

Statement 12

Report: Brian Ashworth and The Orchard Centre, February 2008

The authors of the statement below, Suzy Chapman and Ciaran Farrell, would like to draw readers' attention to the following: that the statement below constitutes our own original work based upon our own researches into the matters contained within the statement. It is through our own evidence based research that we have elicited and identified the facts contained within this statement and the analysis, deductions and conclusions expressed within this statement, together with any opinions expressed, are entirely our own and based solely and wholly upon our own research. The statement below is the responsibility of the authors and is published by us and is not intended as a substitute for any official statement from any official body whatsoever. If readers wish to establish the progress of any enquiry or investigation conducted by the various bodies and authorities referred to in this statement they should contact the body or authority concerned. The authors have no affiliations or connections with Wolverhampton Trading Standards or with any other agency, organisation or individual who may also have an interest in the subjects of our statement or the material contained therein.

Two previous statements, Statement 10 and Statement 11 and additional information can be read here: <http://meagenda.wordpress.com/the-orchard-centre/>

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Part One

In order to protect the confidentiality of our contacts and in order not to complicate the endeavours of certain agencies and organisations, which places a responsibility on us not to discuss individual cases or disclose certain factual information concerning specific, sensitive developments, we are therefore limited in what we can say. We can therefore only report on the general nature and trend of events over the past twelve months and analyse them in general terms.

When we issued our last update, in October 2006, we reported that Mr Ashworth had made commitments to Trading Standards, first in August 2005 and again in September 2006, that he was ceasing to operate. We have learned in both instances that he was in fact undertaking advocacy and representation work in various areas of advice and service provision. He was even carrying out regular advocacy and advice sessions held within a local resource centre, in some cases drawing on that centre's own clientele.

We had predicted that rather than close his operation down, Mr Ashworth would continue to take on new clients whilst leaving existing clients' casework unresolved or abandoned. We had also anticipated that he would seek out new fields of work in which to operate. These concerns have been borne out by information gathered by us over the past twelve months.

Bilston Resource Centre

A 2006 Wolverhampton City Council grants committee report describes the Bilston Resource Centre as providing:

"...accredited Information Advice and Guidance (IAG) as well as training in computing and basic skills including ESOL (English for speakers of Other Languages) to the disadvantaged community living in and around the Bilston area."

In September, last year, we were contacted by the Manager of Bilston Resource Centre, Mr Simon Bhardwaj, to discuss the situation which had arisen within his centre in relation to Mr Ashworth and his work at the centre.

On behalf of the Trustees/Directors of Bilston Resource Centre, Mr Bhardwaj has provided us with the following statement for publication in this February 2008 update:

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*From August 2006 to February 2007, Mr Brian Ashworth had an arrangement with us whereby he undertook advocacy work from our premises, delivering advice and services in a personal capacity, under the name of The Orchard Centre to individual clients, some of whom were also clients of the Resource Centre.*

*Unfortunately, a number of Mr Ashworth's clients reported to us that they were experiencing problems with the service he was providing. As part of our quality standards we took these complaints very seriously and established that the quality of service being provided by Mr Ashworth, in some cases, had not been of an acceptable standard.*

*In early 2007, following discussions with the Trustees/Directors, it was agreed that Mr Ashworth's arrangement with our organisation should be terminated. Bilston Resource Centre no longer has any association with Mr Ashworth.*

*Some of the complainants took the problems they had encountered and discussed them with Wolverhampton Trading Standards.*

**Mr Simon Bhardwaj**  
**Manager, Bilston Resource Centre**  
**Date 17<sup>th</sup> Dec 07**

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Complaint to the Office of the Immigration Services Commissioner

During the last three years, Mr Ashworth is known to have undertaken to carry out asylum and immigration casework. We established with the Office of the Immigration Services Commissioner (OISC), in September '06, that Mr Ashworth was not on the OISC's register.

The Asylum and Immigration Acts 1999 and 2001 prohibit anyone from providing asylum and immigration advice and services, whether on a for-profit or a not-for-profit basis, above strictly designated levels, unless qualified and/or registered to do so. An organisation may be granted exemption from having to pay registration fees to the OISC as a not for-profit organisation, but there is no exemption from undergoing the OISC registration process, which is mandatory.

The OISC registration application procedures are rigorous and every successfully registered or exempt advice agency eg a Law Centre, is required to display a certificate of approval issued by the OISC at its premises to show that it is registered under the Act for the provision of immigration advice and services, that it meets OISC standards of fitness and competence and that it is regulated by them.

We have established that Mr Ashworth is not a solicitor, barrister, or legal executive or a retired member of the legal profession, and that he does not in fact have a law degree. Therefore, he cannot practice law as a legal professional or a lawyer, either as an independent practitioner of law or through one or more of the twenty "Trading As" names he is known to have established for himself and his activities.

The OISC has confirmed that Mr Ashworth is not registered for the provision of immigration and asylum advice and services at any level of service provision under either their for-profit or their not-for-profit registration scheme.

