

WCFRU

WESTERN CIRCUIT FREE REPRESENTATION UNIT

Scheme Office
31 Southgate Street
Winchester
Hampshire SO23 9EE

Tel. No. 01962 851639
Fax: 01962 820212

Administrator:
Gill Richards

2007

INTRODUCTION

The Circuit Secretary is the Administrator for the service and runs it on behalf of the Western Circuit committee. Guy Opperman of 3 Paper Buildings runs regular surgeries for CABx and Victim Support. Reporting the progress of cases to the committee each legal term and to the Circuit Junior directly when difficulties arise, there have been relatively few problems. The scheme is funded from subscriptions to the Western Circuit, the professional Association of Barristers who practice in the Central Southern and West of England.

The cases number approximately 1 to 2 per week which does not include queries from solicitors, the public, the media and CAB workers. 95% of the work is in the Employment Tribunals and Social Security Tribunals. Criminal Injury Compensation Board Appeals come from Victim Support groups.

The service is run at very little cost as there is no sending back of any documents. This is vital as the Western Circuit office measures 9½ feet by 5½ feet!

Almost every barrister who started with the scheme is still on it. Originally it was expected that cases would take only one day of their time. The maximum so far is a nine day hearing and another CICB Appeal which took many conferences and even a visit to the home of the victim.

The Western Circuit commends all CABx and Victim Support groups across the Circuit who unfailingly follow advice and simplify matters. Their efficiency and co-operation have made the first years of the unit a pleasure to run.

Gill Richards

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1. ADMINISTRATION

- 1.1 The Scheme is administered by Mrs. Gill Richards from the Western Circuit Office at the address on the front of this booklet. A message can be sent at any time by fax, answerphone or by post. It must be noted that the Scheme is separate and independent from any other FRU scheme and there is no file administration service available. In particular there is no discussion possible on the merits of a case without referral to members of the Western Circuit Bar currently delegated to give a view of cases. If, in the opinion of a barrister who undertakes to accept cases under the scheme, there is no possibility of a successful outcome, the case will be refused.
- 1.2 Western Circuit FRU will accept cases from CAB and solicitors working Pro Bono and any appropriate exceptional case as approved by the Western Circuit FRU Committee.
- 1.3 Should a referral be accepted under the scheme rules and the client decides subsequently not to use the services of the selected barrister, the Administrator will require an indemnification form to be signed by the client and returned to the office. This form will be provided by the Administrator and is for the protection of the CAB and Western Circuit Free Representation Unit. Experience has shown that clients have taken advice from outside of the scheme or their CAB and accepted settlements which have been disadvantageous to them. The signature of the indemnification form protects all parties.

2. THE REFERRAL SYSTEM

- 2.1 A number of barristers from the Western Circuit have agreed to provide their services by way of advice and representation on a rota basis. The services of any particular barrister cannot be requested by a referring party.
- 2.2 Cases are referred by any Citizens Advice Bureau, Law Centre or solicitor on the Western Circuit with a view to obtaining legal advice for clients and/or representation at tribunals and hearings. At no time is the administrator persuaded to accept referrals direct from clients and would appreciate the telephone number being kept confidential at all times.
- 2.3 Every effort is made to ensure representation or advice is provided under the scheme in appropriate cases, however, the scheme is entirely voluntary and WCFRU retains an absolute discretion to decline applications.
- 2.4 Where a Citizens Advice Bureau is working for a client or a solicitor is working on a pro bono basis for a client, they will take precedence over the placement of a case from a solicitor who is receiving Green Form allowance or payment for undertaking the case.

2.5 Should a case be refused for any reason it is not appropriate for the Administrator to be asked for recommendations to any Western Circuit barrister. There is a list of Western Circuit barristers' chambers on the Circuit Website at www.westerncircuit.org.uk

3. TYPES OF CASES

3.1 Advice and representation can be sought in the following types of hearings and tribunals ONLY:

Criminal Injuries Compensation Board (CICB)

Employment Tribunals (ETs)

Medical Appeal Tribunals (MATs)

Rent Tribunals

Social Security Appeal Tribunals (SSATs)

