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# Policy statement on publication of disciplinary decisions

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8 April 2024 (version 4)

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Costs Lawyer Standards Board



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## Definitions

The definitions below form part of this policy.

Appeal	An appeal under the DR&P to the Conduct Committee or Conduct Appeal Committee.
CLSB	Costs Lawyer Standards Board.
Costs Lawyer	A Costs Lawyer authorised and regulated by the CLSB.
DR&P	The Disciplinary Rules and Procedures.
Outcome	A sanction or order imposed, or an agreement made, under the DR&P including: <ul style="list-style-type: none"><li>• A warning letter</li><li>• A written undertaking</li><li>• Condition(s) on a practising certificate</li><li>• Payment of a financial penalty</li><li>• Suspension of a practising certificate for a fixed term</li><li>• Permanent revocation of a practising certificate</li></ul>
Principle	<p>Any one or more of the seven Principles a Costs Lawyer must comply with under the Costs Lawyer Code of Conduct namely:</p> <ol style="list-style-type: none"><li>1. Act with honesty and integrity and maintain your independence</li><li>2. Comply with your duty to the court and promote the proper administration of justice</li><li>3. Act in the best interests of your client</li><li>4. Provide a good quality of work and service to your client</li><li>5. Deal with the regulators and Legal Ombudsman in an open and co-operative way</li><li>6. Treat everyone fairly and equitably, and with dignity and respect</li><li>7. Keep the affairs of your client confidential</li></ol> <p>The Principles are underpinned by CLSB rules, such as Practising Rules and CPD Rules, contained in the CLSB Handbook. A potential</p>

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	breach of a Principle may therefore involve breach of a rule and a potential breach of a rule may indicate the breach of a Principle. For this reason, a reference to a Principle in this policy includes a reference to any associated CLSB rule.
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## Purpose of this policy

1. This policy sets out the approach we take when deciding whether to publish disciplinary decisions. A disciplinary decision encompasses both a finding under the DR&P that a breach of a Principle has occurred and any associated Outcome.
2. We publish disciplinary decisions in the public interest to:
  - protect consumers by allowing them to see disciplinary information before making purchasing decisions; and
  - drive higher standards and compliance across the profession (DR&P 3.1).

## What disciplinary decisions will we publish?

3. We will publish:
  - a finding under the DR&P that a breach of a Principle has occurred; and
  - any associated disciplinary Outcome.

This will include a finding and Outcome at level one of the disciplinary process (subject to any Appeal that is lodged) or a finding and Outcome following an Appeal to the Conduct Committee or the Conduct Appeal Committee.

4. We will assume that it is in the public interest to publish a disciplinary decision unless:
  - publication would prejudice other proceedings or investigations (whether of a legal or regulatory nature), in which case we may delay publication until after the proceedings or investigations have been completed; or
  - publication would involve a significant risk of a breach of Article 8 of the Human Rights Act 1998 (DR&P 3.2).

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5. Any imposition of an interim suspension order will be noted against the name of the Costs Lawyer on the register of authorised and regulated Costs Lawyers (DR&P 3.4).

## **When will we publish a disciplinary decision?**

6. A finding that a breach of a Principle has occurred and any associated Outcome will be published promptly after the notification of the decision to the Costs Lawyer. If there is a right of Appeal, publication will not be before expiry of the time limit for making an Appeal. If an Appeal is made within the time limit, publication will not be before notification of the final decision to the Costs Lawyer (DR&P 3.5).
7. An interim suspension order will be published as soon as practicable after it has been imposed.

## **Where will we publish a disciplinary decision?**

8. A finding of a breach of a Principle and any associated Outcome will be published on our website in sufficient detail to meet the purposes of publication.
9. This will include the name of the Costs Lawyer, the nature of the breach or breaches, the Outcome and the date of decision.
10. There will also be a note on the register entry for the Costs Lawyer concerned that a disciplinary decision has been made.
11. We may also publish in any other location deemed appropriate (DR&P 3.3). Such publication will include making the information available on request. Publication may also be by way of notice to another person or body whom it is in the public interest to inform, such as the Legal Ombudsman, or the Solicitors Regulation Authority where the Costs Lawyer concerned manages or is employed by a firm that they regulate. Publication may be replicated on other websites, such as Legal Choices.

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12. An interim suspension order will appear by way of note against the Costs Lawyer's entry on the register (DR&P 3.4).

## For how long will we publish a disciplinary decision?

13. The table below establishes the period of publication by Outcome.

<b>Outcome</b>	<b>Period of publication from date of Outcome</b>
A warning letter or written undertaking	2 years
Condition(s) on a practising certificate <sup>1</sup>	Whilst the condition remains in place plus 2 years
Payment of a financial penalty only	3 years
Interim suspension of a practising certificate	During the period of suspension
Suspension of a practising certificate for a fixed term (with or without payment of a financial penalty)	During the period of suspension plus 4 years from the end of the suspension
Permanent revocation of a practising certificate	Indefinitely

## How do we comply with the Data Protection Act?

14. Publication and retention of data will be in accordance with the Data Protection Act 2018, as amended from time to time. The lawful bases upon which we obtain, process and publish data relating to disciplinary decisions will include carrying out our regulatory tasks in the public interest and legitimate interests in the performance of those regulatory tasks.
15. An internal record of disciplinary decisions will be retained by the CLSB for an indefinite period, as long as the CLSB considers it necessary to facilitate the

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<sup>1</sup> This relates only to conditions imposed as a disciplinary Outcome. It does not apply to other practising conditions – for example, relating to the completion of Qualifying Experience – which will be published only for the duration of the condition.

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performance of its regulatory tasks. Any Costs Lawyer subject to a disciplinary decision will be advised of this when the CLSB notifies them of that decision.

16. A person subject to this policy can exercise their individual rights under the General Data Protection Regulation (GDPR) as set out in our Privacy Policy. Note that the right to ask to erase personal data does not apply to data processed for the purpose of carrying out our tasks in the public interest (DR&P 3.6).

**END**