It is our understanding that Mr Ashworth has undertaken immigration and asylum casework up to and including appeals on the basis that he is some kind of lawyer, or retired lawyer who by virtue of his presumed legal qualifications and training enables him to competently undertake the work of a trained, qualified and OISC registered practitioner within a legal practice.

We considered, therefore, that Mr Ashworth was not a fit or competent person to be operating in *any* field of representation or advocacy or providing advice or services at *any* level, and that in undertaking immigration and asylum casework without having first registered with the OISC, Mr Ashworth may be in breach of the Immigration and Asylum Acts 1999 and 2001.

In October '06, we submitted a formal written complaint to the Office of the Immigration Services Commissioner which included additional supportive material and documentary evidence. We do not have the authority of the OISC to discuss the outcome of our complaint or any other complaints which may have been lodged with the OISC.

“Law degrees” and the continued use of “LLB”

We have been able to establish that Mr Ashworth does not hold a Bachelor of Law degree (LLB).

In some cases, Mr Ashworth’s clients will have paid him money in the form of fees, however nominal, or for administration expenses for him to undertake services for them or will have appointed him to represent them at appeals tribunals or to represent them in forthcoming court cases. This has usually been done on the basis that they had initially understood him to be a “lawyer” or “a barrister” or “a retired barrister” and in the expectation of a certain level of legal expertise and professional qualifications. Some of Mr Ashworth’s clients reported to us that they had been referred to him by others, or by organisations from whom they had sought advice or assistance, on this understanding.

Some clients will have signed “Form of Authority” documents authorising Mr Ashworth to act on their behalf and giving him authority to obtain and hold files, documents and reports, including medical notes and DLA appeal tribunal document bundles and to liaise directly with specific agencies involved in their cases and with “*any other statutory, voluntary, private and public body that has dealings with [the client]*” on the understanding that he held an “LLB” or was some kind of “lawyer”.

The Law Society has confirmed that Mr Ashworth is not, nor ever has been, a qualified and practising solicitor, barrister, or legal executive or in training to become a solicitor, barrister, legal executive or any kind of legal professional and that he is not on any Law Society Register. Similarly, Mr Ashworth is not registered with the Bar Council or the Institute of Legal Executives, and these professional bodies likewise confirm that Mr Ashworth cannot practice law as any kind of lawyer or legal professional.

It is an offence under the Solicitors Act 1974 to “hold out” as a barrister or a solicitor which in essence is to claim or to give the impression that one has professional qualifications and a professional status that one does not in fact have. In addition, the offence of “holding out” is also committed if an unqualified and unregistered individual undertakes work that is the professional preserve of registered legal professionals which under the legislation is reserved for legal professionals only.

Last year, we were provided with documentary evidence showing that Mr Ashworth was still using the letters “LLB” after his name, as recently as 2007, on letterheads associated with some new cases.

In relation to Mr Ashworth's alleged law degree, he has been claiming, variously, for a number of years, to hold a law degree or that he has been studying for a law degree. We hold recent documentary evidence showing that the letters "LLB" appear and disappear from the printed footers of the letterheads and "Form of Authority" documents which Mr Ashworth has drawn up for himself for his clients to complete and sign and which he runs off from his own computer and printer. Alternatively, but not exclusively, Mr Ashworth may print off a letterhead which has the letters "LLB" appended to his name directly beneath his signature.

We also hold on file documentary evidence of a poor quality "epidemiological research proposal" dating from 2003, drawn up by Mr and Mrs Ashworth in the name of *The Orchard Centre*, in which they are seeking funding of £48,500. A "Personal Background" included in this document refers to Mr Ashworth as having "*recently completed his studies for a degree in Law*".

Mr Ashworth had been challenged by a client in 2002 over his use of the letters "LLB" on correspondence and had admitted, then, that he did not in fact hold a degree in law nor had he been studying a degree level course in law. He subsequently dropped all further use of "LLB" on the letterheads he was printing off for use in correspondence relating to this particular client's casework. But the use of "LLB" reappears on some letterheads in 2003.

On 4 January 2006, Mr Ashworth appeared before Wolverhampton Magistrates Court on a charge of kerb crawling. Wolverhampton Express and Star's crime reporter, who was present in court on the day to cover the trial, reported that Mr Ashworth held a law degree. The newspaper has since confirmed to us that it was the case that Mr Ashworth had made this claim before the Magistrate, during his trial. There is therefore an issue as to whether Mr Ashworth perjured himself before the Magistrate.

Last year, Mr Ashworth was also claiming, variously, that he already holds, or that he was about to be awarded a "PhD". We hold documentary evidence, dating from 1994, of Mr and Mrs Ashworth both using "PhD" after their names at the foot of *Orchard ME Centre* letterheads. These matching PhDs were subsequently dropped from their letterheads after Mr Ashworth was challenged over their authenticity.

New cases brought to our attention over the past year or so

In the last year or so, more than a dozen of Mr Ashworth's clients have approached us directly, from all over the country, including some who had seen Mr Ashworth when he was working out of the Bilston Resource Centre.