Immigration Appeals

4. CONDITIONS FOR REFERRING CASES

4.1 Application for services under the Scheme will be accepted only if:

- i) the application is made by one of the participating referral agencies;
- ii) the application is made in writing on one of the Scheme's standard referral forms (please do not use the London FRU forms);
- iii) In cases requiring representation, the date of the hearing is known when the application is made OR the referral form is received by the Administrator not less than 28 days before the date of the hearing;
- iv) in relation to cases requiring advice, the referral form is received not less than 28 days before the advice is required;
- v) the Referral Agency (the CAB or solicitor) undertakes to use its best endeavours to act upon any advice which may be given by Counsel regarding the evidence which should be made available at a hearing and to ensure the attendance of any witnesses. It is not the responsibility of participating Counsel to prepare the evidence for any hearing or to communicate by correspondence or otherwise with any person except the Referral Agency. In particular the Rules of the Bar Council preclude the handling or receipt of any monies on behalf of a client and this matter must be undertaken by the CAB or solicitor.
- vi) Legal Aid has never been available for the work.
- vii) the client would otherwise be without representation at the hearing, or in the case of an application for advice, would otherwise be unable to obtain the advice sought.

5. PROCEDURE FOR REFERRING CASES

5.1 There are two forms:

- i) Employment Tribunal forms
- ii) CICB, MAT, Rent Cases, SSATs and Immigration Appeal forms

There is also a Result Form which is to be completed by the barrister and returned to the Administrator.

5.2 Each case must be referred on the appropriate form and forwarded to the Administrator. In the case of a simple request after a telephone call, this may be by fax and a postal duplicate is not required. Please follow up this request with the bundle of copies only of the documents relating to the case. Include in the bundle copies of all supporting documentation and in the case of ETs, ensure the inclusion of the ET1, ET3, any Further and Better Particulars and, where witnesses are to be called, all the supporting documentation.

5.3 Please retain all originals and bring them to the hearing. There is no provision for file storage at the office and when the case has been disposed of all documentation will be destroyed confidentially.

5.4 If the referral agency has not been told within four days of sending the bundle who has been selected, they are requested to phone the scheme office. When the case has been accepted, the Scheme Administrator will forward the bundle to the barrister concerned.

5.5 It is the responsibility of the client (or CAB/solicitor) to arrange the hearing date.

6. PROCEDURE ON RECEIPT OF REFERRAL

6.1 A copy will be taken of the front page of the referral document and the bundle sent on to a barrister for appraisal. Only cases which have a degree of legal complexity will be accepted. The scheme is not able to provide advice on the administration of a case and the referral party acts in the same way as a solicitor and instructs the representative.

6.2 The Referral Agency should advise the client;

- i) that the case has been referred to the scheme
- ii) that representation/advice cannot be guaranteed until it has been accepted:
- iii) that all further developments i.e. approaches for settlement, contact by ACAS or other parties and approaches to and from witnesses should be notified to the Referral Agency;
- iv) that the client should contact the Referral Agency for any further information.

- 6.3 On acceptance, the Administrator will contact the Referral Agency and inform them of the barrister's name, Chambers address and telephone number and the date by which the barrister should have read the file or formed an opinion of the merits of the case.
- 6.4 The Referral Agency will undertake all appropriate notifications, including putting itself on record as acting for the client by Counsel under the scheme, notifying ACAS and the other side and will further undertake all action necessary, including receiving decisions, notifying parties and chasing unpaid awards and settlements.

IMPORTANT POINTS

- a) Until acceptance under the scheme the referral party should not inform the client or any other party that representation is possible. Clients are generally disappointed if the case that they think is a successful case turns out to be a case with no merit.
- b) The Referral Agency is responsible for informing the barrister who has accepted a case of any delays, postponements, withdrawals, settlements etc. See 1.2 above.
- c) Although discussion between Mrs. Richards and a CAB worker about proposed acceptance of a case is not discouraged, a representation request without a date is impossible to assess (in particular during the Summer months). Clerks cannot possibly say that a particular barrister will definitely be available on a non identifiable date.

HOWEVER

- d) In cases of CICB hearings, cases can take many months to be listed, and in this category of case, the Administrator appreciates notification of a case as soon as it is requested. In appropriate cases and in order to avoid embarrassment and possible delay, it is desirable that the identity of the barristers (where known) in the original case be notified to the Administrator.

PLEASE DO NOT SEND ORIGINAL DOCUMENTS TO THE SCHEME OFFICE