

**Empowering Civil Society**

Using the Public Sector Equality Duty to Tackle Race Disparity in the Criminal Justice System

Find this guide and the rest of the toolkit at [criminaljusticealliance.org/PSED-toolkit](https://criminaljusticealliance.org/PSED-toolkit)



GUIDE 3

# Template letters

THIS GUIDE EXPLAINS:

- Tips for using template letters
- Time limits
- How to seek more information

Template letters which cover:

- Pre-Action Protocol (PAP) letters
- Possible initial letters for challenges under PSED
- Data Protection Act request
- Freedom of Information Act request

# Template letters

Organisations will want to use their own style when communicating with a public body. The most important thing is to be clear, particularly about the following issues:

- If you are asking for information, identify clearly what you want to know and what documents you want to see.
- Be clear about what it is you intend to (or may) challenge. You don't have to put this in legal terms but try to identify it clearly, for example 'the decision of x to do y (or to introduce the z policy).'
- Identify what it is you think the public body got wrong. For example, 'the decision of x to introduce z policy without having obtained sufficient evidence of potential impact on people with protected characteristics/without having consulted about the potential impact on people with protected characteristics.'
- In cases involving the Public Sector Equality Duty (PSED), the burden is on the public body to demonstrate that it has had 'due regard' to the equality objectives. So, it may be sufficient to allege that they have failed to do so.
- Always set a clear deadline for a response and ask for your communication to be acknowledged. You may want to set the 'read receipt' function for an email and follow up with a telephone call to make sure it has been received by the right person and is being dealt with. Fourteen days is generally considered reasonable as a deadline for a substantive response. However, if time is short, you can ask them to respond more quickly and explain why - refer to the Judicial Review time limit, which shows them what is being contemplated.
- It is good practice to send an email after the deadline has expired, pointing out that you will proceed on the basis that no response will be forthcoming.
- It may be reasonable to agree to extend a deadline for a response, but always bear in mind the short time limit for Judicial Review. Also, the court can refuse permission or remedies if it thinks the Claimant has delayed issuing their claim.
- If a public body claims to be reconsidering a decision make sure that you do not miss the deadline to challenge the decision or policy. Unless the public body states clearly that it is withdrawing the decision or policy, and will issue a new one, time will still be running.
- Judicial review is a 'remedy of last resort' which means that you must exhaust any other 'effective' remedy first ([see Guide 2a](#)). But always bear in mind that the deadline for a Judicial Review is three months and that cannot be extended by agreement between the parties.

---

The deadline for a Judicial Review is three months and that cannot be extended

---

## Reminder: Time limits

Don't forget that the time for issuing a claim is three months from the date the grounds arose...

...**that is** the date of the decision/introduction of the policy

...**not** the date when you were informed or found out about the decision.

It is better to get advice from specialists at an early stage than to miss the deadline. The parties can't agree to extend the time limit.

## Seeking information

You can always simply ask for information from a public body, such as the reasons for adopting a particular policy or the evidence considered by the public body. There are certain statutory rights to information:

- Under the Data Protection Act 2018 you can obtain copies of 'personal data' relating to an individual.
- Under the Freedom of Information Act 2020 you can obtain information held by public bodies that is not publicly available.

More information about the law relating to these duties can be obtained from the Information Commissioner's website: [ico.org.uk](http://ico.org.uk).

## Templates

The template letters in this guide cover:

- Pre-Action Protocol (PAP) letters.
- Possible initial letters for challenges under PSED.
- Data Protection Act request.
- Freedom of Information Act request.

All of these templates can be downloaded as Word documents from the CJA website at [criminaljusticealliance.org/PSED-toolkit](http://criminaljusticealliance.org/PSED-toolkit).

You can also see examples of completed PAP letters and FOI requests which have been used in legal actions against criminal justice bodies subject to the PSED.

# Claimant's letter

Template to be used under protocol

**SAMPLE**

[Your name  
Your address  
City and postcode  
Date]

To [Name of proposed defendant]  
[Address of proposed defendant]

[Title, first and last name of the claimant, address of the claimant]

[Defendant's reference details]  
[Name, address and reference details of any legal advisers dealing with the claim]

I write to you regarding [set out clearly the matter being challenged, particularly if there has been more than one decision.]