A number of these were new cases taken on by Mr Ashworth within the last eighteen months or so. Some of this work had been undertaken under the "Trading As" name of *The Orchard Centre* but other clients had paperwork and letterheads using the operating name, *B & J Legal Services*.

Several of the new cases involved children's issues – representation in complex Family Court casework, education related casework or casework where social services had become involved with families. Other cases dated back quite a number of years and most of these individuals were experiencing similar difficulties with Mr Ashworth, in that their benefits appeals cases had become bogged down and Mr Ashworth had been obfuscatory over the

exact status of their appeals. He had not provided these clients with any official paperwork which would substantiate the various claims he was making. In some cases, in our view, these excuses became increasingly bizarre, including claims that his computer had been hacked into and that correspondence had been altered.

Not only had there been serious concerns about the handling of these cases and in relation to misrepresentation but also examples of very unprofessional practices. Some of these contacts had already discussed Mr Ashworth's modus operandi with the police and others had already spoken to their local Trading Standards, CAB and to other agencies and organisations before approaching us - others have since spoken to Trading Standards about misrepresentation and the chaos Mr Ashworth has left their cases in.

More than one female client reported to us that Mr Ashworth's behaviour towards them had, on occasions, transgressed the boundaries of behaviour expected from a male representative in the company of a female client, and we had had other similar reports to these in the past.

Therefore, rather than close his operation down in 2005 he continued with it, and in 2006 it is evident that Mr Ashworth had continued to take on new clients both locally and nationally beyond the closure point upon which he had agreed with Trading Standards that *The Orchard Centre* would cease to operate because had taken on new casework, not just in the field of benefits and educational issues, but in a new area of work – that of immigration and asylum.

He has also taken on complex legal casework such as Family Court representation, social services intervention and matrimonial law – fields in which he is seriously out of his depth, lacking both legal expertise and qualifications and fields in which his clients, crucially, have no recourse to a professional body when things inevitably go wrong, since Mr Ashworth operates unregulated.

Part Two

"Class actions" and "the barrister in London"

Of particular concern, this past twelve months, has been the number of new cases brought to our attention where clients had been led to understand that their unresolved cases formed part of a “class action”. Mr Ashworth's claims that “class actions” are in progress date back many years and we have written about this issue in previous statements.

The authors have personal experience of Mr Ashworth's claims that a “barrister in London”, for whom he will not provide a name nor provide the name and address of the barrister's chambers, is preparing or pursuing a group or “class action” based on the cases of several of Mr Ashworth's clients. Many of his clients, he claims, will benefit from the case precedents set by the legal action he claims to be taking against various bodies such as the DWP or its Chief Medical Officer, or the NHS or its Chief Medical Officer. Mr Ashworth has also claimed that his “class action” or “class actions” involve various generic cases or appeals to various Courts of Appeal, like the High Court and even the House of Lords and that he has lodged various cases and appeals with the European Court of Human Rights.

Mr Ashworth claims that he and the “barrister in London” have been busily engaged on his clients' behalf taking up complex legal “class actions” which will eventually benefit a great

number of people, not just those involved directly in these test cases. However, it would be rather unrealistic, if not bizarre, if Mr Ashworth were too busy conducting this legal work for him to inform his clients of the progress of their individual or collective cases as has proved to be the case from the testimonies of those people and organisations that have approached us.

Even more peculiar is the fact that, as far as our extensive researches can ascertain, none of those whose cases are allegedly involved in any of Mr Ashworth's "class actions" have been sent and asked to fill out any official court related legal forms, documents or legal aid applications, by him or anyone acting on his behalf. Neither have they received any such forms or documentation from any court, court official or legal professional, including any "barrister in London", or anyone acting on *any* barrister's behalf.

It is our understanding that the normal way in which this kind of legal work would be conducted would be for a solicitor to engage and instruct a barrister on behalf of the solicitor's client. There are two key reasons for this: a solicitor may need to obtain expert legal opinion on the application in court of the points of law relied upon within the case and the solicitor may also need to employ a barrister to present the case in court. Mr Ashworth appears to have taken upon himself the role of an instructing solicitor when he is neither qualified nor experienced to act in this role and nor does he have the legal knowledge, expertise and general legal wherewithal to be able to discharge his obligations to his clients within this role.

In our view, Mr Ashworth has sought to cover himself in this assumed role when his clients have asked him about the progress of the "class action" of which he claims they are a part, or upon which their case depends, through the use of what might initially appear to be plausible stratagems but which are, in reality, merely excuses. When asked by clients to provide updates on the progress he is making, Mr Ashworth frequently claims that he is waiting on "the barrister's report" or that he is "waiting for the documents to be sent back from the barrister in London" or that he is going to be "meeting with the barrister in London next week" and so cannot update his client until then; or that he is having "behind the scenes meetings" with senior officials from Social Security agencies specifically to discuss the client's case or that he is about to have "high level meetings with members of the House of Lords" or with "judges" to discuss the case, because, he claims, "the case is not being dealt with through the normal channels".

