

Traffic Light Reference Chart on Legal Representation of UASC: From recognising best practice, to identifying red flag behaviour

The below table differentiates between different levels of quality of legal representation of unaccompanied-asylum seeking children (UASC).

Best practice is highlighted in the left-hand green column, and 'red flag' practices highlighted in the right-hand column.

The middle 'amber' column details the minimum standards that a legal representative should always exhibit when representing UASC. These minimum standards are not repeated in the green best practice column, which aims to highlight additional best practice that legal representatives of UASC should aim toward.

Any conduct by legal representatives listed in the red flag column will normally constitute grounds for complaint and in most situations – particularly where such conduct has not occurred exceptionally - necessitate referral to a new legal representative.

The practice described in the below table focuses especially on the legal representation of UASC but can also be applicable to asylum-seeking children in families. There are some parts of this guide that might also assist looked after children that making non-asylum related immigration applications.

****This resource has been published in June 2023 reflecting relevant duties and guidance at that time, and updates will be made annually. However, all users of this resource should ensure that they are using the most recent version and that they have sought advice on any further changes to legislation or policy****

This policy resource for local authorities has been endorsed by the following organisations



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	Best practice	Minimum expected standards	Red flag behaviour
<i>Qualifications</i>	<ul style="list-style-type: none"> - Explains to the child their working experience. - Explains the relationship between client and lawyer. - Uses their possession of qualifications to reassure the client, not to discourage questions. - Explains the qualification/experience that their supervisor holds. - Has attended training courses which are child-focused or on linked issues e.g. age assessment or trafficking, or can otherwise demonstrate an awareness of the issues and the fact that the needs of child clients and the presentation of children's asylum applications and appeals are different to those of adults. 	<ul style="list-style-type: none"> - <i>Lawyers providing immigration and asylum services through legal aid must be members of the Law Society's Immigration and Asylum Accreditation scheme.</i> - <i>If the lawyer is carrying out immigration and asylum work for a child under a legal aid contract then they must have also had an enhanced Disclosure and Barring Service check in the last 24 months,¹ and be a Senior Caseworker or above.²</i> - <i>All offices working under a legal aid contract must have a ratio of at least one full-time equivalent Senior Caseworker for every two Casework Assistants/Trainee Casework Assistants.³</i> - <i>If the lawyer or adviser is not providing immigration and asylum work under a legal aid contract then they must be regulated by the Solicitors Regulation Authority, or they must be authorised as an Immigration Practitioner by CILEx, or they must have at a minimum Level 2 accreditation from the Office of the Immigration Services Commissioner (OISC).⁴ Only OISC advisers registered at Level 3 can hire a barrister to represent their client in court. (These</i> 	<ul style="list-style-type: none"> - Holds inadequate qualifications. - Provides no or insufficient information about qualifications. - Provides vague or misleading information about qualifications. - Fails to refer clients on due to lower level of experience/qualifications. - Fails/reluctant to seek advice from supervising/more senior solicitors. - Gives false and inflated projections of a positive outcome by reference to their experience or 'contacts'

		<p><i>regulators only operate in England and Wales.⁵⁾</i></p> <ul style="list-style-type: none"> - Explains to the child their role as lawyer (including why they need a lawyer), their qualifications, and how the services they provide are regulated.^{6 7 8 9} - Works within the limits of their qualifications.^{10 11 12} - Refers on to another legal representative if lacking in specific specialist experience or adequate resources,^{13 14} in a timely manner¹⁵ such as to ensure that any external deadlines can be met by the new representative. - Ensures that clients' matters are supervised and regularly checked by persons with sufficient competence and experience.¹⁶ 	
<p><i>Communication – Level, frequency and structure</i></p>	<ul style="list-style-type: none"> - Ensures that the child is aware of how and able to reach you or other relevant support staff including in an emergency where appropriate.¹⁷ - Maintains regular contact with the child to advise on the progress of the case including where there are no active updates, and to check if there are any changes in the child's circumstances. - Checks that the means and frequency of communication continue to be appropriate and acceptable. - Follows up proactively on any requests for contact by child/supportive agencies. 	<ul style="list-style-type: none"> - Agrees with the child and adheres to an appropriate communication means and frequency of communication which the child understands and is aware of, and which are best suited to their situation,^{18 19 20} and which is such that they are aware of any significant changes in the child's circumstances relevant to their need to remain in the UK.²¹ - Provides directly to the child the name of the person dealing with their case and their supervisor, and provides (written) details of their qualification or position, working hours, and contact details.^{22 23 24 25} - Updates on any action taken or new developments in a timely manner, and explains the reasons for any delay.^{26 27 28 29} 	<ul style="list-style-type: none"> - Fails to communicate with the client such that the client has limited to no knowledge of the merits, status or next steps of their case. - Provides information either a long time after the event/development occurs, or very shortly before a deadline to act (where the legal adviser has been in possession of the information within a reasonable amount of time themselves). - Fails to respond to (reasonable) requests for information made by the client. - Fails to respond to requests for contact made by support agencies. - Refuses to communicate with support agencies or is dismissive of or seeking to

		<ul style="list-style-type: none"> - Responds to reasonable requests for contact by the client/supportive agencies. - - Acts swiftly to resolve any breakdown in communication.³⁰ In these instances additional steps should be taken to make contact with the client e.g. contacting housing provider, social worker, supporting agencies. - Provides transparent information on the firm's complaints procedure and explains that complaining should be used positively and will not impact on the right to protection.^{31 32 33 34} 	<ul style="list-style-type: none"> undermine supportive relationships in the child's life. - Communication concerning the case is with the interpreter used by the firm without any follow-up to assess whether and how this information was communicated to the child and their response. - Closes the child's file once there is an outcome without the child understanding the outcome or the reasons for the decision being properly explained.
<p><i>Communication – Effectiveness and manner</i></p>	<ul style="list-style-type: none"> - Ensures the child understands the process involved; what it is for; how it fits into the full immigration procedure and that child can ask questions about the process and contribute at every stage - Considers the child's background, experiences and necessary comforts – e.g. seated facing the door; whether away from a desk; with natural light. - Communication in a child-friendly manner³⁵ which may include (but is not limited to): <ul style="list-style-type: none"> • friendly approach, • simplified language, • use of appropriate and in some instances imaginative communication means, 	<ul style="list-style-type: none"> - Treats the child with respect and courtesy at all times and ensures support staff do the same.^{38 39} - Modifies communication means and manner appropriate to the child's level of development, education and circumstances, as assessed carefully by the lawyer, to ensure that the child is properly informed.⁴⁰ - Identifies any barriers to communication (e.g. physical and mental health, age,⁴⁹ cultural issues,⁵⁰ mental capacity, mobility, literacy, presence of coercive or controlling adults in the child's life, child's carer – parent, foster carer or social worker - reluctant to support frequent interaction with representative) and makes appropriate measures/reasonable adjustments and 	<ul style="list-style-type: none"> - Fails to listen to or answer the child's questions. - Provides information in legalese that is impossible for the child to understand and no opportunity for explanation provided. - Behaves rudely or dismissively toward the child and/or support agencies. - Provides material advice only or mainly to the child's support worker/foster parent/parent rather than directly to the child even where the child has capacity to understand. - Demonstrates annoyance with the child upon making late disclosures or requesting changes to their statement. - Lacks consistent ownership of the case or relationship with the client. For

	<ul style="list-style-type: none"> • extra explanation, • non-judgemental vocabulary, • using open questions, • the same information repeated over time, • regular checks for understanding, • use of modern/informal means of communication³⁶ • referral to existing external resources to support the child's understanding. <p>- Provides information, checks understanding and rephrases if necessary.³⁷</p> <p>- Assesses whether information has been successfully provided on the basis of what the client understands, rather than what information has been provided - for example, often encourages the child to tell them what they understand of the process and what is in issue. This is done in a sensitive and natural way – not as a test..</p> <p>- Child leaves any meeting with an improved or improving understanding about the process and what will happen next, even if that simply means waiting for a response.</p> <p>- With the child's permission, ensures that any adult supporting the child is able to understand and</p>	<p>ensures these are apparent to all staff who may need to communicate with the child.⁵¹</p> <p>- Provides child with advice in writing – either electronically or on paper or both - explaining all the legal issues in their case, and explaining this verbally via an interpreter (where use of an interpreter is necessary)⁵², highlighting key information.⁵³</p> <p>- Encourages, listens and responds to questions so that the child understands.</p> <p>- Communicates clear boundaries about what can and cannot be done.⁵⁴</p> <p>- Clearly identifies the child as the client who is giving instructions: e.g. advises the child on their right to make separate applications even if they are a dependent⁵⁵; and considers any potential conflict of interest with other parties/clients (such as relatives, or where the child is age disputed by the local authority responsible for their care.)⁵⁶</p> <p>- Remains alert to the possibility that the child may be giving instructions under duress or undue influence and takes steps to ensure that instructions are taken from the client independently.^{57 58 59}</p> <p>- Works collaboratively with other professionals in preparing the child's case and in supporting the child, while maintaining the appropriate level of confidentiality.^{60 61}</p> <p>- Where the lawyer has concerns about the child's capacity to understand or to process and respond to questions or recall and</p>	<p>example, the child meets different fee earners for different tasks during case preparation – someone at the first meeting, then different people take the statement or read back, attend interview, etc.</p>
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	<p>reinforce/repeat the advice and information provided.</p> <ul style="list-style-type: none"> - Considers, and provides advice to the child, in any asylum case in which a child is involved (whether as the main applicant or a dependent), about the short and long term impact of the child making an independent claim, including in relation to the form of leave to remain to be granted if the application is granted, and the prospect of the child resisting removal if the adult upon which they are dependent's claim is refused or declared inadmissible. 	<p>describe or explain past facts, considers referral for appropriate investigations/assessments whilst maintaining confidentiality, and ensures any deficits are communicated to the Home Office or the Tribunal.</p>	
<p><i>Communication - Advice and information</i></p>	<ul style="list-style-type: none"> - Provides effective, accurate and complete information on the law, the case issues and the process, including delays and case outcomes. - Prepares detailed and clear client care letters that provide child-appropriate explanations and supplements these, where appropriate, with reference to other resources. - Proactively offers the child copies of all documents related to their case. - Understands that the child may not want some or any documents related to their case to be in their possession. - Explains pro-actively why they are taking certain steps. 	<ul style="list-style-type: none"> - Gives clear and accurate advice on the law that applies to the child's case, the range of options available (and pros and cons of each one), their chances of success in their application, and timeframe.^{62 63 64 65} - Provides timely updated advice reflecting any material developments: decisions or determinations, new information or evidence coming to light, or changes in law, policy and country conditions, as well as key actions taken.^{66 67 68} - Clearly notes key dates such as the expiry of leave to enter or remain and other time limits, as well as any other factors requiring urgent action in the child's best interests, and puts in place procedures to ensure that any necessary action is taken accordingly.⁶⁹ 	<ul style="list-style-type: none"> - Guarantees a particular outcome. - Tells the child that they cannot understand because it is too complicated. - Fails to inform the client of action taken to progress the case, or on developments in the case. For example, a child reports not having received any written letters from their lawyer. - Provides no written advice to the child. - Tells the child they can no longer represent them, without giving an explanation why. - Refuses to give the client a copy of their own file, or documents relating to their case, or requests payment to do so in circumstances where the child has not given informed consent to this.⁷⁵

