

UNACCEPTABLE CONDUCT

1. Advocate seeks to match members of the public who need free legal help with barristers who are willing to donate their time and expertise in deserving cases for those who are unable to obtain legal aid and cannot afford to pay.
2. The situations in which applicants find themselves when requesting Advocate's assistance are, by definition, likely to be extremely stressful. Legal disputes can be inherently stressful, particularly when they touch on an applicant's livelihood, family life, finances or home. This may be compounded by an applicant's personal circumstances, including any mental health issues.
3. Advocate therefore appreciates that applicants may be experiencing stress and anxiety when requesting Advocate's assistance and that this may affect their interactions with Advocate. Advocate makes all reasonable allowances for this. Advocate also makes reasonable adjustments for those affected by disability or other protected characteristics. If an applicant requires Counsel's assistance in formulating their case, the case-worker should consider referring the case to a Liaison Reviewer to obtain authorisation for this purpose.
4. However, Advocate must draw the line in the rare case where an applicant engages in unacceptable conduct. Advocate cannot expect its valued staff to be subjected to unacceptable conduct. Furthermore, where an applicant is engaged in unacceptable conduct, this takes scarce resources away from other applicants.
5. Examples of unacceptable conduct include: rudeness; threatening, aggressive or unreasonable demands; repeatedly requesting the same or substantially similar assistance, without good reason; unjustified attempts to revisit previous decisions on whether to grant assistance; making disproportionate demands on the time of Advocate staff or panel barristers; seeking to approach Advocate staff or panel barristers other than through the normal channels; demanding to know the identity of a reviewer; copying unrelated third parties on communications; knowingly or recklessly providing false or misleading information. This is an illustrative list, not an exhaustive one.

6. Where a member of Advocate staff, panel barrister, barrister's clerk or reviewer considers that an applicant has engaged in unacceptable conduct, this fact should be promptly reported to the COO and recorded in writing.
7. In an appropriate case, the COO may decide that an applicant's unacceptable conduct is such that Advocate should no longer engage with the applicant. The COO shall promptly record any such decision in writing, with brief reasons. The COO may (but is not required to) consult with a Liaison Reviewer before or after making such a decision.
8. Where the COO has made a decision under paragraph 7 above, the applicant should be informed that Advocate will not enter into further correspondence with the applicant and refer the applicant to the Complaints Procedure. Subject to the outcome of any complaint under the Complaints Procedure, the decision of the COO shall be final.
9. Following such a decision, Advocate will not respond to any further emails or calls from the applicant in question, unless and until the COO decides otherwise.
10. The COO shall maintain a log of cases of unacceptable conduct and of decisions made under paragraph 7 above, together with anonymised diversity data. The COO shall report to the Board on an annual basis, providing an overview of the nature and frequency of unacceptable conduct and an analysis of the diversity data.
11. Members of Advocate staff, panel barristers, barristers' clerks and reviewers should be informed of the existence of this policy. A copy shall be made available to such a person upon request.
12. The Advocate website shall make clear that Advocate has a policy on unacceptable conduct. Advocate may provide a copy of this policy to an applicant who has embarked upon unacceptable conduct with a view to bringing the unacceptable conduct to an end. However, a decision under paragraph 7 above may be made in respect of an applicant, regardless of whether the applicant has previously received a copy of this policy.