When Mr Ashworth's clients finally become fed up with the quality of his services and ask him to return their paperwork and documents to them so that they can seek alternative representation, Mr Ashworth usually refuses to do so. This places the client in the position of having to start again from scratch, or to seek additional representation from an officially accredited advice giving body or agency and/or to seek assistance from a regulatory authority such as Trading Standards to intercede on their behalf in order to obtain the return of their case files from Mr Ashworth when he has been unwilling to release these.

As a result of Mr Ashworth's obfuscations and combined with his advice not to do so, some clients had also missed the opportunity of submitting fresh claims or appeals and had lost out financially, as a result. Some claims/appeals, it was reported to us, had also been allowed to go "out of time" by Mr Ashworth. One contact has managed to salvage their case by disenfranchising Mr Ashworth from further involvement in their casework and submitting a fresh claim, themselves, which has resulted in a successful award at a satisfactory level.

Many of these cases have dragged on for years with clients becoming increasingly frustrated and confused about what was really going on and unable to get any rational explanation from Mr Ashworth for the apparent impasse or obtain copies of official paperwork from him which might establish the true status of their cases. Some clients had resorted to contacting the DWP and the Appeals Service in order to establish whether the liaison work which Mr Ashworth claimed he had put in hand had actually been carried out by him only to find there were no records relating to their case, let alone any record of a successful outcome of an appeal or of a financial settlement of arrears due to be imminently paid out to them.

Payments in the region of £5,000 to £7,000 in benefits arrears had been anticipated by a number of Mr Ashworth's clients who had been told that their cases had finally been settled and that the money would be paid out in a matter of days, or that it was due to be settled very shortly and that he was just waiting on the final documentation to come through.

In some cases, clients had estimated arrears well in excess of these figures had their cases, in reality, been successfully resolved. Some of these clients have gone into debt or taken out loans in every expectation that repayment of arrears would shortly be forthcoming via Mr Ashworth because he had repeatedly assured them that this was the case – all were devastated to learn that a successful resolution to their cases no longer appeared realistic and that they had been misled.

None of these clients had received copies of any official documentation and no evidence for Mr Ashworth's claims that their cases *had* been resolved and that payments in settlement of benefits arrears *had* been secured by him which were about to be paid directly to him by the agencies concerned. Under these supposed agreements, they had been led to understand that he would be forwarding cheques on to them in the next few days or that he would be visiting them to deliver their cheques in person, but he fails to keep these appointments. When these cheques also fail to arrive through the post, Mr Ashworth is frequently unobtainable or apparently indisposed and unable to update his clients on the reason why their cheques have not materialised or explain why he had failed to show up with their money, as arranged.

We have been in contact with the DWP and the other agencies involved and they have assured us that it is not their policy or practice to make any such payment directly to a claimant's representative because it is their policy and practice to pay a claimant directly, unless the claimant is a Ward of Court or where there is an existing arrangement to pay benefits to a carer or via a statutory body such as social services. The DWP assures us that no such arrangement could be made without the knowledge or consent of the claimant as the claimant would be required to sign the appropriate forms. Therefore it is simply not possible for the DWP, the Appeals Service or the Social Security Commissioners, the High Court or even the Law Lords to make out a cheque to the claimant's representative for payment of benefits arrears as the result of a successful appeal without the claimant's knowledge or written consent. Some clients had also discussed Mr Ashworth's claims with the DWP and had been given similar advice.

Therefore it follows that Mr Ashworth's claims that he has negotiated such a payment via a cheque made out to him as the result of a successful benefits appeal or as a result of a "behind the scenes" settlement, at whatever level, are simply untrue.

Those clients who have received no official documentation from the Appeals Service that alleged appeals have, in reality, taken place or have received no official notification of the

outcome of those alleged appeals and the levels of award that have resulted, have been misled and the status of their cases misrepresented.

Likewise, in the absence of Mr Ashworth's willingness or ability to provide copies of relevant documentation to his clients as evidence of his claims, it can only be concluded by us that there is no "barrister in London" nor any "class action" and that no legal cases are in the process of being prepared to bring to court, or have been brought to courts of any description, or settled out of court, or resolved by any other means and that Mr Ashworth's claims are nothing more than examples of gross misrepresentation.

The finance of class actions

The level and nature, as well as the extent of the various "class action" cases allegedly in progress would involve a great deal of time and therefore expense for any barrister conducting the legal work that Mr Ashworth claims "his barrister" is undertaking on behalf of some clients of *The Orchard Centre*. The barrister's fees would run to thousands of pounds, perhaps amounting to some tens of thousands of pounds in total, at a conservative estimate, for all the "class actions" that have allegedly been launched by Mr Ashworth, over the years.

The question therefore arises that since Mr Ashworth does not charge full professional fees for his services, as he usually charges nominal fees and/or expenses, how does Mr Ashworth cover the very considerable costs of his barrister's fees, assuming that this "barrister in London" actually exists?

It is clear to us from our researches that the professional legal fees concerned cannot be coming from legal aid as none of Mr Ashworth's "class action" clients have been sent or filled out legal aid forms.

