time of writing there remain almost 100 eligible cases on the INUK database that are still awaiting allocation to a member innocence project for full investigation. As such, there is no guarantee that all cases which are deemed to be eligible will be able to have their claims of innocence investigated by an INUK innocence project in the near future.

Another major limitation of innocence projects is that they do not have the powers of investigation that statutory bodies such as the CCRC possess. As a result, innocence projects are often unable to access and/or obtain confidential or sensitive information such as medical records, police log books and diaries and information contained in the police's HOLMES database.

At present, neither INUK nor its member innocence Projects have the financial resources to commission forensic testing or analysis, although the INUK does have forensic scientists who can offer preliminary review and advice on cases worked on by its member innocence projects on a pro bono basis. As such, whilst innocence projects are able to assist with identifying and conducting research on the forms of forensic science technology that can help to establish a claim of innocence, the actual tests and analyses can usually only be carried out if the CCRC commissions it. In such circumstances, INUK member innocence projects will make an application to the CCRC requesting for the required tests to be commissioned.

Finally, as a relatively new venture, innocence projects might lack the skills and knowledge required to assist their 'clients'.

The INUK supports the casework undertaken by its member innocence projects by sharing its contacts with lawyers, forensic experts, professional investigators, and so on, who can provide advice and assistance on areas of casework that innocence projects do not have the expertise to deal with.

The INUK also provides conferences and training events for students and staff and facilitates a forum where members can share their experiences and expertise.

It is hoped that as the innocence projects movement continues to grow and develop so, too, will their expertise and capacity to provide more effective assistance to alleged victims of wrongful conviction.

THE EDUCATION BENEFITS OF INNOCENCE PROJECTS

There are considerable educational benefits associated with the study of alleged claims of wrongful conviction, adding valuable insight and experience into the curriculum of law and society. Those teaching potential future lawyers, for instance, can observe the educational benefits of innovative programmes involving real-client work, whilst ensuring that future practitioners develop a passion for justice, ethical practice, and pro bono work

PART III- CASEWORK

INUK'S CASEWORK PROTOCOLS

We believe that member innocence projects should work to agreed protocols, to manage the expectations of our users, and to create and retain a professional recognition and standing independent of, but aligned to, the practising legal profession.

This includes minimum standards for 'client' care and keeps in mind at all times the need to inform alleged innocent victims of wrongful conviction of the progress of their case.

At a very basic level, this involves regular letters to clients during term time, or following all meetings with supervising solicitors and barristers about the case.

We further recommend that student investigators in member innocence projects follow some basic guidelines, including:

1. As a precursor to case work, they should first familiarise themselves with all of the materials that are available in the public domain on the basis that lack of knowledge of case facts will tend to induce lack of trust and credibility.
2. They should produce a timeline for the case – a detailed chronology of the incident, followed by significant events (hearings etc.) The timeline can be used as a tool to identify discrepancies or find problems with the case.
3. They should early on produce a list of key characters and the names and contact details of anyone who is involved in the case in any way.
4. All casework should be recorded in some form of case management system, listing all the documents on the case, where they are and what they contain. This aids the production of the required annual report to INUK on each case under investigation.
5. Before any approach is made to potential witnesses, innocence projects must seek consent from the 'client' and students must always be supervised by their staff director.

*For more information, please read the **INUK Innocence Projects Protocols**.*

CASEWORK PROCESS

INUK's casework process consists of four distinct stages as set out below

Stage 1: Eligibility assessment and allocation of case to a member innocence project

The first stage of the Casework Process is a letter from a convicted person maintaining innocence asking the Innocence Network UK (INUK) for assistance. An Introductory Letter and a Preliminary Questionnaire is sent out by the INUK The Preliminary Questionnaire asks straight forward questions about the case.