	<ul style="list-style-type: none"> - Supplements advice with referral to external sources (such as country information)/additional resources (such as reports on asylum process or mental illness and its effect on recall etc). 	<ul style="list-style-type: none"> - Provides child with copies of documents (including their application and proof that it has been sent to the Home Office) and correspondence with the Home Office where it is reasonable to do so. - Sends child copies of any documents they specifically ask to see.^{70 71} - Provides to any new legal representative, where the child chooses to instruct that person in relation to the same or new matter, the child's file or a copy of it, promptly and without delay, upon the request of the new representative and only with the consent of the child.^{72 73 74} 	<ul style="list-style-type: none"> - Provides the child with correspondence or other documents from the Home Office without any explanation or analysis. - Fails to provide the child with key documents from the Home Office. - Fails to advise the child of any deadline by which action must be taken or fails to advise them of a deadline within a reasonable timeframe to enable a response.
<p><i>Case preparation</i></p>	<ul style="list-style-type: none"> - "Frontloads" cases with witness and expert statements (including witness statements, social worker, country expert and medico-legal reports where these are appropriate to the proper presentation of the case at that stage and provided funding can be obtained). - Carefully plans to ensure evidence is pro-actively gathered in a timely fashion. - Engages with adults supporting the child whilst maintaining the child's confidentiality and remembering that the child is their client rather than the adult. - Meets with the child - including where appropriate in a series of short 	<ul style="list-style-type: none"> - Informs themselves about conditions in the country of origin and the relevant law and policy relating to the child or young person's immigration or asylum matter.^{79 80} - Obtains witness statements⁸¹ and corroborative evidence within appropriate time frames (so as to be able to review evidence in time before upcoming deadlines). - Meets with child over a sufficient number of appointments to obtain a detailed narrative statement.⁸² - Is sensitive to the effects of trauma and to the impact that the child or young person's experiences, as well as their general development, may have on their ability to provide information.^{83 84} - Is alert to the possibility that a child or young person may have been trafficked.⁸⁵ 	<ul style="list-style-type: none"> - Takes a witness statement that lacks detail in relation to the client's basis of claim. - Makes poor and unsubstantiated representations which do not address the facts or properly apply the law to the client's facts. - Doesn't read through any statements or reports with the child before submission, or seeks to dissuade the child from doing so. - Makes an application to the Home Office which doesn't include relevant evidence from the child, their family or their support workers about their situation. - States that certain evidence cannot be obtained because the Legal Aid Agency (LAA) won't pay for it - without actually

	<p>appointments, always ensuring adequate breaks.⁷⁶</p> <ul style="list-style-type: none"> - Takes a detailed statement in the child's own voice, at the earliest suitable stage (even if there are delays expected) and over a number of different appointments.⁷⁷ - Spends time helping the child to compile a chronology of events.⁷⁸ - Spends time eliciting information about the child's earlier life – as this can help to explain events and their flight. - Uses drawings and other devices to elicit and show the child's experience. - Asks for child's ideas for further evidence after giving an array of examples of what makes good evidence. 	<ul style="list-style-type: none"> - Talks through any risks that could arise with each piece of evidence. - Obtains expert reports where necessary (eg the child's ability to provide information to substantiate their claim is impaired or the particular circumstances or basis of claim is not in generally available sources; bearing in mind the relevance of issues such as mental health and capacity) and obtains these in sufficient time.⁸⁶ - Reads through witness statements and expert reports with the child, using an interpreter as necessary and ensures these are complete and accurate. - Reads through and/or explains any forms, using an interpreter as necessary, prior to asking child to sign. - Makes detailed and relevant legal representations that refer to the specific circumstances of the client's case and to relevant objective evidence and case law which support the argument that the child's case meets the applicable legal thresholds or definitions.⁸⁷ 	<p>having attempted to secure funding from the LAA.</p>
<p><i>Use of interpreters</i></p>	<ul style="list-style-type: none"> - Ensures that the interpreter is able to communicate well with children as well as being of an appropriate gender and qualification. - Briefs and debriefs the interpreter pre- and post- interview to ensure preparedness and that all issues relating to verbal and non-verbal communication are picked up on. 	<ul style="list-style-type: none"> - Ensures the interpreter is of an appropriate gender. - Ensures that the interpreter is appropriately qualified.⁹¹ - Ensures that the interpreter has no direct relationship with the child as a friend, relative or family member, and that they maintain a neutral role. 	<ul style="list-style-type: none"> - Fails to provide an interpreter. - Provides an inappropriate gender of interpreter. - Uses friends/relatives/community members as interpreters. - Uses untrained interpreters. - Prioritises the convenience of the interpreter over the needs of the child.

	<ul style="list-style-type: none"> - Creates a means for the child to communicate directly with the lawyer if they experience any issues or discomfort with the interpretation. - Remains vigilant to any non-verbal indicators of difficulties or unease with the interpreter and actively checks on this.^{88 89} - Checks understanding of the interpreter regularly. - Looks directly at the child when speaking. - Ensures that all dialogue during appointments with the child is interpreted, including the substance of any exchange between the lawyer and interpreter. - Retains the same interpreter for all appointments (where the relationship with the interpreter is working well).⁹⁰ - Considers trialling the use of a different interpreter where a child appears to be struggling to provide detailed evidence with no obvious other explanation. 	<ul style="list-style-type: none"> - Ensures the child understands the role of the interpreter and their right to change interpreter if needed.⁹² - Ensures that the child and interpreter understand each other. - Ensures appropriate seating arrangements to allow for child's comfort, facilitate disclosure and ensure effective communication.⁹³ - Maintains eye contact with the child rather than solely with the interpreter/adult. - Doesn't leave the child alone with the interpreter to read through documents. 	<ul style="list-style-type: none"> - Fails to ensure the interpreters used by the firm are ethical and competent in the required language - Fails to check if the child and interpreter understand each other. - Fails to inform child of their right to request a different interpreter. - Refuses requests to change interpreter. - Makes the child feel that they are causing a problem by asking for a new interpreter. - Leaves the interpreter alone in the room to read through a witness statement with the child and then asks the child to sign it. - Allows interpreter to assume an elevated role (child feels that the interpreter has some influence over their process). - Knowingly allows, encourages or tolerates situations where the child is able to contact the interpreter or meet the interpreter independently outside of meetings with representative. - Provides child with the contact details for the interpreter and told to speak to the interpreter rather than the lawyer. - Maintains a referral arrangement (whether formal or informal) with an interpreter which has the potential to prioritise the financial situation or other interests of the firm or interpreter over the child's best interests.
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<p><i>Making referrals</i></p>	<ul style="list-style-type: none"> - Proactively refers to NGOs for educational and social development opportunities. - Takes a holistic view of the child's situation and considers their well-being, development and rehabilitation - not simply focusing on presenting the facts of the asylum case. 	<ul style="list-style-type: none"> - Refers appropriately to statutory authorities for health/mental health care and safeguarding issues,^{94 95} including trafficking and modern slavery issues/referrals.⁹⁶ - In the event that a UASC child experiences problems relating to the exercise of the local authority's duty under the Children Act 1989, if qualified under a legal aid contract advises the child in relation to Public Law Children Act proceedings or, where appropriate, refers at the earliest possible opportunity to a Family, Community Care, Public Law or Housing Provider. This includes referral to a community care solicitor if the child's age is disputed. The lawyer/legal adviser should continue to provide immigration and asylum advice if the matter is still ongoing.⁹⁷ 	<ul style="list-style-type: none"> - Fails to make outside referrals where the child has needs. - Fails to demonstrate awareness of safeguarding duties toward children and refer to statutory services for example failing to immediately bring an unattended child to the attention of the local authority whose area they are located in. - Fails to refer to community care solicitor if the child's age is disputed. - Fails to make appropriate referrals for negative Conclusive Grounds decisions to be challenged where the legal adviser does not have the capacity to bring the challenge themselves.
<p><i>Ceasing representation</i></p>	<ul style="list-style-type: none"> - Strives to stay the course with the young person but if forced to cease representation, with at least reasonable notice, makes supported referrals to alternative sources of advice and ensures that steps are taken to protect the child's rights in the meantime, for example by lodging an interim appeal. 	<ul style="list-style-type: none"> - Only ceases representation with good reason and with reasonable notice,^{98 99} communicating clearly any external deadlines that the child or any new representative will need to comply with. - Explains to the child the circumstances in which the child may ask to terminate representation and the consequences of doing so (this should include reference to the complaints procedure).¹⁰⁰ - Has procedures in place to ensure, in the case that a publicly funded lawyer is unable to/can no longer perform contracted legal aid work on the client's case, that a referral 	<ul style="list-style-type: none"> - Ceases to represent case for no apparent reason and/or with such little notice that the child misses deadlines or has insufficient time to seek new legal representation in order to gather evidence and prepare submissions. - Closes business without notifying the child or third parties, or without providing any advice or signposting or making any referral.