Mr Ashworth accounts for this matter in one of three ways to his clients:

Either the barrister is working for free or on a pro bono basis and his/her expenses are kept to a minimum so only a very small proportion of them are passed on to Mr Ashworth, and therefore to his clients. If this were the case then the barrister would be expected to have a known and registered special interest in ME/CFS and fatigue illnesses, and would be traceable through their pro bono or other legal work in this field. Our extensive researches have failed to identify any such individual with connections to *The Orchard Centre* or any of the twenty or so "Trading As" names known to be used by Mr and Mrs Ashworth.

Alternatively, Mr Ashworth has explained to his clients that his legal work and therefore the barrister's fees are funded either through *The Orchard Centre/B & J Legal Services* or any of the other eighteen "Trading As" names, or funded through a separate organisation or charity specialising in providing finance for legal work.

The Orchard Centre/B & J Legal Services and the eighteen other "Trading As" names are not companies, charities or voluntary organisations and do not in reality exist as they are simply cover names for the various activities of Mr and Mrs Ashworth, who are not personally well off and who live in a rented council flat out of which they operate as "*The Orchard Centre*" and they are not in a position to act as semi anonymous donors or sponsors of their clients' legal costs.

Charities that are registered with the Charity Commission, that is Registered Charities, must account for the money they spend and provide the Charity Commission with a copy of their annual accounts if their income or expenditure exceeds a certain threshold, which would need to be the case if the charity concerned would routinely make grants/bursaries of the necessary financial value to an individual for their legal costs. The grant/bursary concerned would need to itemise the costs involved for the project and the case of the individual concerned and the recipient would need to apply to the charity for the grant/bursary by completing an application form which they would be required to sign and send to the charity for approval. Any such form would need to identify the solicitor and barrister involved in the specific “class action” and include their contact details together with a detailed breakdown of the costs involved.

To our certain knowledge none of Mr Ashworth’s clients who have approached us who are or were alleged to be part of these “class actions”, including one of the authors, and who have been informed by Mr Ashworth that their cases, and therefore the costs of his legal work for them are funded by a charity, have ever received any such grant/bursary application forms or any other letters from any such charity, or from anyone acting on the behalf of any such charity, including the “barrister in London”.

Therefore we can only conclude that the absence of these essential documents equates with the absence of a charitable funding route for Mr Ashworth’s alleged legal work which would be entirely consistent with the absence of the alleged “class actions” and the “barrister in London” conducting it, as none of them exist in reality.

The last alternative arises out of the fact that Mr Ashworth has informed certain of his “class action” clients that he will be deducting his and/or the “barrister in London’s” fees and expenses from their overall settlement as if he were conducting his “class action” cases on a ‘no win, no fee’ basis. Again, he does not provide any indication of the actual costs involved or a breakdown of the deductions he proposes to make, and neither does he identify an overall costs ceiling involved or a proportion of the settlement that would be deducted for these costs.

The reasons that this funding route is not viable are that all of Mr Ashworth’s “class action” clients would need to pay for their legal costs and expenses in this way, if this were indeed the source of funding, as opposed to a small selection of Mr Ashworth’s clients. Yet again, there is no paperwork or documentation to support the view that any of Mr Ashworth’s clients have signed a written undertaking to pay for their legal costs and services out of their ‘winnings’ as would be the case under a ‘no win, no fee’ agreement or contract. There is the same general lack of paperwork and documentation that would be required in order to specify how the costs were run up in general, and those of the “barrister in London”, as well as the instructing solicitor under the provisions of any form of contractual agreement between the parties concerned that these services would be provided in the usual way, as would be expected in normal legal practice.

There is also the financial issue that the scale and extent of the legal work involved would not be paid for by a small minority of the individuals concerned as they would be unable to bear the costs of the majority of the legal fees and expenses which would substantially reduce or possibly eliminate the actual settlement paid out to them. Therefore the costs of the various “class action” projects would be too great to be shouldered by a select few, and the legality of such a charging system would be highly legally dubious. We therefore consider that this funding route is not the way in which Mr Ashworth’s legal work for his “class action” clients is funded, and this is again consistent with our view that the “class actions” Mr Ashworth

claims to be undertaking on behalf of his clients do not exist and neither does the “barrister in London”.

There is one final aspect to Mr Ashworth’s “class action” cases and the “barrister in London” that we consider that we need to comment upon which is that usually in such cases ‘independent experts’ or ‘expert witnesses’ are used to provide reports for use in court and they may even take the witness stand in court to provide expert verbal as well as written testimony on behalf of those who are instigating the “class action”. These independent/expert witnesses would need to be engaged by someone who knows who is who in the world of ME/CFS and in fatigue illnesses as Mr Ashworth’s “class actions” are principally concerned with the lack of adequate care, treatment and social welfare and financial support to sufferers and carers who are affected by these illnesses. Mr Ashworth has not informed his “class action” clients of who is or has or may have been engaged as an independent expert/witness either directly or via the “barrister in London”.