- Personal details;
- Details of conviction including the offence(s) s/he is convicted of, location of crime, length of sentence received, date of conviction and so on;
- A brief description of the prosecution's case, including any evidence produced at trial in support of the prosecution's case;
- Argument put forward by the defence, including evidence produced at trial;
- Details of previous lawyers, at trial, appeal and/or an application to the CCRC/SCCRC;
- Full appeal history, giving reasons cited for failed appeals, and CCRC/SCCRC decision if applicable.
- Most crucially, the Preliminary questionnaire then asks more specific questions about the claim of innocence and how an innocence project affiliated with the INUK may assist the prisoner maintaining innocence:
 - Why do you think you were wrongly convicted of the crime?;
 - Do you have an alibi that proves that you could not have committed the crime that you have been convicted of? If so, please provide details;
 - Is there any physical evidence (DNA, fingerprints etc) that proves that you could not have committed the crime?;
 - How do you think an Innocence Project can help you prove your innocence? In other words, point us in the right direction; and,
 - Is there any fresh evidence to now indicate that you are innocent that was not put before the jury at your trial?

When the completed Preliminary Questionnaire is returned INUK will assess whether the case is eligible to be worked on by a member innocence project. A case is deemed 'eligible' if:

- the applicant is maintaining factual/actual innocence of a conviction;
- the applicant has exhausted the normal appeals process, including those who have been advised that no grounds of appeal can be found;
- the applicant's case is not in the process of a review by the CCRC/SCCRC; and,
- if the applicant has a solicitor acting on his/her behalf for a possible appeal, the solicitor is willing to be assisted by one of our member innocence projects.

Cases meeting the INUK's criteria are deemed 'eligible' and added to our waiting list to be referred to member innocence projects upon request.

Alternatively, cases which do not meet the required criteria are deemed 'ineligible' for further investigation, but are kept on record for future research potential.

Stage 2: Investigation by an innocence project

When cases deemed to be eligible are referred to a member innocence project, more specific questions that arise from the completed Preliminary Questionnaire are put to the alleged innocent victim of wrongful conviction. For instance, clarification may be sought about any potential evidence that was mentioned. This may include the names and addresses of potential alibi witnesses; guidance about obtaining fresh evidence; allegations put forward by the 'client' as evidence of their innocence that student caseworkers may wish to further explore and/or confirm. In essence, this stage of the casework process is a rigorous 'test' of the information provided in the Preliminary Questionnaire. Anything that you may be unsure of is made sure of at this stage.

Staff directors and student caseworkers will try to obtain a full set of case documents from previous solicitors utilising an 'Authority of Release Letter' which is signed by the 'client'. This can involve many boxes of case materials – trial summing up; Court of Appeal judgement; applications to the CCRC/SCCRC; witness statements; photographs and other exhibits, and so on. This will often arrive in a highly disorganised state and requires a methodical and meticulous approach to putting the case files back into chronological order.

Once the case documents are organised, the innocence project will identify any discrepancies that need to be verified or lines of inquiry that needs further investigation. This may include making contact with witnesses, obtaining evidence from police and other public bodies, and contacting forensic scientists for their services and/or expert opinion where appropriate.

As already indicated, all casework is properly supervised with support where appropriate from practicing criminal solicitors working on a pro bono basis with the member innocence projects.

Stage 3: Application to the CCRC/SCCRC or an application to the Secretary of State for a Royal Prerogative of Mercy

If an investigation turns up grounds for appeal, the innocence project will make a formal application to the CCRC/SCCRC and, if the case is referred, lawyers will prepare the case for an appeal hearing.

It is also possible that innocence projects will also make applications for a Free Pardon under the exercise of the Royal Prerogative of Mercy in applications to the Secretary of State if evidence of innocence does not provide grounds for an application to the CCRC and/or the SCCRC.

Alternatively, if during the course of an innocence project investigation, new evidence emerges which proves that the client is, in fact, not innocent, the member innocence project will notify the INUK and close the case.

Stage 4: Solicitor/barrister takes on the case

If the case is referred back to the Court of Appeal (Criminal Division) by the CCRC/SCCRC, the supervising solicitor and the appointed barrister will formally take on the case and prepare it for trial.

