



APPLICANTS’ REPRESENTATIVES:  
INAPPROPRIATE CONDUCT

CASEWORK POLICY

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**Background**

- 1. The assistance and representation of applicants takes many forms. Throughout this policy, the term ‘representative’ will be used to mean anyone who assists an applicant whether directly or indirectly at any point prior to or during the case review process.
- 2. *Effective* representation, whether legal or otherwise, undoubtedly assists the CCRC and the applicant. Occasionally, the attitude and/or behaviour of applicants’ representatives causes delay or other detrimental impact on the review. This document sets out the CCRC’s approach in such situations.

## Part 1

### Delays by solicitors and/or legal executives

3. The Solicitors Regulation Authority Code of Conduct requires the service provided to clients to be delivered in a timely manner. The Chartered Institute of Legal Executives' Code uses the word 'promptly'.
4. Solicitors and legal executives will either have current instructions or will have seen an authority from a former client. Accordingly, they will usually be under a duty to deal promptly with correspondence from the CCRC.
5. Case review staff are expected to agree a reasonable timescale for obtaining information from solicitors and legal executives. The request will be as specific and helpful as possible, confirming precisely what is required. As a general rule, the CCRC will regard 28 days as a reasonable period of time for a solicitor or legal executive to provide a response to the CCRC, but this will be case specific.
6. If no response is received within 28 days, the Casework Administrator will contact the representative again. Where there is no response within 5 working days, or the proposed timescale for a response is so long that it will inhibit the process of the review, the matter will be referred to a Group Leader.
7. The Group Leader may decide to contact the senior partner, pointing out that failure to respond could amount to professional misconduct. If the response to this approach fails to resolve the matter, a formal complaint may be made to the Solicitors Regulation Authority or Chartered Institute of Legal Executives, having regard to [REPORTING CRIMES OR OTHER PROFESSIONAL MISCONDUCT](#).
8. In some cases, the lack of solicitor or legal executive co-operation may result in the need for a decision to be made in the absence of material or information requested. For further information see [Non-cooperation cases, absconsion and withdrawn applications](#).

### Delays by counsel

9. Counsel can be expected to respond promptly to correspondence from the CCRC. Case review staff will be as specific and helpful as possible in identifying what is sought and will generally request a response or acknowledgement from counsel within 28 days of the date of dispatch of the CCRC's correspondence.

10. If no response is received the Casework Administrator will contact counsel's clerk and will seek to agree a timescale for a substantive reply within 5 days. If this contact fails to generate a response the matter will be referred to a Group Leader.
11. The Group Leader may decide to contact the head of chambers in order to request his/her assistance in resolving the matter.
12. If the response to this contact is unsatisfactory, the matter will be passed to the Head of Legal. A formal complaint may be made to the Bar Standards Board, having regard to [REPORTING CRIMES OR OTHER PROFESSIONAL MISCONDUCT](#).

## **Part 2**

### **Grounds for declining to deal with a representative**

13. The CCRC reserves the right to refuse to have dealings with an applicant's representative on any one or more of the following grounds:
  - (i) Conduct towards CCRC staff which is offensive, abusive or in the view of the CCRC has caused or is likely to cause alarm and distress.
  - (ii) Any deliberate or apparently deliberate dishonesty in connection with any application.
  - (iii) Any deliberate or apparently deliberate breach of confidentiality by disclosure of information to third parties in circumstances which appear not to serve the interests of the applicant or the progress of the review.
  - (iv) Any dishonest claim in relation to professional qualifications or professional experience made by a representative whether such claim is made to an applicant or to the CCRC.
  - (v) Any other conduct, which in the view of the CCRC is intended, or is likely, to impede or obstruct the progress of an application or is likely to act against the interests of the applicant concerned.

### **Procedure**

14. The Casework Administrator or Case Review Manager will advise their Group Leader in the first instance. The Case Review Manager will ensure that a record of the incident is made. If further action is considered to be appropriate the matter will be referred to the Director of Casework Operations.

## **Role of Director of Casework Operations**

15. If any such incident requires further action, details will be provided to the Director of Casework Operations, who may decide that restricting contact or declining to deal with the representative is appropriate. If so, both the representative and the applicant will be notified and will be given an opportunity to make representations before such action is taken. In appropriate circumstances, such as when the CCRC considers the welfare of its staff has been or may be impacted, it may be necessary immediately to cease contact with a representative.
16. In deciding whether to take action under the terms of this policy, the Director may have regard to the CCRC's previous experience of dealing with the representative concerned including, in particular, any risk assessment.
17. When the Director has decided to restrict dealings, or declined to deal, with a representative in accordance with this policy and it appears that the representative is involved (whether at the same time or subsequently) with another case, the Director may, in the absence of sound reasons not to, maintain its position in connection with that representative.
18. Cases where it will be necessary to take formal action in respect of a representative will be rare. Every attempt will be made to resolve difficulties informally.
19. The CCRC's objective will be that the best interests of the applicant should prevail. Nonetheless, the wish of an applicant to have a particular representative cannot be allowed to override considerations such as the integrity of the review process or the welfare of CCRC staff.