The services of the independent experts/witnesses would need to be paid for unless of course they have agreed to work on a pro bono basis. If they were to charge professional fees, as they would be entitled to do, this would constitute a legitimate overhead or expense for the “class action” project involved. In previous statements we have outlined Mr Ashworth’s tendency to engage in name-dropping to his clients of various high profile ME/CFS figures in medicine and scientific research, as well as claiming to know high court judges and members of the House of Lords, when he does not in fact have any relationship with those involved, or has had only limited and minimal contact with them as opposed to actually working with them as friends and colleagues in mutually beneficial joint enterprises.

We consider it to be rather bizarre that Mr Ashworth has not therefore informed his “class action” clients of who the independent experts/witnesses actually are, and how their expertise will be utilised to ensure the success of Mr Ashworth’s “class actions”. We have extensive contacts within and knowledge of the ME community extending back over a number of years and our very considerable researches over the past few years have not been able to uncover a single actual or potential independent or expert witness for any of Mr Ashworth’s “class action” cases who has had any form of involvement with Mr Ashworth and *The Orchard Centre* as part of any form of class action either directly or via the supposed “barrister in London”. We have therefore drawn the conclusion that no such independent or expert witnesses actually exist.

In conclusion, we cannot see that there is any viable financial, legal or administrative route by which and through which Mr Ashworth can support or pay for the legal services he claims to provide to his “class action” clients. We are therefore convinced by the weight of evidence that no such “class actions” exist in reality and neither does the “barrister in London”.

Evidence of gross misrepresentation

When pressed to account for his modus operandi, Mr Ashworth’s “class action” clients are eventually given a variety of verbal and written explanations for the non materialisation of these alleged payouts which, in our opinion, are pure fabrication on the part of Mr Ashworth and a gross breach of trust in the client/representative relationship and provide, in some instances, clear written evidence of intent to deceive.

We have formed this view based upon the very considerable paper trail of evidence in the form of clients' own notes of telephone calls, emails and written assurances from Mr Ashworth to his clients that he *will* sort things out and get a result for them – in complete contrast to the lack of any official documentation, as referred to previously. In other words, Mr Ashworth's clients hold extensive evidence of his excuses and evasions for not resolving their cases, but no evidence at all that their case or appeal actually exists with the DWP or other body or authority against whom Mr Ashworth and his mysterious "barrister" are supposed to be taking legal action on his clients' behalf.

In our opinion, Mr Ashworth produces functional constructs which he uses in order to obscure the fact that no documentary evidence exists for the alleged group or class action. Given the nature of some of Mr Ashworth's "explanations" and the implications for his clients if there were any basis in truth for some of his claims, we consider that such tactics are tantamount to attempting to frighten his clients into dropping their pursuit of his progress in their cases and in order that he can avoid being accountable for his actions and inactions in relation to both individual benefits cases or alleged legal group cases.

In our opinion, there are no grounds for accepting that historically, any group or class actions involving, variously, five, seven or more of Mr Ashworth's clients have been in progress all these years or that the constructs he proffers by way of explanation for the delays in receipt of promised cheques have any basis in reality, since there is no evidence to support the premise that any of these matters are, in reality, taking place.

We conclude that Mr Ashworth is using the construct of "class actions" as a smokescreen to obscure the fact that he has not carried out certain work which he has said that he has carried out or that he has abandoned these particular cases because he is out of his depth or because he has simply lost interest in them.

Perhaps it is also the case that Mr Ashworth's frequent allusions to working in tandem with "barristers" in connection with mounting various class actions with the intention of creating legal precedents for the ME/CFS patient community as a whole, his talk of meetings with high profile individuals to discuss benefits/social services/DWP reform or in order to discuss a specific client's case, or aligning himself with certain high profile professionals in the ME/CFS research and medical arena are fulfilling a need for self aggrandisement and may also be being used as a means of generating credibility and standing for himself and *The Orchard Centre* with prospective clients and the wider ME/CFS patient community or that he is a more sinister "Walter Mitty" style fantasist targeting the vulnerable.

We have become very familiar with these behavioural patterns over the years but we continue to be shocked by the level of deliberate misrepresentation which is still being reported to us.

To summarise: if any court of law (up to and including the House of Lords) had received representations from individuals comprising a group or class action then the individuals concerned would have received official forms, notifications, case papers and a judgement and subsequent administrative letters or documentation and there would also be legal aid forms and documentation. If any monies had been awarded as a result of a group or class action these payments, and the terms and conditions of payment would be sent to the individual concerned and not to the claimant's representative.

If you have been affected by any of the issues set out above we would advise that you alert Wolverhampton Trading Standards to your situation. We also list below the contact details for the Law Society and Office of the Immigration Services Commissioner (OISC):

**Wolverhampton Trading Standards Division, Civic Centre, St. Peter's Square,
Wolverhampton, WV1 1RG**

William Humphries, Principal Trading Standards Officer, Tel: 01902 556062

tradingstandards@wolverhampton.gov.uk

Officer allocated to this case: Suzanne Hill, Trading Standards Officer, Tel: 01902 556059

Email Suzanne Hill suzanne.hill@wolverhampton.gov.uk

The Law Society

<http://www.lawsociety.org.uk/>

Office of the Immigration Services Commissioner (OISC)

<http://www.oisc.gov.uk/>

How can you help us?

