

**Legal Services Commission
Complex Crime Unit
Appeals Protocol and Procedures**

Objective: Procedure to be followed by Panel members who are sitting and hearing a CCU appeals case.

This section sets down the procedure to be followed when an applicant wishes to appeal against a decision made by a Contract Manager in the Complex Crime Unit of the Legal Services Commission. **However, please note that this document applies to VHCCs that are not conducted under the VHCC Panel scheme. For details and guidance on procedure in relation to the VHCC Panel scheme, please refer to Annex 14 of the VHCC Panel contract.**

The operation of these arrangements will be governed at all times by the staff of the Complex Crime Unit. All who take part in the determination of an appeal must observe the rules of confidentiality in the Legal Services Commission Code of Conduct.

Purpose of the procedure

The purpose of the appeal procedure is to allow an appellant to challenge the disallowed work or fees associated with a contract they are engaged and contracted to within the Unit on the grounds either that the decision was not warranted on the basis of the information provided, or because the procedure was faulty. The onus will be on the practitioner to establish that the decision in the case should be reviewed.

Appeal Guidance

1. The appellant must lodge the appeal in writing to the Contract Manager at the Complex Crime Unit. The appellant must lodge their appeal within fourteen (14) calendar days of the original decision. Failure to do so will result in the Appeal not being heard. Upon receipt of the notice for Appeal the Contract Manager must respond within fourteen (14) calendar days. If no resolution to the issue(s) has occurred by that time, the Contract Manager will provide the appeal bundle to the Appeals Manager and a hearing will be convened.
2. The Appeals Manager will arrange a date for the hearing and will notify the appellant in writing, by post, of the date and time. All hearings will be heard at Red Lion Street. The date is fixed unless a highly unusual exceptional circumstance is agreed.
3. If the Appellant calls beforehand with exceptional (i.e. bereavement, injury) circumstances the Panel may allow another in-person hearing to occur. If so that

hearing will be rescheduled within the next available date. Otherwise the appeal will be heard from the papers, the appellant having provided full written submissions.

Committee Hearings

1. The usual quorum rules will apply as regulated by Section 3 of the Funding Code procedures and paragraphs 6-11 of the Review Panel arrangements. The principles are set out as follows;

- Three/ four members will form a quorum, but where only two members are present they shall form a quorum for the purpose of dealing with any matters in which they are all in agreement.
- The decision of the committee is by majority vote and, in the case of an equality of votes the Chair of the meeting has a second or casting vote.
- The Chair has primary responsibility for the conduct of the meeting and for ensuring that the committee gives proper and adequate reasons for its decisions. The panel may ask questions as to the case itself from the contract manager/ appellant. Where issues as to interpreting the contract itself are in question the contract document will be the primary source of information. As to its practical use, interpretation and /or points of procedure that arise to the contract questions may be asked of the contract managers or the deputy in charge of the Unit or a member of staff who is engaged to employ the use of the contract as a regular course of their work. This will be done in open hearing or, if it has been given to the panel in private, repeated in the presence of the appellant and anyone representing them.
- Any member of a committee who has a conflict of interest must withdraw from the meeting while the case is considered and shall not return until requested to do so by the committee.

2. A Committee Clerk will attend the hearing to assist the committee conduct its business. The role of the clerk is as follows;

- Make arrangements for appellants and their representatives who attend hearings.
- Keep a record of the meeting, and record decisions taken and reasons given.
- Advise the committee as required about previous decisions of previous committees and other matters of guidance issued by the Legal Services Commission.

3. No predetermined time limit should be placed on the time for oral representations. However, the Chair should indicate as soon as he or she is satisfied that the main arguments in support of a case have been put and should invite those presenting the case to close.

4. New material may not be introduced except where it clarifies that already considered as part of the application process. The Committee should be aware

that the contract manager should see any “new” material prior to the hearing so that the contract manager has an opportunity to respond. Requests for additional evidence by committees should be made prior to the hearing following receipt of the bundles.

Decision Making

1. Decisions should be made in the absence of the appellant and contract manager. The committee may decide to:
 - A. Allow the appeal in full or in part
 - B. Refuse the appeal
 - C. Or in as few cases as possible adjourn for further information.
2. The decision will be given within five (5) working days. The decision is binding, and the reasons will be confirmed in writing to the appellant and any representative.

Withdrawal of appeal

The appellant may at any time decide not to pursue the appeal by writing to the office. There is no automatic right of reinstatement but exceptional circumstances will be considered.