		<p>to another provider is made, and is not undertaken in a manner which prejudices the child, and that the child is informed of the progress of the referral.¹⁰¹</p> <ul style="list-style-type: none">- Makes reasonable endeavours, in the case that the lawyer is unable to/can no longer perform contracted legal aid work on the client's case and at the same time is unable to make any referral to another legal aid lawyer, to ensure that the child is informed and their rights are protected (this includes by pro-actively notifying the Home Office and any court where relevant that the lawyer is unable to act further and that the child is unrepresented).¹⁰²- Refers or signposts (for OISC legal advisers) as soon as possible and without prejudice to the child's case, to a suitably qualified legal representative where the registered organisation cannot provide the immigration advice or service needed.¹⁰³- Explains (for non-OISC privately funded cases), where the legal representative is no longer able to act, possible options to the child for pursuing their matter.¹⁰⁴- Informs the child about their right to ask the Legal Aid Agency for a review of a negative decision about eligibility for legal aid on appeal (in the case that the lawyer makes a negative decision) and provides them with a copy of the CW4 at the latest within 5 days.¹⁰⁵	
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<p><i>Timeliness [See also Communication – Frequency and level]</i></p>	<ul style="list-style-type: none"> - Meets all deadlines in relation to the client’s claim or appeal, gathers evidence, and prepares submissions as far as possible in advance. - Challenges delay on the part of the Home Office (or refers to a provider who is able to do so) where they fail to meet deadlines or service standards, including through judicial review where appropriate. 	<ul style="list-style-type: none"> - Submits all applications, evidence and submissions within the relevant timeframe.^{106 107} - Obtains and reviews key documents in a timely fashion. - Provides the client with advice about relevant deadlines, including where the representative’s advice is negative, such that the client can seek a second opinion in time.¹⁰⁸ - Seeks extensions to deadlines where this is in the interests of the client (perhaps because further evidence is necessary or because a child becomes unwell and is unable to attend appointments). - Takes legal action to challenge delay on the part of the Home Office (or refers to a provider who is able to do so) where the delay reaches the challengeable threshold or where the child has a particular vulnerability. 	<ul style="list-style-type: none"> - Misses Home Office deadlines. - Misses appeal deadlines. - Fails to provide negative advice within a reasonable timeframe so that child can get a second opinion (and fails to admit not doing this). - Fails to inform of decisions at all. - Fails to give reasonable notice upon becoming unable to act. - Advises clients of adverse decisions or information after the deadline by which any such adverse decision must be challenged.
<p><i>Key responsibilities in relation to asylum process</i></p>	<ul style="list-style-type: none"> - Is an active representative throughout the process, pushing the child’s case forward and anticipating queries from the child and from the Home Office, acting proactively rather than reactively. - For vulnerable young people, takes a detailed statement at the earliest possible stage¹⁰⁹ and submits it prior to interview if in their best interests or, where a child or young person has significant health problems and is not 	<ul style="list-style-type: none"> - Ensures the child reads through (using an interpreter as necessary) and corrects as necessary their SEF/witness statement prior to signing. - Meets with the child prior to their substantive asylum interview to explain the process and the practical arrangements for the interview (and introduces the person who will accompany the child to interview if this will not be the person with conduct of the case).¹¹⁰ 	<ul style="list-style-type: none"> - Does not meet with the child prior to the interview to explain what will happen. - Does not accompany the child to the substantive interview. - Does not arrange for a suitably qualified interpreter to attend the interview, or asserts that the interpreter can also act as legal representative. - Does not read through the interview record with the child to check for

	<p>in treatment, considers whether it is appropriate to take any statement at all, and ensures that this decision is notified to the Home Office with detailed evidence as to the basis of the decision.</p> <ul style="list-style-type: none"> - Considers proactively whether it is in the client's best interests for them to be interviewed and submits detailed evidence in relation to this. - Thoroughly prepares child for interviews and hearings in a child-centred manner to support the child to be able to provide examples of experiences that are relevant to them and to be able to explain the limitations of their knowledge that may be the result of their age. 	<ul style="list-style-type: none"> - Attends all screening¹¹¹ and substantive interviews with the child and ensures that a suitably qualified independent interpreter attends with him/her if the child's first language is not English.¹¹² - Advises the child of the right to (and desirability of) having an asylum interview recorded and requests in advance and in writing that the substantive interview is recorded.¹¹³ - Ensures that any legal submissions in asylum procedures remind the decision-maker of the shared burden of evidence gathering. - Ensures that within promptly following the child's substantive asylum interview¹¹⁴ and after assisting the child to go through the interview transcript, detailed submissions are made to the Home Office notifying any clarifications to the interview record, setting out how the child's claim falls within the refugee convention by reference to the specific evidence provided by the child, and by reference to objective evidence available.¹¹⁵ - In appropriate cases requests that a decision be made on an asylum claim without the need for the child to be interviewed due to particular vulnerability or lack of capacity, and the availability of other evidence.¹¹⁶ 	<p>accuracy within 5 days of substantive interview.</p> <ul style="list-style-type: none"> - Fails to appeal UASC leave or advise of the right of appeal.¹¹⁷ - Fails to advise on the consequences of an adverse age assessment. - Refuses to challenge delays.
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		<ul style="list-style-type: none"> - Provides advice in relation to the non-applicability of inadmissibility provisions to children. - Identifies and supports clients to obtain evidence to address any intention to categorise children as a Group 2 refugee. - Responds actively to any notice of intention to treat a child as a Group 2 refugee and makes submissions in support of Group 1 refugee status. 	
<i>Attendance</i>	<ul style="list-style-type: none"> - Makes practical arrangements to ensure the day of any interview/hearing goes smoothly and the child feels properly prepared and supported during the day, including requesting that the case is listed first, asking for time for the child to familiarise themselves with the court room, ensuring the child has organised refreshments, and requesting the court to use a child-adapted court room. - Arranges a conference between Counsel and the child before any hearing (if Counsel has been booked to attend a hearing and if funding allows), so the child feels prepared and reassured about what is going to happen on the day.¹¹⁸ - Applies to the LAA for authorisation to attend the hearing with Counsel and further support the child. 	<ul style="list-style-type: none"> - Explains the purpose of any immigration interview which the child or young person is expected to attend.^{119 120 121} - Attends all relevant interviews/hearings where funded through legal aid.¹²² - Takes an active part in interviews to protect their client's position.^{123 124} - Actively considers if it is appropriate for the child to give evidence at a hearing, making submissions on this where relevant, and requests necessary changes to the set up of the court room or manner in which evidence is given, referring to the presidential guidance on vulnerable witnesses and first-tier tribunal practice direction.¹²⁵ - Ensures appropriate adult attends key interviews and hearings¹²⁶ and, where appropriate, also an interpreter. - Meets with the child privately prior to any hearing and ensures that the child and any witnesses are prepared, relaxed and ready for their hearing.^{127 128} 	<ul style="list-style-type: none"> - Fails to attend asylum interviews. - Fails to attend asylum appeal hearing/case management review hearings where Counsel has not been instructed to represent. - When attending asylum interviews or hearings, takes a very passive approach and does not interrupt where there are misunderstandings or inconsistencies. - Cuts short appointments or cancels at the last minute without reason. - Staff going on holiday leaving no one to look after cases.

<p><i>Financial issues</i></p>	<ul style="list-style-type: none"> - Considers making a referral to an organisation offering assistance with making an application for Exceptional Case Funding (ECF) where the relevant matter is not within the scope of legal aid and the lawyer is not in a position to make an application themselves¹²⁹. 	<ul style="list-style-type: none"> - [For all solicitors] Informs the child what legal aid is, if it may be available and assesses whether or not they are eligible.¹³⁰ - Gives child the option to instruct someone who can advise for free if eligible for legal aid (where unable to do themselves). - If the relevant matter is not within the scope of legal aid, advises on the possibility and merits of making an application for Exceptional Case Funding (ECF) family reunion where the child has aged out during the asylum claim being decided.¹³¹ - Informs the child about their right to ask the Legal Aid Agency for a review of a negative decision about eligibility for legal aid on appeal (in the case that the lawyer makes a negative decision) and provides them with a copy of the CW4 at the latest within 5 days.¹³² - If providing advice for a cost, only enters into a fee agreement that takes into account the best interests of the child.¹³³ - Provides costs information to the child even where the child will not themselves be paying and explains any limitations or conditions on what they can do because of the way their matter is funded.¹³⁴ - If providing advice for a cost, gives an estimate of their fees in writing at the start of the matter and keeps the client informed at each stage if the costs are going to increase, as well as how they will be charged, and who will pay.¹³⁵ 	<ul style="list-style-type: none"> - Provides incorrect or misleading information about the availability of legal aid for specific issues. - Charges for copies of files without informing the child in advance and seeking informed consent, or charges a disproportionate amount for copies. - Charges for work that can be done under legal aid, without informing the child that legal aid is available and what this means. - Asks the child to pay for interpreter costs despite being signed up to legal aid. - Gives inaccurate or vague information on fees. - Takes on (in the case of private firms) cases without professional liability: submitting an application directly ie with the client's address on, rather than on behalf of a client – so there is no liability. - Takes on a case where there is very little chance of winning in order to charge a fee. An indicator of this may be advising that they do not reach the merits test on appeal to qualify for legal aid, but agreeing to represent the child on a private paid basis. - Commences litigation without providing detailed advice about costs implications, including litigation debt and the consequences of this for future immigration applications,
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		<ul style="list-style-type: none"> - Checks that the child is aware of who is funding the case and explains their independence: that for example the fact that a third party is paying does not make the third party (the funder) the client.^{136 137} - If the application they are making has a Home Office fee attached, provides accurate information on the amount and advises on any potential fee waivers or the possibility of social services paying. - Explains in detail to the client whether or not they have any protection from costs being awarded against them in relation to litigation (particularly Judicial Review proceedings), and what the implications of costs orders may be for future immigration applications.¹³⁸ - Advises the child / young person about legal aid funding (where eligible) for the cost of their travel to attend with the lawyer.¹³⁹ 	<ul style="list-style-type: none"> - Does not provide detailed bills, and charges lump sums in advance without any explanation of what the sums will be used for. - Holds original documents such as BRP cards/passports until an unjustifiably large sum of money has been paid by the client, or charges a lien on the file/documents despite the client being signed up to Legal Aid, or refuses to provide relevant information when requested under Data Protection legislation. - Advises that the client will not be able to obtain legal aid (and/or that the client should pursue an application for Exceptional Case Funding (ECF)) for family and private life cases, family reunion cases, pre-reasonable grounds trafficking/modern slavery cases, and EU law matters of legal and/or procedural complexity.
<p><i>Confidentiality</i></p>	<ul style="list-style-type: none"> - Provides a meaningful and child-friendly explanation of the meaning of confidentiality. - Advises the child of their right to consent to the disclosure of information to third parties, their right to withdraw that consent at any time or in relation to specific issues, and any limitations upon the duty of confidentiality (for example where 	<ul style="list-style-type: none"> - Explains clearly the right to confidentiality and what that means (including when information may not be kept confidential).¹⁴⁰ - Never provides information or documents to third parties without seeking specific consent (unless the child discloses that a crime involving serious harm has been committed or is about to be committed, or if there are child protection/risk issues).¹⁴¹ - Where sharing information is in the best interests of the child, agrees with the child 	<ul style="list-style-type: none"> - Breaches client confidentiality, for example through contact with a social worker. - Allows the social worker to be present during all interviews without establishing that the child has provided informed consent, and that there is no conflict or potential conflict of interest (for example where the social worker concerned has been or may be party to an adverse age assessment of the same child).