PART IV- CRITICAL REFLECTIVE DIARIES

In line with the clinical educational aims of innocence projects, students from member innocence projects are encouraged to keep 'Critical Reflective Diaries' in which they write critical reflections of their various experiences with the Project – visits to the Project from guest speakers, trips to police stations with the Project's solicitors, visits to prison, to court, to the Court of Appeal, workshops on the causes of wrongful convictions and conferences, and, when they are working on cases, report their experiences and thoughts about the investigation process and the issues that arise along the way. The following sections provide brief general guidance on aims and methods of reflective learning.

WHAT IS REFLECTION?

It is important that you regularly write down the experiences you have with your innocence project so that you can refine and develop your skills in line with professional standards. Your reflection will also form the basis of discussions about your progress and learning outcomes.

Reflection is a means of working on what we already know and it generates new knowledge. Most of us reflect in some way or another, often just in our heads as we go from one activity to another and try to solve problems that we encounter: "Maybe I should have spent longer on that essay..." or "I should have left the house earlier to beat the traffic; I'll set the alarm for 7 instead of 7.30 tomorrow..." Rather than leave these thoughts in your head, you can improve your self-management and develop your workplace skills if you regularly record and reflect on what you experience on a day-to-day basis.

Reflection is not just an 'add-on extra' to academic work, but an essential component of good quality learning and the representation of that learning. It can be difficult to 'measure' your progression to professional standards. Reflecting on your learning experiences and recording that learning in your critical reflective diary provides crucial evidence of your progression. You will encounter practical situations that you may want to relate to a theory you have already studied and compare different approaches. You may also have to manage a heavy workload, challenging behaviour in clients or even in your colleagues. Your learning diary is the place to write down how you coped, and how you will cope again with a similar situation in the future. You will develop increased self-awareness, makes links between different aspects of your experiences on the Project, become more independent as a learner and become more pro-active in your approach to work and study, therefore making the most of your time spent in practice.

WHY REFLECT?

Effective learners are able to process what they experience in order to learn from it, and this is a highly-valued skill in the world of employment. Developing independence and autonomy in your learning, and fostering professional standards in clinical practice are important aspects of your degree; these are highly-prized graduate attributes. Your learning diary should be an honest reflection of your experience in practice, demonstrating *critical analysis* and not consisting of straight reporting or description of events.

- This activity is designed to help you write about your experience in clinical legal practice, so that you will have an ongoing record of what you achieve, learn and understand. You will probably be asked to maintain some kind of portfolio of your continuing professional development during future employment, so this is good way of getting used to thinking about *how* you learn and develop.

- When you record what you did or felt, you can begin to think about how you did it, how you might develop, and what you might do next time.
- You can identify your skills, knowledge, and understanding, and work towards developing them.
- Importantly, your completed record will be useful for your CV, job application forms, and also during interviews when you will be asked to give examples of skills and how you attained them.
- The diary demonstrates your understanding of the process of lifelong learning and self-awareness, an important key skill in today's graduate employment market.
- Research also suggests that people who record their goals and who reflect on their progress are far more likely to achieve those goals than people who do not actively reflect on their achievements.

HOW DO YOU REFLECT?

What we are asking you to do is look back on an experience and make sense of it to identify what to do in the future. This means that you can understand why something worked well for you, as well as learning from any mistakes.

Indicators of 'good' critical reflection

- What you did, what happened and what your part in it was;
- What you thought went well, why, and what you achieved;
- What could have been done differently;
- Honesty and some objective critical analysis of a situation. Identifying what went wrong and what you could do differently indicates that you have learned something, not simply that you made a mistake; and,
- What you will do in the future and how you will measure or evaluate your success.

Indicators of 'poor' reflection

- A straight description of what you did, with no analysis or insight;
- A lack of honesty, making everything sound fine or awful (there are few situations where everything goes smoothly, or where nothing positive happens); and,
- Excuses or blaming others. Acknowledge your responsibilities.

Questions to prompt yourself

- What happened? How did it feel? How did other people react? What were your strengths/limitations? What choices did you make and what effect did they have? What have you learned for the future?