Mr Ashworth's clients are frequently ill, disabled and in difficult financial circumstances or are in other ways vulnerable. We consider that Mr Ashworth's activities pose a significant threat to his local community and to the public at large. We remain extremely concerned that Mr Ashworth will continue to mislead existing clients about the status of their unresolved cases whilst seeking out new and alternative fields and niches in which to work as a means of obtaining new contacts and therefore new business, unless action can be taken to curb his activities.

To assist in taking things forward, we need to hear from anyone who has an outstanding case with Mr Ashworth in any field of representation work – immigration, general legal, benefits, educational, matrimonial, MSBP, social services, Family Courts etc, and particularly, cases taken on since 2005 onwards. Our contact details are given at the end of Part Three:

- We need to hear from those who have not been charged by Mr Ashworth for his services as well as from those who have paid money to him, however nominal, or have made “donations” or contributions towards his admin, travel or general expenses.
- We need to hear from anyone who has been approached by Mr Ashworth seeking donations towards specific clients' legal costs or for him to take up their case or for specific ventures such as “research projects” or for the running of *The Orchard Centre*, generally, whether as a client or otherwise.
- We need to hear from you if your casework has been concluded but you weren't happy with the way in which your casework was being carried out, either at the time or subsequently, or if you consider you experienced misrepresentation by Mr Ashworth relating to the progress of your case or the outcome of a benefits appeal. We would also like to hear from you if you consider that Mr Ashworth has

misrepresented his academic or professional qualifications to you or if you had been told that your case was part of a “class action”.

- We need to hear from you if you have letters, paperwork, “Form of Authority” documents or electronic documents where Mr Ashworth has used the letters “LLB” after his name or if you had placed your representation work in Mr Ashworth’s hands on the understanding that he was a lawyer or a barrister, or a retired barrister or some kind of legal professional or if Mr Ashworth had been referred to you by others on that basis.
- We also need to hear from anyone who has been given to understand that Mr Ashworth was a “trained counsellor”, a “complementary health practitioner”, or if he has “diagnosed” or “confirmed” medical or psychological illnesses or conditions using questionnaires or carried out “neurological tests” or carried out complementary health care treatments or consultations. Or if he has recommended or arranged for medical tests to be carried out by private laboratories and subsequently recommended treatments on the basis of his interpretation of the results of private or NHS tests or if he has advised or sought to advise your medical practitioner or your child’s medical practitioner on medical issues or on medications.*
- Last but by no means least, we would like to hear from you if Mr Ashworth has sold you vitamins, minerals and other food supplements or complimentary health care products, and the claims he made for the efficacy of these products and if your experiences of his services were satisfactory or not.

**Neither Mr nor Mrs Ashworth are medical practitioners and they are not qualified to make or confirm medical diagnoses or produce medical assessments for their clients or for the agencies involved in their cases.*

Part Three

Contacting organisations who have referred on to Mr Ashworth

It was brought to our attention, last year, that a registered charity for children with long-term health conditions or disabilities had referred individuals seeking representation for adults and children on to Mr Ashworth, in one instance within the last twelve months or so. A second organisation unconnected with ME had referred at least one individual, last year, to a third party and as a result a referral to Mr Ashworth had been made. Both organisations have been advised of the issues surrounding Mr Ashworth.

We also discussed our concerns with the Sheffield ME Group which provides support and welfare advice to sufferers of ME/CFS, who have confirmed to us that they had ceased recommending *The Orchard Centre* in 2003, but where there are issues relating to unresolved and continuing cases where there is, yet again, evidence of misrepresentation concerning the alleged settlement of a case and alleged financial payouts.

Regional ME/CFS support organisations

Since 2004, over 60 regional ME/CFS support group co-ordinators have been contacted by us in connection with *The Orchard Centre* and these groups continue to receive copies of our statements as they are published.

Leger M.E. support service for ME/CFS/PVMS/FMS in the Doncaster, Barnsley and Dearne Valley area:

The chair of this unregistered voluntary group, Mr Mike Valentine, has had a longstanding association with Mr Ashworth. In the past, Mr Ashworth has carried out “benefits surgeries” in conjunction with the Leger M.E. group and it is known that in some cases there have been problems in the Doncaster area associated with the standard of Mr Ashworth’s work.

In March 2005, we set certain information and material before Mr Valentine concerning Mr Ashworth and made several attempts to engage directly with Mr Valentine and his committee. To date, Mr Valentine has been unwilling to facilitate access to his committee or even provide us with the name of his committee’s Secretary in order that we might set our concerns before the committee, as a body. In June 2005, we asked Mr Valentine if he would confirm whether the Leger M.E. group was still promoting Mr Ashworth or referring members of Leger M.E. group and clients of Leger M.E.’s services to *The Orchard Centre*. Mr Valentine was unwilling to provide this information or to discuss our concerns.