	<p>there is a risk of serious harm to the child or another person).</p> <ul style="list-style-type: none"> - Where client is involved in family proceedings (such as care proceedings), communicates with the local authority or child’s solicitor to ensure the Court permits disclosure of relevant reports in the asylum/immigration proceedings. 	<p>clear boundaries for what information may be shared and in what circumstances, and ensures the child understands that they hold the right to withdraw consent.¹⁴²</p> <ul style="list-style-type: none"> - Ensures that confidentiality is respected by all support staff including interpreters. - Has all appropriate measures in place to process information in compliance with the GDPR. 	<ul style="list-style-type: none"> - Provides information or documents relating to the child’s case to third parties (including social workers and foster carers, family members or the person who referred them) without seeking the child’s specific consent to do so. - Interpreter breaches confidentiality by speaking about the child’s case outside the solicitor’s appointments with the child.
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¹ LAA 2018 Standard Civil Contract, Specification, Category Specific Rules: Immigration and Asylum, updated August 2022, Para 8.13.

² LAA 2018 Standard Civil Contract, Specification, Category Specific Rules: Immigration and Asylum, updated August 2022, Para 8.18.

³ LAA 2018 Standard Civil Contract, Specification, Category Specific Rules: Immigration and Asylum, updated August 2022, Para 8.15.

⁴ BSB, SRA and OISC, *Guidance for Professionals Working with People with Immigration and Asylum issues: How to help your client navigate the legal system*, June 2017.

⁵ In Scotland, solicitors are regulated by the Law Society of Scotland and barristers by the Faculty of Advocates. In Northern Ireland, solicitors are regulated by the Law Society of Northern Ireland, and barristers by the General Council of the Bar of Northern Ireland. In England and Wales, public access barristers may perform some immigration and asylum services directly to members of the public, but must have public access training for this purpose and be registered with the Bar Council. Barristers cannot provide their public access services under a legal aid contract.

⁶ “Both you and your client will have responsibilities and these should be explained to the client.” Law Society *Client information requirements Practice Note*, September 2021.

⁷ SRA *Code of Conduct* November 2019 8:10: “You ensure that clients understand whether and how the services you provide are regulated.”

⁸ Law Society *Client information requirements Practice Note*, September 2021: “Many clients will rarely engage a solicitor, so will be unfamiliar with how the relationship between a solicitor and a client operates, or the legal processes which apply to their situation. You should take time to explain your role and the relevant services you provide or do not provide. You should also explain your responsibilities and those of your clients.”

⁹ CILEx *Code of Conduct*, updated August 2022, Para 2.1: “You must [...] advise your client of your professional status and that you are authorised to practise and/or regulated by CILEx Regulation.”

¹⁰ SRA *Code of Conduct* November 2019 3:2: “You ensure that the service you provide to clients is competent and delivered in a timely manner”; and 3.3: “You maintain your competence to carry out your role and keep your professional knowledge and skills up to date.”

¹¹ SRA *Statement of Competence*, August 2022: “[A solicitor should] A3: Work within the limits of their competence and the supervision which they need, including: a. Disclosing when work is beyond their personal capability; b. Recognising when they have made mistakes or are experiencing difficulties and taking appropriate action; c. Seeking and making effective use of feedback, guidance and support where needed; d. Knowing when to seek expert advice. A4: Draw on a sufficient detailed knowledge

and understanding of their field(s) of work and role in order to practise effectively, including: a. Identifying relevant legal principles; b. Applying legal principles to factual issues, so as to produce a solution which best addresses a client's needs and reflects the client's commercial or personal circumstances; c. Spotting issues that are outside their expertise and taking appropriate action, using both an awareness of a broad base of legal knowledge (insofar as relevant to their practice area) and detailed knowledge of their practice area.”

¹² CILEx *Code of Conduct*, updated August 2019, Paras 5.3 and 5.4: “You must [...] act only on matters that are within your competence. [...] Not act for a client in an area of law where you have insufficient knowledge or experience.” CILEx

¹³ “You must have appropriate arrangements in operation so that you can refer or signpost a Client or potential Client to another Provider where: (a) you do not provide the services the Client requires; (b) you have so much work that you are unable to provide appropriate services to a Client within a reasonable time [...] 2.42 You must signpost a potential Client at an early stage if it becomes clear that the enquiry concerns a subject which is outside your area of expertise.” LAA *2018 Standard Civil Contract Specification, General Provisions*, updated October 2022, Para 1.41.

¹⁴ “Circumstances where it would be appropriate to signpost to another suitably qualified legal representative include, but are not limited to, where: the service required is beyond the OISC authorised level of the registered organisation; the service required is specialist legal advice on a specific subject or area of law that the registered organisation cannot provide; the registered organisation cannot deal with the case due to its workload or the limitation of its business charter; or the registered organisation believes that there could be a conflict of interest if it takes on the case. [...] Registered organisations should seek a referral when: there is a real or potential conflict of interest between two of its clients or between the registered organisation and the client; the case becomes too complex or involves a type of representation that the registered organisation cannot provide; the case involves conducting an aspect outside its expertise, where outsourcing is not suitable because the work required is above the registered organisations authorised Level; the adviser does not have capacity or time to handle the case properly; or the client has lost public funding having previously been granted legal aid.” OISC, *Practice Note on Signposting and Referrals*, July 2016, Paras 6 and 8.

¹⁵ “If it is appropriate to signpost the enquirer this should be done at the earliest possible opportunity, preferably at the first meeting or enquiry.” OISC, *Practice Note on Signposting and Referrals*, July 2016, Para 4.

¹⁶ “You must [...] ensure that clients’ matters are supervised and regularly checked by those with sufficient competence and experience to assess the quality of the work and to ensure issues identified are addressed.” CILEx *Code of Conduct*, updated August 2019, Para 8.4

¹⁷ Law Society *Client information requirements Practice Note*, September 2021: “As well as providing details of the person handling the matter, you may also find it useful to provide details of other members of staff who will be able to help with any queries. It can also be useful to provide information about when, and how, the person handling the matter can best be contacted. You may wish to tell the client about opening hours and any out-of-hours service you provide.”

¹⁸ “You should agree service levels with your client, such as the type and frequency of communications.” Law Society *Client information requirements Practice Note*, September 2021

¹⁹ Law Society *Client information requirements Practice Note*, September 2021: “You should therefore discuss with the client at the outset how you will communicate throughout the retainer.”

²⁰ “The legal representative will need to : [...]keep the child or young person informed about the progress of the application by the means most appropriate to his or her level of understanding, and ensure that an older child who is a client has sufficient information to be able to make informed decisions.” Heaven Crawley, *Working with children and young people subject to immigration control Guidelines for best practice*, Second edition 2012, Para 2.40.

²¹ “Contact with the Client should be maintained at a level of frequency that is appropriate to the progression of the case, and the Client should be advised of likely time frames and how to make contact if any issues arise. [...] An adequate level of contact with the Client is essential to ensuring that material developments are not missed and that Clients have understood and are taking agreed steps.” LAA *Improving Your Quality in Immigration & Asylum - A guide to common issues identified through Peer Review*, 2021, page 6.

²² Law Society *Client information requirements Practice Note*, September 2021: “When the client attends the interview you should explain to them the name and status of the solicitor or other person conducting the interview. [...] You should inform the client, in writing, of the name and status of the person dealing with their matter and the name and status of the person responsible for the overall supervision of the matter. You should provide their contact details – usually their direct dial number and email address.”

²³ Bar Standards Board *Handbook* version 4.6 (Outcomes) oC20: “Clients understand who is responsible for work done for them.”

²⁴ “A client care letter must contain: [...] contact details of the adviser dealing with the matter including their name, address, telephone number and email address.” OISC, *The Code of Standards*, 2016, Para 26.

²⁵ “Representatives should provide their child client with their contact details, as opposed to simply providing them to the appropriate adult, and make certain that the child is aware that he or she can talk to their representative at any time in confidence and call whenever they need to.” Syd Bolton, Kalvir Kaur, Shu Shin Luh, Jackie Peirce and Colin Yeo, *Working with refugee children: Current issues in best practice*, 2012, page 52.