Setting goals and objectives

One way to provide structure for reflection is to set weekly and daily goals for yourself, and then to revisit those goals and think about how you met them: did they have to change, or were there things you did that stopped you achieving them?

The key to setting any goals is to make them **SMART** ones:

- **Specific:** what exactly is the goal? The less vague the better.
- **Measurable:** how will you measure your success?
- **Achievable:** is it realistic and possible?
- **Resourced:** have you got the time or other resources to do it?
- **Timed:** by when will you have done it?

PART V- PERSONAL DEVELOPMENT PLANNING (PDP)

WHAT IS PDP?

“**Personal Development Planning** is 'a structured and supported process undertaken by an individual to reflect upon their own learning, performance and / or achievement and to plan for their personal, educational, and career development.'

The primary objective for personal development planning is to improve the capacity of individuals to understand what and how they are learning and to review, plan and take responsibility for their own learning.

It is intended to help students:

- become more effective, independent and confident self-directed learners;
- understand how they are learning and relate their learning to a wider context;
- improve their general skills for study and career management;
- articulate their personal goals and evaluate progress towards their achievement; and
- encourage a positive attitude to learning throughout life.

The ideas that underpin these conceptions mean that PDP is:

- a structured process that is integral to higher level learning;
- concerned with learning in an holistic sense (both academic and non-academic);
- something that an individual does with guidance and support: the latter perhaps decreasing as personal capability is developed so that it becomes self-sustaining;
- a process that involves self-reflection, the creation of personal records, planning and monitoring progress towards the achievement of personal objectives;
- intended to improve the capacity of individuals to communicate their learning to others who are interested in it (e.g. academic staff and employers).

The reflective and planning skills on which idea of PDP is based are integral to knowing how to learn in different contexts and to the ability to transfer learning.

What results from the PDP process?

PDP results in two main outcomes. The first is enhanced self-awareness of strengths and weaknesses and directions for change. The process is intended to help individuals understand the value added through learning that is above and beyond attainment in the subjects they have studied. Crucially, it relates to their development as a whole person. The second outcome is a record of learning experiences and achievement, personal reflections and plans for self-improvement (Personal Records), that provide a unique resource to each individual. The information in such records is owned by the learner and their maintenance, authenticity and use is the responsibility of the individual” **(from the website of the Quality Assurance Agency for Higher Education).**

In summary, PDP is a structured and supported process that will help you to critically review your learning experiences, set personal and academic goals and evaluate your progress towards these goals.

PDP is designed to assist you to further develop as an independent learner and will be of benefit not only during your time at university but throughout your career.

As earlier sections emphasised, spending some time recording what you are doing, what results you're getting and then planning ahead is a process of critical reflection. If you take on board the fact that employers cite self-awareness as a crucial graduate skill, you can see how important this process is to your future prospects, as well as helping you to improve your academic learning right now!

UNIVERSITIES AND PDP

All universities vary in how they will offer you PDP opportunities. Sometimes these opportunities will be built into your degree course (study skills help, a work placement, regular sessions with a personal tutor), or you may be able to attend extra workshops such as those offered by your Students' Union or Careers Service. They allow dedicated undergraduate students thinking seriously about their careers to make the most of university, and help you plan ahead for future employment success.

INNOCENCE PROJECTS AND PDP

Innocence projects arguably tick all of the required PDP boxes for students and for universities, as they offer themselves as perfect vehicles for obtaining Personal Development Planning (PDP) experiences.

The INUK recognises the value to students of PDP and is committed to universities supporting these aspects of its innocence project work.

PART VI- ASSESSMENT

Innocence projects are currently extra-curricular clinical ventures in the UK. As such, the INUK does not oblige its member innocence projects to be assessed.

However, even at this stage in the development of innocence projects in the UK having some form of assessment is good practice, both to measure the student members' clinical learning experiences and for the student members themselves to deliver on the aims of PDP and critical reflection generally. It is recommended, therefore, that students at least keep reflective diaries, compiling what might be termed a 'portfolio of critical reflections' that will chart their development.