



Home Office

Code of conduct for presenting staff

Version 2.0

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About this guidance

This guidance details the code of conduct for Home Office Presenting Officers (PO's) and Presenting Staff.

Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email Arif Sheikh or email Dave Johnson

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email the Guidance Rules and Forms team.

Publication

Below is information on when this version of the guidance was published:

- version **2.0**
- published for Home Office staff on **30 November 2023**

Changes from last version of this guidance

The section entitled [Post hearing](#) has been amended to add a new paragraph re bail hearings and to update outdated information regarding paper files in court.

Related content

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Guiding principles

You should follow the policies in this section in relation to how you behave both in and out of your workplace.

You must act with honesty, integrity, objectivity and impartiality, as required by the [Civil Service Code](#). You must observe your duty to the court in seeking to further the overriding objectives, as defined in the relevant [Tribunal Procedure Rules](#).

You must familiarise yourself with the security rules you should follow to make sure the Home Office is safe and secure.

Safeguarding

You must seek to co-operate with the Tribunal, including any arrangements made for children and vulnerable adults, mindful of the [Joint Presidential Guidance Note No 2 of 2010: Child, vulnerable adult and sensitive appellant guidance](#).

Home Office Policy

You must follow all relevant Home Office policy. You must follow the policy on Withdrawing decisions in your preparation for the appeal hearing. You should note that for any appeal to continue it must be both sustainable and appropriate to proceed.

Your responsibility to the Tribunal

You have a duty of candour to the Tribunal. This means that you must take reasonable steps to ensure that the court has before it all relevant and up to date legislation, information, documents and policy and case law. This must include case law that tends to support the appellant's case or that may have an adverse impact on the Respondent's case.

You must have regard to the impact of Home Office decisions and actions upon people and communities

You must not discriminate against any person or group and remain respectful and considerate to all witnesses and parties to the appeal hearing.

You must not behave in a way which is likely to diminish public confidence in the administration of justice.

You must not knowingly or recklessly mislead or attempt to mislead the court. In cross examination and submissions, you should usually focus on matters relevant to the issues raised in the refusal letter, or on evidence that comes to light before or during the appeal hearing.

You must not make statements or pose questions merely to insult, humiliate or annoy a witness or any other person.

If a matter arises prior to the hearing that materially affects the Secretary of State's position in a case, you must bring this to the attention of the Tribunal and the appellant or their representatives, as soon as practicable.

You must make a comprehensive note of court directions and take reasonable steps to ensure that the relevant parties are informed to allow timely compliance.

If you intend to make a serious allegation against a witness in your submissions, for example their evidence is designed to mislead the court, you must give that witness a chance to answer the allegation if they have been made available for cross examination.

You should conduct yourself at all times in line with the requirements of the [Presenting Officer Professional Standards](#).

Official complaints

The Home Office defines a complaint as:

'any expression of dissatisfaction that needs a response about the service we provide, or about the professional conduct of our staff, commercial partners and contractors'

A complaint may allege that the conduct of the Presenting Officer has fallen below the standards set out in this Code of Conduct.

The formal complaint process can be found on the [UKVI complaints page](#).

More information on our complaint procedure see: [Complaints management guidance](#).

Related content

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Presenting Staff Professional Standards

General

You must establish and maintain a sound knowledge of immigration law, case law, rules, policies, country information and effective advocacy skills. You must regularly take part in training or other professional development activities to maintain and further develop your knowledge and skills.

Preparation for court hearings

You should establish an appropriate level of knowledge of the case, by fully preparing for the appeal in advance of the hearing. You must research relevant immigration law, case law, rules, policies, guidance, lines to take, and country information in advance of the hearing.

To prepare for the appeal you should review the decision, taking into consideration any admissible new evidence, and decide whether the decision can be defended in court in line with published policy. This sustainability check will help to improve the success rate for those decisions that go on to a substantive appeal. Ensure that decisions to concede or to withdraw are made with the necessary approval in advance of a hearing and that any related casework is completed within the stipulated timescales.

Behaviour in court

You represent the Secretary of State and the Home Office when you present an appeal in Court so you must act with a high degree of professionalism and behave consistently in line with the Home Office values.

You should always act in a way that is professional and that merits and retains the confidence of all those with whom you have dealings. If you need to seek advice or information on a case, you must be mindful of confidentiality and make telephone calls from the PO room or another private area.

You must arrive at the court building by 9.45 AM to allow for travel delays and to facilitate necessary discussions with Legal Representatives and/or the Court Clerks. You must arrive in good time for the start of hearings at 10:00 AM. If your hearing is by video link, you must also allow additional time to identify technical difficulties and to notify parties to the appeal.

You must dress appropriately for court presentation, including formal footwear. Business attire for any court appearance either in person or by video link is normally a suit, or equivalent formal dress, with a tie for male PO's. You may choose to keep appropriate clothing on hand for short notice court appearances. Whilst the Tribunal

will not object to casual attire if this is unavoidable, it is always best practise to explain the circumstances.

If you are a sponsor or a witness in an Immigration appeal you should inform your line manager and review the [Civil Service code of conduct](#) and data integrity procedures. You may consider whether the appeal hearing should take place at a hearing centre you do not normally attend. You must inform the Judge that you are attending as a witness and not in a professional capacity. You must act as a witness or sponsor and not as an advocate.

Presenting the case in court

You must represent the decision-maker and adhere to the applicable law, the Immigration Rules, the European Economic Area (EEA) Regulations, UKVI policies and consider the best interests of children.

Having already established that the Appeal should proceed for hearing, you must present each appeal by responding to new evidence, addressing issues raised by the Judge or legal representative and presenting a well-prepared argument. You must conduct a thorough cross examination of the appellant and witnesses and present a persuasive and comprehensive argument in your submission.

It is your responsibility to pursue all relevant and appropriate aspects of the appellant's case or claim. If you wish to introduce new or additional grounds in support of the original decision, you must notify the appellant and their representative at the earliest opportunity before the hearing. Any new issues must be based upon the relevant law, the Immigration Rules, the EEA Regulations and UKVI policy.

You must always disclose evidence and material that is relevant to the appeal, whether it assists your case or not. You must never knowingly mislead the Judge, conceal cogent evidence, or permit the Judge to be misled.

You must rigorously test the evidence of the appellant and the witnesses but remain sensitive to their circumstances. If the parties to the appeal are victims of torture, rape or are children, you must test this evidence carefully and compassionately.

You must ensure that appeals are handled as efficiently and quickly as possible. You should oppose unmeritorious adjournment requests and only apply for adjournments where it is necessary and with the approval of a senior officer. You should assist the Tribunal by agreeing to present any float cases when you are able to do so.

Post hearing

You must ensure directions set by the Tribunal are complied with promptly.

When undertaking bail hearings it is extremely important that the Atlas case working system is updated as soon as possible, especially if bail is granted and there are tagging conditions set. If possible Atlas should be updated in between hearings. If this is not possible any cases where bail is granted must be uploaded and the Bail

Minute uploaded before the end of the working day. Where bail has been refused Atlas must be updated and a Bail Minute uploaded within 24 hours but, if at all possible, it is preferable to do this on the day of the hearing.

For all other hearing types you must update Atlas, upload post hearing minutes and complete management returns within 2 working days.

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