²⁶ SRA *Code of Conduct* November 2019 1:3: “You perform all undertakings given by you, and do so within an agreed timescale or if no timescale has been agreed then within a reasonable amount of time,” and 3:2: “You ensure that the service you provide to clients is competent and delivered in a timely manner.”

²⁷ “An adviser must explain to the client the implications of any substantive changes in the client’s circumstances or in their case of which the adviser becomes aware and advise them on any suggested course(s) of action, including any associated costs or expenditure. This must be given within 3 working days. If given orally, the adviser must promptly provide the client with a written statement summarising the above.” OISC, *The Code of Standards*, 2016, Para 31.

²⁸ “29. Organisations and advisers must ensure that each of their clients is kept regularly informed in writing of the progress of their case and, at a minimum, receives an update every three months. 30. An adviser on receiving notification of the outcome of a client’s case must within three working days notify the client in writing accordingly.” OISC, *The Code of Standards*, 2016, Paras 29 and 30

²⁹ “If there are delays in their cases being progressed by a third party (such as the Home Office or the Tribunal), it is important to ensure that the Client understands that this is the reason for the delay.” LAA *Improving Your Quality in Immigration & Asylum - A guide to common issues identified through Peer Review*, 2021, page 6.

³⁰ “Providers should act swiftly to try and resolve any breakdown of communication with the Client (for example, where the Client has not replied to letters).” LAA *Improving Your Quality in Immigration & Asylum - A guide to common issues identified through Peer Review*, 2021, page 6.

³¹ SRA *Code of Conduct*, November 2019, 8:11: “You ensure that clients understand the regulatory protections available to them”; and 8:3: “You ensure that clients are informed in writing at the time of engagement about: 1. their right to complain to you about your services and your charges; 2. how a complaint can be made and to whom; and 3. any right they have to make a complaint to the Legal Ombudsman and when they can make any such complaint.”

³² “An organisation must have, and effectively apply, a written procedure for the handling of complaints approved by the Commissioner.” OISC, *The Code of Standards*, 2016, Para 79.

³³ “You must [...] inform your client fully as to your complaints procedure.” CILEx *Code of Conduct*, updated August 2019, Para 5.9.

³⁴ Bar Standards Board *Handbook* version 4.6(Outcomes) oC19: “Clients understand how to bring a complaint and complaints are dealt with promptly, fairly, openly and effectively.”

³⁵ “‘Child-friendly information’ means information that is adapted to the child’s age, maturity, language, gender and culture.” Council of Europe, *How to convey child-friendly information to children in migration - A handbook for frontline professionals*, December 2018.

³⁶ “Utilise modern methods of communication to facilitate a relationship; encourage the child to text or ‘miss call.’” Syd Bolton, Kalvir Kaur, Shu Shin Luh, Jackie Peirce and Colin Yeo, *Working with refugee children: Current issues in best practice*, 2012, page 52.

³⁷ “Constantly encourage the child to ask questions.” ‘Working with refugee children: Current issues in best practice,’ Syd Bolton, Kalvir Kaur, Shu Shin Luh, Jackie Peirce and Colin Yeo, 2012, page 6.

³⁸ Bar Standards Board *Handbook* version 4.6 (Guidance) gC38: “By way of example, a competent standard of work and of service also includes [...] treating each client with courtesy and consideration.”

³⁹ “Organisations and advisers must [...] show due respect, politeness and courtesy to all.” OISC, *General codes*, 2016, Para 14.

⁴⁰ SRA *Code of Conduct* November 2019 3:4: “You consider and take account of your client’s attributes, needs and circumstances”; and 8:6: “You give clients information in a way they can understand. You ensure they are in a position to make informed decisions about the services they need, how their matter will be handled and the options available to them.”

⁴¹ “To communicate well, you should: make sure the information you need to communicate is presented in a clear and straightforward manner, so that clients are in a position to make informed decisions. Complicated forms and overly legalistic language may act as a barrier to understanding; be alert to communication challenges that clients face, such as hearing difficulties, disability, learning difficulties, language barriers or other cross-cultural issues, and look at ways to overcome those challenges.” Law Society *Client information requirements Practice Note*, September 2021

⁴² Law Society *Client information requirements Practice Note*, September 2021: “It is important to convey the information in a user-friendly way so it is easy to understand. You should consider your client’s needs and circumstances when you decide what information to give them and the manner in which it is provided. [...] Paragraph 3.4 SCCS requires you to consider and take account of your client’s attributes, needs and circumstances. To help meet this objective, you should take the time to understand what your client really wants and needs. This will enable you to explain the relevant options and tailor your services in a way that increases efficiency and client satisfaction. Paragraph 3.4 SCCS requires you to consider and take account of your client’s attributes, needs and circumstances. To help meet this objective, you should take the time to understand what your client really wants and needs. This will enable you to explain the relevant options and tailor your services in a way that increases efficiency and client satisfaction.”

⁴³ Bar Standards Board *Handbook* version 4.6 (Outcomes) oC14: “Care is given to ensure that the interests of vulnerable clients are taken into account and their needs are met”; (Guidance): “gC38 By way of example, a competent standard of work and of service also includes [...] seeking to advise your client, in terms they can understand”; (Guidance): “gC41: You should do what you reasonably can to ensure that the client understands the process and what to expect from it and from you.”

⁴⁴ “It is important for authorised advisers to anticipate the possibility that any client may be vulnerable and to ensure tailored reasonable adjustments are in place to allow the client to access the services provided by the organisation. [...] 6. Such adjustments might include [...]: scheduling extra time to meet with clients who may have difficulty in understanding the advice given, or who may have difficulty in explaining their instructions due to them communicating through a third party, or due to a speech impairment, for example; using terminology that the client will understand and avoiding the use of legal jargon wherever possible; being able, and willing, to enlist the help of an appropriate third party; not requesting clients to communicate to the organisation in writing where it is difficult for them to do so; and being aware of the most appropriate form of communicating advice where the client is illiterate.” [...] “When first meeting with a client, and in subsequent meetings, advisers must be tactful when trying to identify the needs of the client. This will allow the adviser to find out if the client [...] has any requirements in terms of how information is provided to them, such as documents written in clear and plain language or in large font; and fully understands and can act on advice provided, or whether they may need support to do this, such as from an interpreter, friend or responsible adult.” OISC, *Practice Note on Meeting the Needs of Vulnerable Clients*, December 2016, Paras 5 and 9.

⁴⁵ “The legal representative will need to: assess the child’s understanding, maturity and capacity to give instructions, to understand the nature of the proceedings and to have an appreciation of the possible consequences of the application both in the long and short term.” ‘Working with children and young people subject to immigration control Guidelines for best practice,’ Heaven Crawley, *Working with children and young people subject to immigration control Guidelines for best practice*, Second edition 2012, Para 2.40.

⁴⁶ “[A]dvice should always be tailored to the individual Client and the case. [...] Legal jargon should be avoided wherever possible. Advice provided to a child Client should be written in terms that are relatively straightforward and easy to understand.” LAA *Improving Your Quality in Immigration & Asylum - A guide to common issues identified through Peer Review*, 2021, page 7.

⁴⁷ “Put the child at ease by using appropriate body language and friendly facial expressions, maintaining eye contact and appropriate tone of voice and being as informal as possible.” ‘Working with children and young people subject to immigration control Guidelines for best practice,’ Heaven Crawley, *Working with children and young people subject to immigration control Guidelines for best practice*, Second edition 2012, Para 4.5.

⁴⁸ “Put the client at ease: employ steady, friendly visual expressions and maintain good eye contact, open body language and an appropriate vocal tone. Explain who everyone in the room is and their roles. Check that the child is comfortable with all parties present (this is more appropriate for older children and should be ascertained before the start of the interview). Check to see if the child is well and whether he or she has eaten or requires something to drink.” Syd Bolton, Kalvir Kaur, Shu Shin Luh, Jackie Peirce and Colin Yeo, ‘Working with refugee children: Current issues in best practice,’ 2012, page 52.

⁴⁹ “Professionals should not treat any child or young person as typical of a given age. Children and young people in some cultures are taught to listen to adults but not to speak in their presence at all. Other children may have spent time in school or other environments where providing answers to questions is expected and saying ‘I don’t know’ is discouraged.” Heaven Crawley, *Working with children and young people subject to immigration control Guidelines for best practice*, Second edition 2012, Para 5.42. See Para 5.45 for further help on establishing rapport and conducting interviews with children and young people.

⁵⁰ “Providers should also demonstrate awareness of the potential for barriers arising from cultural factors, which may make Clients less likely to correct errors or contradict or question perceived authority figures such as males, professionals and Government agents or, in the case of children, adults generally.” LAA *Improving Your Quality in Immigration & Asylum - A guide to common issues identified through Peer Review*, 2021, page 5.

⁵¹ “Providers should consider the Client’s ability to comprehend advice, provide information and give instructions, and communicate generally. Where barriers are identified, consideration should be given to any reasonable adjustments that could be made and these should be readily apparent to all members of the Provider’s staff who may have need to communicate with the Client.” LAA *Improving Your Quality in Immigration & Asylum - A guide to common issues identified through Peer Review*, 2021, page 5.

⁵² “The Client should be given a clear and reasoned assessment of the prospects of resolving the legal issues, identifying any problematic areas. Where alternative options exist, advice should be given on the advantages and disadvantages of each.” LAA *Improving Your Quality in Immigration & Asylum - A guide to common issues identified through Peer Review*, 2021, page 7.

⁵³ “As people understand information differently, you may explain to your client the importance of the client care information you provide and the terms of business and highlight any key information. You should also provide the opportunity to explain any parts of the documents that they do not understand or have questions about.” Law Society *Client information requirements Practice Note*, September 2021

⁵⁴ SRA *Code of Conduct* November 2019 8:7: “You ensure that clients receive the best possible information about how their matter will be priced and, both at the time of engagement and when appropriate as their matter progresses, about the likely overall cost of the matter and any costs incurred.”