Leger M.E. has more recently been promoting Mr Ashworth in “Pathways” – the group’s electronic newsletter which is accessible through the Leger M.E. website. In the Spring ’07 edition of the group’s newsletter, Mr Ashworth is proffering advice on nutrition and the use of supplements and is now being promoted by Leger M.E. as a “private health practitioner”.

We find it very disturbing that Mr Valentine has been prepared to continue to promote Mr Ashworth in any capacity, though the Leger M.E. group, having been fully apprised by us of the many concerns surrounding Mr Ashworth and his work and that Mr Valentine should actively expose his group’s members and the wider community to an individual known to operate under bogus qualifications and whose modus operandi has had to be brought to the attention of several Trading Standards Offices around the country, CABs, the DWP, the police and other agencies.

National ME/CFS patient organisations

Since April 2004, we have sent copies of the statements we have published on the internet to Action for ME (AfME), The ME Association, The Association for Young People with ME (AYME) and The Young ME Sufferers Trust. All four patient organisations were asked, in 2004, for a statement regarding their organisation’s policy towards referring to/recommending *The Orchard Centre* to their members or to other enquirers for inclusion in our “Dossier of Concerns”. Neither The ME Association nor Action for ME was prepared to provide us with a policy statement. Towards the end of last year, we discussed recent developments with Action for ME and certain undertakings were agreed.

Jane Colby, Executive Director of The Young ME Sufferers Trust has, in the past, referred families to *The Orchard Centre*. In late 2006, it was brought to our attention that a Patron of The Young ME Sufferers Trust had referred several individuals seeking advocacy in very complex legal issues on to Mr Ashworth. The Patron involved, Ms Colby, as well as a second Patron of The Young ME Sufferers Trust and an associate from a separate children's organisation, who was reported to us as having referred on to Mr Ashworth in the past, were all contacted, last July, and selected information placed before them.

Local issues

Now that the Bilston Resource Centre has severed all association with Mr Ashworth we are concerned that he may focus his attention on alternative organisations within the Bilston/Wolverhampton area – in particular, community or resource centres and churches and voluntary organisations where he might anticipate coming into contact with vulnerable individuals who are ill as well as disabled and who may also be from BME communities and others who might be seeking assistance with immigration, benefits, housing or legal issues.

For the past couple of years, Mr Ashworth has been active in various capacities within one of his local churches. Mr Ashworth's involvement in church activities has recently been subject to review. We understand that Mr Ashworth has been associated with a number of other local community groups, including the Bilston Regeneration Forum. We have evidence that he has been using his involvement in his local community as a recruiting sergeant for *The Orchard Centre* and the activities he undertakes through it.

We have learned, recently, that Mr Ashworth is said to have been talking of plans for establishing a "life skills" training centre for young people operating out of a premises in Bilston; that it had been mooted that catering and IT skills would be amongst the training offered and that Mr and Mrs Ashworth were proposing that they might deliver some of this training, themselves. We are extremely concerned that Mr Ashworth might be looking to expand his interests locally and that he should apparently be considering seeking to work with young people.

Change of contact details

The email address orchardme.centre@virgin.net has been in use for *The Orchard Centre* since 1998. If you are a client of Mr Ashworth's with an unresolved or abandoned case and have been experiencing difficulties contacting him by telephone or email please note that this email address appears to have been taken out of use and that emails sent to this address are currently being bounced by Virgin Media. Mr Ashworth is known to be making use of the following alternative email address bj400j1234@yahoo.co.uk

The dedicated residential landline telephone/Fax number **01902 494717**, which had been in use for the operation by Mr and Mrs Ashworth since they first launched themselves as *The Orchard M.E. Centre*, in 1994, was taken out of operation last year. Mr Ashworth is now operating solely via a mobile phone and a PO Box number. For those having difficulty contacting Mr Ashworth in connection with the status of unresolved cases or concerning the return of paperwork and documents being retained by him, which he claims are being stored

in commercial archive storage facilities but which may be being stored in his lock up garage, we publish his most recent mobile phone number and an alternative landline number below:

Mobile: 07892 823332 Landline: 01902 408038

It is understood that Mr Ashworth is still collecting his mail from his post office address of PO Box 1621, Bilston, West Midlands, WV14 7YX but that in some cases, he is not responding to paper letters or that letters are being returned by him to the sender. We would advise clients who may have sent paper letters to Mr Ashworth but have received no response to resend, by recorded delivery, to both the PO Box and to Mr Ashworth's street address which is 103, Oxford Street, Bilston, West Midlands, WV14 7EH. If no response is received we suggest informing Wolverhampton Trading Standards.

Suzy Chapman & Ciaran Farrell
February 2008

Contact details:

If you would like to discuss any of the issues raised in our statements or discuss your own experiences or have any information which may assist us please contact us, in confidence:

Email: Suzy Chapman
suzy.chapman@virgin.net

or telephone:

Ciaran Farrell
Tel/FAX: 0207 485 3404
28 Headcorn, 25 Malden Road, Kentish Town, London, NW5 3HZ
ciaran@jfarrell58.freeserve.co.uk

Links:

For further information and copies of our previous statements:
<http://meagenda.wordpress.com/the-orchard-centre/>