I have also sent copies of this letter to [details of any interested parties]

[Set out a brief summary of the facts and relevant legal principles, the date and details of the decision, or act or omission being challenged, and why it is contended to be wrong.]

[Set out the details of the remedy sought, including whether a review or any interim remedy are being requested.]

[Set out any proposals the claimant is making to resolve or narrow the dispute by ADR.]

[Set out the details of any information that is sought which is related to identifiable issues in dispute so as to enable the parties to resolve or reduce those issues. This may include a request for a fuller explanation of the reasons for the decision that is being challenged.]

[Set out the details of any documentation or policy in respect of which the disclosure is sought and explain why these are relevant.]

Please reply to [Insert the address for the reply.] no later than [insert date]

Yours faithfully,

A.N Adviser

# Letter before claim

## Section 1. Information required in a letter before claim

### 1 Proposed claim for Judicial Review

To Insert the name and address of the proposed defendant – see details in [Section 2](#).

### 2 The claimant

Insert the title, first and last name and the address of the claimant.

### 3 The defendant's reference details

When dealing with large organisations it is important to understand that the information relating to any particular individual's previous dealings with it may not be immediately available, therefore it is important to set out the relevant reference numbers for the matter in dispute and/or the identity of those within the public body who have been handling the particular matter in dispute – see details in [Section 3](#).

### 4 The details of the claimants' legal advisers, if any, dealing with this claim

Set out the name, address and reference details of any legal advisers dealing with the claim.

### 5 The details of the matter being challenged

Set out clearly the matter being challenged, particularly if there has been more than one decision.

### 6 The details of any Interested Parties

Set out the details of any Interested Parties and confirm that they have been sent a copy of this letter.

### 7 The issue

Set out a brief summary of the facts and relevant legal principles, the date and details of the decision, or act or omission being challenged, and why it is contended to be wrong.

### 8 The details of the action that the defendant is expected to take

Set out the details of the remedy sought, including whether a review or any interim remedy are being requested.

### 9 ADR proposals

Set out any proposals the claimant is making to resolve or narrow the dispute by ADR.

### 10 The details of any information sought

Set out the details of any information that is sought which is related to identifiable issues in dispute so as to enable the parties to resolve or reduce those issues. This may include a request for a fuller explanation of the reasons for the decision that is being challenged.

### 11 The details of any documents that are considered relevant and necessary

Set out the details of any documentation or policy in respect of which the disclosure is sought and explain why these are relevant.

### 12 The address for reply and service of court documents

Insert the address for the reply.

### 13 Proposed reply date

The precise time will depend upon the circumstances of the individual case. However, although a shorter or longer time may be appropriate in a particular case, 14 days is a reasonable time to allow in most circumstances.

# Defendant's letter of response

Template to be used under protocol

**SAMPLE**

[Your name  
Your address  
City and postcode  
Date]

[Title, first and last name and address to which any reply should be sent]

From [Name of defendant]  
[Address of defendant]

Re [Reference numbers for the matter]  
[Identity of those within the public body who have been handling the issue]

I write to you regarding [set out whether the issue in question is conceded in part, or in full, or will be contested. Include:  
- details if an interim reply is being sent and there is a realistic prospect of settlement  
- a copy of the PAP if the claimant is a litigant in person]

[Identify any other parties who you consider have an interest who have not already been sent a letter by the claimant]

[Set out the defendant's position on any ADR proposals made in the letter before claim and any ADR proposals by the defendant]

[Set out the defendant's answer to the requests made in the letter before claim including reasons why any requested information or documents are not being disclosed]

Please reply to [set out the address for any future correspondence on this matter]

Yours faithfully,

A.N Adviser

# Response to a letter before claim

## Section 2. Information required in a response to a letter before claim

### 1 The claimant

Insert the title, first and last names and the address to which any reply should be sent.

### 2 From

Insert the name and address of the defendant.

### 3 Reference details

Set out the relevant reference numbers for the matter in dispute and the identity of those within the public body who have been handling the issue.

### 4 The details of the matter being challenged

Set out details of the matter being challenged, providing a fuller explanation of the decision, where this is considered appropriate.