⁵⁵ “Providers should identify at the outset who the Client is, or if there is more than one Client, and be mindful of the potential for conflicts of interest but also for the existence of separate claims e.g. by a person who has been designated as a dependant.” LAA *Improving Your Quality in Immigration & Asylum - A guide to common issues identified through Peer Review*, 2021, page 3.

⁵⁶ “It is particularly important when representing children that both the Provider and the child understand that it is the child (rather than a carer or support worker) that is the Client and can provide instructions, and that both Provider and child understand the extent of the relationship of confidentiality between them. This is particularly important where there is a risk of conflict between the child and those caring for them (for instance because of an age dispute).” LAA *Improving Your Quality in Immigration & Asylum - A guide to common issues identified through Peer Review*, 2021, page 3.

⁵⁷ SRA *Code of Conduct* November 2019 3:4: “You consider and take account of your client’s attributes, needs and circumstances.”

⁵⁸ “12. [...An] authorised adviser must not accept instructions that they suspect have been given by a client under duress or undue influence. In such circumstances, it may be necessary to arrange to take instructions from the client independently to avoid pressure being placed upon them by third parties. 13. When dealing with vulnerable

clients, authorised advisers must consider any potential or real conflict of interest, not just regarding acting for the client but in relation to who may attend the meeting with the client.” OISC, *Practice Note on Meeting the Needs of Vulnerable Clients*, December 2016

⁵⁹ “You must [...] not act or continue to act for a client if you reasonably consider that they are providing instructions under duress or undue influence, except where to withdraw from acting would be detrimental to the client’s interests. [...] Where instructions are provided by a third party, confirm them with your client to ensure they are your client’s own instructions.” CILEx *Code of Conduct*, updated August 2019, Paras 7.2 and 7.3.

⁶⁰ “Providers should, where possible and appropriate, work collaboratively with other professionals (such as trauma specialists, medical and other mental health professionals, support and social workers) and carers in order to prepare an adequately detailed and evidenced case. Confidentiality must however be maintained at all times.” LAA *Improving Your Quality in Immigration & Asylum A guide to common issues identified through Peer Review*, 2021, page 10.

⁶¹ “With the child’s consent, communicate with the responsible adult about the progress of the application and be aware of any changes in the child or young person’s situation that may be relevant.” Heaven Crawley, *Working with children and young people subject to immigration control Guidelines for best practice*, Second edition 2012, Para 2.40.

⁶² SRA *Code of Conduct* November 2019 8:6: “You give clients information in a way they can understand. You ensure they are in a position to make informed decisions about the services they need, how their matter will be handled and the options available to them.”

⁶³ Law Society *Client information requirements Practice Note*, September 2021: “You should also provide general timeframes within which the client can expect the transaction to be completed or the case to be resolved. The client will then feel more involved in the process.”

⁶⁴ The adviser must take reasonable steps to ensure that the prospective client understands the contents of their client care letter before being asked to agree it. OISC, *The Code of Standards*, 2016, Para 24

⁶⁵ “You must [...] provide prompt, clear and accurate information and advice to your client, advise them openly and honestly and keep them up to date with information they need about the work you are performing for them within agreed timescales.” CILEx *Code of Conduct*, updated August 2019, Para 5.8

⁶⁶ “Advice given to the Client should be updated to reflect material developments such as following a decision or determination, material information or evidence coming to light, or following changes in case law, policy and country conditions”. LAA *Improving Your Quality in Immigration & Asylum - A guide to common issues identified through Peer Review*, 2021 page 7.

⁶⁷ “You must [...] provide prompt, clear and accurate information and advice to your client, advise them openly and honestly and keep them up to date with information they need about the work you are performing for them within agreed timescales.” CILEx *Code of Conduct*, updated August 2019, Para 5.8.

⁶⁸ An adviser must explain to the client the implications of any substantive changes in the client’s circumstances or in their case of which the adviser becomes aware and advise them on any suggested course(s) of action, including any associated costs or expenditure. [...] If given orally, the adviser must promptly provide the client with a written statement summarising the above. OISC, *The Code of Standards*, 2016, Para 31.

⁶⁹ “Key dates such as the expiry of leave to enter or remain and other time limits should be clearly noted, as should any other factors requiring urgent action in the Client’s best interests, and procedures should be in place to ensure that any necessary action is taken accordingly.” LAA *Improving Your Quality in Immigration & Asylum - A guide to common issues identified through Peer Review*, 2021 page 9.

⁷⁰ Bar Standards Board *Handbook* version 4.6 (General requirements): “you shall return all documents received from your lay client on demand, whether or not you have been paid for any work done for the lay client.”

⁷¹ “If a client terminates their instructions, the organisation must arrange for all documents relating to the client’s case and the client’s file to be returned to the client or to such third party as the client may direct as soon as practicable.” OISC, *The Code of Standards*, 2016, Para 41.

⁷² If you have provided Contract Work to a Client and that Client chooses to instruct another Provider in relation to the same matter or issue, you are required, on request from the new Provider and only with the consent of the Client, to give to the new Provider the Client's file, or a copy, and reasons for the termination of the retainer, as soon as practicable. LAA *2018 Standard Civil Contract Specification, General Provisions*, updated October 2022, Para 1.30.

⁷³ Where a client requires that their case be transferred to another organisation, irrespective of whether any payment is outstanding, all documents relating to the client's case and the client's file must be transferred as soon as possible and, in any event, no later than three working days of the request being made. [...] When an organisation retains a client's original documents it must ensure that the client has a copy of those documents. The original documents must be returned to the client as soon as possible. OISC, *The Code of Standards*, 2016, Paras 48 and 56.

⁷⁴ The transfer of the client's complete case file, including all documents, either to the client or the client's new representative should be done in a timely manner. OISC, *Practice Note on Signposting and Referrals*, July 2016, Para 13.

⁷⁵ Law Society *Client information requirements Practice Note*, September 2021: "You should advise the client of costs related to all of the following: storage; retrieval; additional copies."

⁷⁶ "[L]engthy appointments are not appropriate for children and two hours for any appointment is more than sufficient at any one time. Children are not able to retain focus for a prolonged period and frequent breaks are a must, on average a 10 minute break after 45 minutes should be enforced." Syd Bolton, Kalvir Kaur, Shu Shin Luh, Jackie Peirce and Colin Yeo, *Working with refugee children: Current issues in best practice*, 2012, page 6.

⁷⁷ Best Practice Guide to Asylum and Human Rights Appeals 12.32: "Do not use expansive, sophisticated or complicated language when your client is actually of little education. (Plainly, you are reliant on a skilled interpreter who can reflect your client's language.)" (<http://www.ein.org.uk/bpg/chapter/12>)

⁷⁸ "Using checklists can help to ensure that information that it is necessary to discover in most or all cases is not missed but exploration of the case should not be unduly restricted. It is often better to allow the facts to unfold through a natural flow of question and answer, avoiding questions which lead the Client towards a particular answer or which assume facts. Nonleading questions may start with "Tell me about..." or 'Who. . .', 'What. . .', 'Where. . .', 'Why. . .', 'When. . .'. [...] The use of chronologies of key events can assist the Client to establish the correct order of events." LAA *Improving Your Quality in Immigration & Asylum - A guide to common issues identified through Peer Review*, 2021, page 5.

⁷⁹ "The legal representative will need to : [...] inform themselves about conditions in the country from which the child or young person has originated; inform themselves of the relevant law and policy relating to the child or young person's immigration or asylum matter." 'Working with children and young people subject to immigration control Guidelines for best practice,' Heaven Crawley, *Working with children and young people subject to immigration control Guidelines for best practice*, Second edition 2012. Para 2.40.

⁸⁰ "In asylum cases, consideration should be given to Home Office policy, Country Guidance case law and country materials to ensure that information taken from the Client covers all material issues and to identify areas of potential dispute." LAA *Improving Your Quality in Immigration & Asylum – A guide to common issues identified through Peer Review*, 2021, page 5.

⁸¹ "Consideration should be given as to whether any third parties might be useful witnesses." LAA *Improving Your Quality in Immigration & Asylum – A guide to common issues identified through Peer Review*, page 10.

⁸² "If a claim does not include a sufficient level of detail, the Client is less likely to be found credible and/or important elements of the applicable legal test or criteria may not be considered to be met". LAA *Improving Your Quality in Immigration & Asylum – A guide to common issues identified through Peer Review*, 2021, page 6.

⁸³ 'Working with children and young people subject to immigration control Guidelines for best practice,' Heaven Crawley, *Working with children and young people subject to immigration control Guidelines for best practice*, Second edition 2012, Para 2.40

⁸⁴ “When obtaining information from children or vulnerable Clients it is important to bear in mind developmental or psychological factors which may impact upon their ability to provide clear and consistent information.” LAA *Improving Your Quality in Immigration & Asylum - A guide to common issues identified through Peer Review*, 2021, page 4.

⁸⁵ ‘Working with children and young people subject to immigration control Guidelines for best practice,’ Heaven Crawley, *Working with children and young people subject to immigration control Guidelines for best practice*, Second edition 2012. Para 2.40.

⁸⁶ “Where a child or vulnerable Client’s ability to provide information is impaired, the Provider must give consideration to obtaining additional sources of objective and subjective evidence to support the claim, such as child-specific country information or medical/expert reports.” LAA *Improving Your Quality in Immigration & Asylum - A guide to common issues identified through Peer Review*, 2021, page 5.

⁸⁷ “In asylum cases, consideration should be given to Home Office policy, Country Guidance case law and country materials to ensure that information taken from the Client covers all material issues and to identify areas of potential dispute.” LAA *Improving Your Quality in Immigration & Asylum – A guide to common issues identified through Peer Review*, 2021, page 5.

⁸⁸ “A representative must remain vigilant to any modulation in the interpreter’s voice as this can sometimes be a sign of a reproaching or disbelieving attitude on the part of the interpreter. Children are less likely than adults to indicate that they have any difficulties or unease with the interpreter. Remain aware of the non-verbal indicators such as body language and facial expressions and if required, terminate the appointment. Following this, re-arrange a further appointment within a very short time period with a different interpreter. Inform the child, and the appropriate adult, why there has been a change in interpreter and enquire whether there had been any problems with the first interpreter, do not just assume there had been.” Syd Bolton, Kalvir Kaur, Shu Shin Luh, Jackie Peirce and Colin Yeo, *Working with refugee children: Current issues in best practice*, 2012, page 50.

⁸⁹ EIN *Best Practice Guide to Asylum and Human Rights Appeals*, 2022, 11:9: “11.9 It is also important that the interpreter’s English reflects the manner in which your client speaks as accurately as possible. For example, if the way your client speaks is simplistic, the interpreter should not interpret into sophisticated English. You want the statement to be as faithful as possible to the way your client speaks. You also need to be able to judge as far as possible from her language whether she is worried or uncertain about particular topics, and to be alert to any psychological difficulties your client may have [...], including any lack of capacity [...].”

⁹⁰ “This will allow the child to feel more at ease with the interpreter and consequently more at ease in disclosing his or her experiences”. ‘Working with children and young people subject to immigration control Guidelines for best practice,’ Heaven Crawley, *Working with children and young people subject to immigration control Guidelines for best practice*, Second edition 2012.

⁹¹ For lawyers working under legal aid, see Paras 2.48-2.51 of LAA *2018 Standard Civil Contract Specification, General Provisions*, updated October 2022, for requirements and exceptions.

⁹² “Children and young people should be informed of [the interpreter’s] neutrality and advised that an interpreter is essential for them to disclose their claim fully. The role of the interpreter should be explained fully to the child, namely that the interpreter is there to provide an impartial and confidential direct translation of everything that is said during the interview [...] and that the interpreter is not to offer opinion, comment or answer questions on behalf of the child.” “The child or young person should be reassured that if he or she is uncomfortable with the selected interpreter the interview can be stopped and another interpreter used, even if this means rescheduling the interview.” ‘Working with children and young people subject to immigration control Guidelines for best practice,’ Heaven Crawley, Second edition 2012, Para 5.21.

⁹³ “Try to arrange the seating so that the interpreter is to the side of the interview and slightly withdrawn which will allow the interviewer and applicant to communicate face to face. When interviewing a child, the interpreter should sit closer to the child than to the interviewer in order to avoid being perceived in a position of authority and to put the child at ease. To aid concentration, ensure the interviewing room is free, as far as possible, from distracting noises such as ringing telephones and other secondary noise. Try to arrange seating all on one level to avoid perceptions of authority.” Syd Bolton, Kalvir Kaur, Shu Shin Luh, Jackie Peirce and Colin Yeo, *Working with refugee children: Current issues in best practice*, 2012, page 51.

⁹⁴ “The Provider should consider and advise and/or act on the need for referral to other professionals such as trauma specialists, medical and other mental health professionals, support and social workers.” LAA *Improving Your Quality in Immigration & Asylum - A guide to common issues identified through Peer Review*, 2021, page 11.

⁹⁵ SRA *Guidance on Confidentiality of Client Information*, June 2019: “There may be circumstances involving children or vulnerable adults where you should consider revealing confidential information to an appropriate authority. This may be where the child or adult in question is a client, and they reveal information which indicates they are suffering a form of sexual or other abuse but refuse to allow disclosure of such information.”

Similarly, there may be situations where a client discloses abuse either by themselves or by another adult against a child or vulnerable adult but refuses to allow any disclosure. As noted above, the examples discussed do not allow for disclosure after the event, however you may have reason to be concerned about the risk of future harm.

⁹⁶ “There may be circumstances where, following instructions, the authorised adviser believes that the client is vulnerable in some way and gives consideration to referral to a government agency. [...] there may be instances where the registered organisation will have an obligation to refer the client to an appropriate government agency, for example, where the client is a potential victim of trafficking.” OISC, *Practice Note on Meeting the Needs of Vulnerable Clients*, December 2016, Paras 14 and 16.

⁹⁷ “Where a Client, who is an UASC, experiences problems relating to the exercise of the local authority’s duty under the Children Act 1989 you must ensure that the Client receives advice in relation to Public Law Children Act proceedings or where August 2022 required appropriate legal advice from a Family, Community Care, Public Law or Housing Provider. [...] You may either continue to act for the Client (if you are permitted by this Contract to provide legal advice in the Family, Community Care, Public Law or Housing Category of Law) or make a referral at the earliest possible opportunity to an alternative Provider who is permitted to provide such legal advice. In any event you should continue to act in relation to the Immigration or Asylum Matter if it is still ongoing.” LAA *2018 Standard Civil Contract, Specification, Category Specific Rules: Immigration and Asylum*, updated August 2022, Paras 8.9-8.10.

⁹⁸ “You should [...] outline the circumstances under which you can terminate the retainer. You should only cease to act for a client with good reason and with reasonable notice.” Law Society *Client information requirements Practice Note*, September 2021

⁹⁹ “43. An organisation must not withdraw or threaten to withdraw from a case without good reason. 44. An organisation that seeks to withdraw from a case should give the client at least three working days’ notice of this together with written reasons for its decision.” OISC, *The Code of Standards*, 2016, Paras 43 and 44.

OISC *Commissioner’s Guidance Notes to accompany the Code of Standards*, April 2016, 43: “Withdrawing from a case by the organisation The following are examples of ‘good reason’ for an organisation to withdraw from a case: • a conflict of interest becomes known; • the client’s matter becomes too complex for the registered organisation or reaches a level at which the registered organisation is not authorised to practise; • the client fails to pay fees as agreed. If at all possible, this should be done in a timely manner and three days should be the minimum notice that should be given.”

¹⁰⁰ “You should clearly state how a client can terminate the retainer and the consequences of their doing so.” Law Society *Client information requirements Practice Note*, September 2021

¹⁰¹ “2.41 You must have appropriate arrangements in operation so that you can refer or signpost a Client or potential Client to another Provider [...]” and “2.45 Where you refer an existing Client, such referral should be undertaken in a manner which does not prejudice the Client. You must also keep the Client informed in respect of the progress of such referral.” LAA *2018 Standard Civil Contract Specification, General Provisions*, updated October 2022, Paras 2.41 and 2.45.

¹⁰² If you are unable (or cease to be able) to perform Contract Work for Clients and you are unable to make any referral to another Provider, your procedures must ensure that you make reasonable endeavours to ensure that your Clients’ rights are protected, that they suffer no damage and they are provided with all relevant information.” LAA *2018 Standard Civil Contract Specification, General Provisions*, updated October 2022, Para 2.45.

¹⁰³ “Where a registered organisation cannot provide the legal service needed by someone either enquiring about immigration advice or services (an enquirer) or an existing client, it should direct them to a suitably qualified legal representative. This may be either by signposting or by referral. [...]he decision to stop representing or to refer a client must be in the client’s best interests. A registered organisation, for example, must not leave the client without representation at short notice at critical stages of their

case without first making an appropriate referral. The adviser should ensure that the client receives a seamless service and is not placed at a disadvantage during, or because of, a referral [...] Depending on the circumstances of the referral, the Commissioner considers it good practice for advisers to: contact the new adviser and make an appointment for the client; and arrange for the prompt transfer of the client's file with the client's consent." OISC, *Practice Note on Signposting and Referrals*, July 2016, Paras 1, 10 and 14.

¹⁰⁴ SRA *Code of Conduct* November 2019 8:6: "You ensure they are in a position to make informed decisions about the services they need, how their matter will be handled and the options available to them."

¹⁰⁵ "Where the Provider has made a decision that a Client is not eligible, or has ceased to be eligible for CLR, the Client must be advised of the right to a review of the decision including details of the CW4 procedure. [...] The Client must be provided with a copy of the completed CW4 form which clearly states the date and reason for the determination and a copy must also be kept on the file. The form must be given to the Client as soon as possible and in any event within 5 days of the decision. This requirement presently applies to all stages of the proceedings, including e.g. where an appeal has been dismissed and the Provider is advising the Client of the merits of an application for permission to appeal to the appropriate court." LAA *Improving Your Quality in Immigration & Asylum - A guide to common issues identified through Peer Review*, 2021, page 13.

¹⁰⁶ SRA *Code of Conduct* November 2019 1:3: "You perform all undertakings given by you, and do so within an agreed timescale or if no timescale has been agreed then within a reasonable amount of time," and 3:2: "You ensure that the service you provide to clients is competent and delivered in a timely manner."

¹⁰⁷ "Deadlines should not be missed, and extensions of time should be sought where appropriate and/or necessary. Obtaining and perusing key documents should be done in a timely fashion, with consideration given as to whether to request, with the Client's consent, further documents from the Client, previous legal representative, the Home Office and/or any other persons or agencies." LAA *Improving Your Quality in Immigration & Asylum - A guide to common issues identified through Peer Review*, 2021, page 9.

¹⁰⁸ *Ibid.*

¹⁰⁹ "In an asylum claim, obtaining sufficient detail about the claim is usually best achieved by the taking of a statement at the earliest possible stage." LAA *Improving Your Quality in Immigration & Asylum - A guide to common issues identified through Peer Review*, 2021, page 3.

¹¹⁰ "All child Clients seeking asylum should be represented at their interviews. It is best practice that the child meets with the person that will be attending with them before the interview. Providers should always meet with child Clients prior to interview in order to ensure that they understand the procedure at interview, and the likely issues that will arise." LAA *Improving Your Quality in Immigration & Asylum - A guide to common issues identified through Peer Review*, 2021, page 4.

¹¹¹ The legal representative is entitled to claim for this under legal aid, if the matter is legally aided: LAA *2018 Standard Civil Contract, Specification, Category Specific Rules: Immigration and Asylum*, updated August 2022, Para 8.53.