### 5 Response to the proposed claim

Set out whether the issue in question is conceded in part, or in full, or will be contested. Where an interim reply is being sent and there is a realistic prospect of settlement, details should be included. If the claimant is a litigant in person, a copy of the Pre-Action Protocol should be enclosed with the letter.

### 6 Details of any other Interested Parties

Identify any other parties who you consider have an interest who have not already been sent a letter by the claimant.

### 7 ADR proposals

Set out the defendant's position on any ADR proposals made in the letter before claim and any ADR proposals by the defendant.

### 8 Response to requests for information and documents

Set out the defendant's answer to the requests made in the letter before claim including reasons why any requested information or documents are not being disclosed.

### 9 Address for further correspondence and service of court documents

Set out the address for any future correspondence on this matter.

# Possible initial letter

Dear

We write with reference to the new policy of [...]. It appears to us that the policy has been implemented without proper regard to the potential impact of the policy on those with protected characteristics.

Please can you confirm that you have complied with the Public Sector Equality Duty and had 'due regard' to the equality objectives set out in s.149 of the Equality Act 2010. Please provide any evidence of the way you considered the likely impact of the policy and any steps you considered to mitigate adverse impact.

[You may wish to identify specific protected groups and say why they are likely to be adversely affected by the particular policy or decision].

Please may we hear from you no later than [date].

Yours sincerely/faithfully,

# Possible follow up letter

Dear

We refer to our email of [date]. Our email was about the new policy of [...]. As we set out in our email of [date] it appears to us that the policy has been implemented without due/any regard to the potential impact of the policy on those with protected characteristics.

We asked you to provide evidence to demonstrate that you had considered the likely impact of the policy and any steps you considered to mitigate adverse impact. You have not responded or provided any evidence.

[You may wish to identify specific protected groups and say why they are likely to be adversely affected by the particular policy or decision].

We consider that you/x body is acting unlawfully in that it appears to be in breach of the statutory duty under s.149 of the Equality Act 2010 (the Public Sector Equality Duty) in failing to have due regard to the statutory equality objectives set out in the Act.

Unless we hear from you by [date] we can only assume that there has been no compliance with the Public Sector Equality Duty and we intend to instruct solicitors with a view to bringing a claim for Judicial Review.

Yours sincerely/faithfully,

---

# Data Protection Act 2018 Request

Dear [name of public body]

Re: Mr/Ms Client (DOB:.....)

Request under Data Protection Act 2018

We are advising the above named with regard to [.....].

On his/her behalf we request that you provide to us a complete copy of all of the data you hold relating to [client].

We enclose our client's signed authority for the disclosure of this information.

We look forward to receiving the information as soon as possible [include any reason for needing the information urgently] and in any event within the statutory period of one month.

Yours faithfully,

A.N. Adviser

---

# Freedom of Information Act 2000 Request

To: A Local Authority/Government Department [depending on the subject area, address to either Chief Executive/Director of relevant department or, if appropriate the Freedom of Information Officer]. Some public body websites give an address for such requests.

Dear [name of public body]

Request under Freedom of Information Act 2000

We request that you supply the following information:

- Copies of the minutes of the meetings of [x committee] between [date] and [date] at which the [new policy/strategy etc] was discussed;
- Copies of any internal policies or guidance regarding the implementation of the policy/strategy.

Please acknowledge this request.

We look forward to receiving the information as soon as possible and, in any event, within the statutory period of 20 working days.

Yours faithfully,

A.N. Adviser



Freedom of Information Act requests can be refused if the cost of providing the information would exceed a certain level (currently £450). So, the more narrowly you define the information you require the more chance there is that it will be provided. Requests can also be refused where the information is publicly available so make sure to do a careful search of the relevant websites – many public bodies publish the minutes of meetings and such documents as Equality Impact Assessments. This will also help you to narrow down any requests you make under the Act.



## **Criminal Justice Alliance**

Criminal Justice Alliance  
CH2.26 Chester House  
Kennington Park  
1-3 Brixton Road  
London  
SW9 6DE

 @cjalliance  
[www.criminaljusticealliance.org.uk](http://www.criminaljusticealliance.org.uk)

Registered Charity No 1143038 (England and Wales)  
Company Registration No 06331413