¹¹² "Child Clients are entitled to be represented by a legal representative at all interviews with the Home Office (Screening and full asylum) and funding is available for Providers to attend interviews with the Client. All child Clients seeking asylum should be represented at their interviews. It is best practice that the child meets with the person that will be attending with them before the interview. Providers should always meet with child Clients prior to interview in order to ensure that they understand the procedure at interview, and the likely issues that will arise." LAA *Improving Your Quality in Immigration & Asylum - A guide to common issues identified through Peer Review*, 2021, page 4.

¹¹³ "The Client should be advised of the right to have an asylum interview recorded and the desirability of that in most cases; While recording is now increasingly standard across Home Office sites, Providers should ensure that clients have the benefit of this protection by ensuring that in all cases there has been a request made to the Home Office for the recording of the interview." LAA *Improving Your Quality in Immigration & Asylum A guide to common issues identified through Peer Review*, 2021, page 4.

¹¹⁴ See Page 47 of the Home Office Children's asylum claims casework guidance

(https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/947812/children_s-asylum-claims-v4.0ext.pdf) and page 62 of the Asylum Interview guidance Conducting asylum interviews: caseworker guidance

(https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1083449/Asylum_interview.pdf)

¹¹⁵ “The Client should be advised and, if appropriate, assisted to consider the written transcript of any interview, advised on whether submitting clarifications or corrections may be helpful and assisted if wishing to do so. [...] The Provider should consider whether there are any discrepancies within the account given by the Client or between the account given by the Client and the background information and advise the Client accordingly.” LAA *Improving Your Quality in Immigration & Asylum - A guide to common issues identified through Peer Review*, 2021, page 4 and page 5.

¹¹⁶ “If the child has been through a particularly traumatic experience and adequate documentary information has already been provided it may not be in the child’s best interests to be expected to recount the experience.” Home Office ‘Children’s asylum claims Version 2.0 6’

¹¹⁷ “Child Clients who are granted limited leave to remain in the UK on the refusal of asylum, due to inadequate reception arrangements in their country of origin, must be clearly advised so that they understand that their asylum claim has been refused. An appeal of the asylum refusal must be considered in all cases with the usual application of the CLR merits test. The temporary nature of the grant of limited leave to remain must be explained, and the prospect of obtaining further leave to remain on expiry of that must be explored in the context of the Client’s claim. It is important that child Clients (and those caring for them, if appropriate) in this situation understand that they have not been recognised as refugees and are given advice on the impact that turning 18 may have on the merits of a future appeal if further leave to remain is refused. Child Clients (and their carers, if appropriate) must also be advised of the potential impact upon the child’s ability to access funding for a future appeal if this is brought on grounds other than asylum grounds, such as private and family life, after completion of a period of leave to remain.” LAA *Improving Your Quality in Immigration & Asylum - A guide to common issues identified through Peer Review*, 2021, page 8.

¹¹⁸ “It is best practice that the child meets with the person that will be attending with them before the interview.” LAA *Improving Your Quality in Immigration & Asylum - A guide to common issues identified through Peer Review*, 2021, page 5.

¹¹⁹ “Providers should always meet with child Clients prior to interview in order to ensure that they understand the procedure at interview, and the likely issues that will arise.” LAA *Improving Your Quality in Immigration & Asylum - A guide to common issues identified through Peer Review*, 2021, page .

¹²⁰ “Where it is not possible to arrange a conference with external advocates (for example due to distance, time frame or any other issue), it is important for the caseworker to ensure that proposed evidence is talked through with the Client and any witnesses well in advance of the hearing and any potential issues discussed with the advocate.” LAA *Improving Your Quality in Immigration & Asylum - A guide to common issues identified through Peer Review*, 2021, page 11.

¹²¹ Para 2.40, ‘Working with children and young people subject to immigration control Guidelines for best practice,’ Heaven Crawley, *Working with children and young people subject to immigration control Guidelines for best practice*, Second edition 2012.

¹²² Ibid.

¹²³ Ibid.

¹²⁴ “The role of the legal representative at the substantive interview is to ensure that the interviewing officer does not ask questions in an inappropriate tone or language, ask irrelevant questions, ask ambiguous or unclear questions or present as hostile, confronting, disbelieving or impatient.” Syd Bolton, Kalvir Kaur, Shu Shin Luh, Jackie Peirce and Colin Yeo, *Working with refugee children: Current issues in best practice*, 2012, page 64.

¹²⁵ Joint Presidential Guidance Note No 2 of 2010: Child, vulnerable adult and sensitive appellant guidance and Practice Direction of the Immigration and Asylum Chamber of the First-tier Tribunal, 2022

¹²⁶ “A legal representative is not and cannot be a responsible adult. It is advisable that a child has someone available at all hearings [...]” Joint Presidential Guidance Note No 2 of 2010: Child, vulnerable adult and sensitive appellant guidance.

¹²⁷ LAA Practice Note: *Immigration Appeals*, December 2017: “You should meet with your client and secure a private conference room to provide advice and take instructions. It is important to ensure that your client and any witnesses are prepared, relaxed and ready for the hearing.”

¹²⁸ Bar Standards Board *Handbook* version 4.6 gC41: “You should remember that your client may not be familiar with legal proceedings and may find them difficult and stressful. You should do what you reasonably can to ensure that the client understands the process and what to expect from it and from you. You should also try to avoid any unnecessary distress for your client. This is particularly important where you are dealing with a vulnerable client.”

¹²⁹ “Where the Provider decides against assisting the Client to make such an application, the Client should be advised of that decision and of the possibility of making an application to the Legal Aid Agency in person or with the assistance of others and a referral to an organisation offering assistance with this should be considered (examples of such organisations at the time of writing include the Public Law Project and Coram Children’s Legal Centre).” LAA *Improving Your Quality in Immigration & Asylum - A guide to common issues identified through Peer Review*, 2021, page 12.

¹³⁰ SRA *Code of Conduct* November 2019 8:7: “You ensure that clients receive the best possible information about how their matter will be priced and, both at the time of engagement and when appropriate as their matter progresses, about the likely overall cost of the matter and any costs incurred.”

¹³¹ “Where the Provider decides against assisting the Client to make such an application, the Client should be advised of that decision and of the possibility of making an application to the Legal Aid Agency in person or with the assistance of others and a referral to an organisation offering assistance with this should be considered (examples of such organisations at the time of writing include the Public Law Project and Coram Children’s Legal Centre).” LAA *Improving Your Quality in Immigration & Asylum - A guide to common issues identified through Peer Review*, 2021, page 13.

¹³² “Where the Provider has made a decision that a Client is not eligible, or has ceased to be eligible for CLR, the Client must be advised of the right to a review of the decision including details of the CW4 procedure. [...] The Client must be provided with a copy of the completed CW4 form which clearly states the date and reason for the determination and a copy must also be kept on the file. The form must be given to the Client as soon as possible and in any event within 5 days of the decision. This requirement presently applies to all stages of the proceedings, including e.g. where an appeal has been dismissed and the Provider is advising the Client of the merits of an application for permission to appeal to the appropriate court.” LAA *Improving Your Quality in Immigration & Asylum - A guide to common issues identified through Peer Review*, 2021, page 13.

¹³³ Law Society *Client information requirements Practice Note*, September 2021: “You should only enter into fee arrangements which are suitable for your client’s needs and take account of their best interests.”

¹³⁴ “You must provide costs information to the client even where the client will not themselves be paying for your services. For example, if they are publicly funded, covered by insurance or instructing you under a conditional fee agreement [...] You must explain any fee sharing or referral arrangements to the client and any limitations or conditions on what you can do for your client, for example, because of the way your client’s matter is funded.” Law Society *Client information requirements Practice Note*, September 2021

¹³⁵ “You should therefore make sure that all information on fees is clear, easily accessible, and in a form that is appropriate to the client’s needs and circumstances. [...] This information should be given both at the outset and as the matter progresses. You should explain your fees and if and when they are likely to change.” Law Society *Client information requirements Practice Note*, September 2021

¹³⁶ Bar Standards Board *Handbook* version 4.6 (Outcomes) oC18: “Clients are adequately informed as to the terms on which work is to be done.”

¹³⁷ “You should also discuss with the client how they will pay and explain the consequences of being publicly funded in relation to costs.” Law Society *Client information requirements Practice Note*, September 2021

¹³⁸ “If the matter is contentious, you must outline the circumstances in which the client may be liable for the costs of other parties, including where they are successful and obtain an award for costs.” Law Society *Client information requirements Practice Note*, September 2021

¹³⁹ A child or young person will be eligible if they are (a) in receipt of support from National Asylum Support Service; (b) a UASC and in receipt of other support from Social Services; (c) an adult or child in receipt of support by a local authority under the Care Act 2014, the Children Act 1989 or the Immigration Act 2016; or (d) in the reasonable opinion of the provider they are suffering from destitution: *LAA 2018 Standard Civil Contract, Specification, Category Specific Rules: Immigration and Asylum*, updated August 2022, Para 8.50.

¹⁴⁰ “The duty of disclosure to any Client of information known to the Provider that is material to the Client’s matter should be explained, so for example family members who are multiple Clients are aware that the Provider may not be able to keep information by one of them confidential from another.” *LAA Improving Your Quality in Immigration & Asylum - A guide to common issues identified through Peer Review*, 2021, page 3.

¹⁴¹ “Organisations and advisers must ensure the confidentiality of all of the information they hold relating to each of their clients, subject to legal and regulatory disclosure requirements. [...] Organisations and advisers must ensure that discussions or the giving of information relating to immigration advice or immigration services are conducted in a confidential manner.” OISC, *The Code of Standards*, 2016, Paras 27 and 28.

¹⁴² “It is particularly important when representing children that both the Provider and the child understand that it is the child (rather than a carer or support worker) that is the Client and can provide instructions, and that both Provider and child understand the extent of the relationship of confidentiality between them.” *LAA Improving Your Quality in Immigration & Asylum - A guide to common issues identified through Peer Review*, 2021, page 4.