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# **SRA Standards and Regulations guidance for the not for profit sector**

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25 November 2019

# **SRA Standards and Regulations guidance for the not for profit sector**

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## **Status**

This guidance is different to our usual guidance: we have developed it with sector experts to support the not for profit sector as we introduce our new Standards and Regulations. We will review this guidance in twelve months' time.

This guidance is to help you understand your obligations and how to comply with them. We may have regard to it when exercising our regulatory functions.

## **Who is this guidance for?**

It is aimed at anyone who has an interest in delivering legal services in a not for profit context.

This could include solicitors, SRA registered European lawyers (REs) and SRA registered foreign lawyers (RFLs)<sup>1</sup> working in not for profit organisations (such as Law Centres and other charities), managers, trustees, solicitors, REs and RFLs doing pro bono work, funders such as grant-making bodies and trusts and SRA staff.

## **Purpose of this guidance**

We worked with external consultants to produce this guidance for the not for profit sector. The guidance considers how our Standards and Regulations apply in the context in which not for profit legal services are often delivered and provides examples and case studies based on experience within the not for profit sector. This guidance is not a substitute for reading our Standards and Regulations. It is limited to the application of the rules and does not cover any wider legal duties and responsibilities. You should also take relevant legislation into account when applying the Standards and Regulations.

## **Glossary and definitions**

Our Standards and Regulations have a [Glossary](#) of defined terms. Where we use a defined term in this Guidance, it will be italicised.

Where we use a term, which has a meaning defined by another regulator or in another formal context, we will provide a reference to that definition. Where a term is not being used in a defined sense, it takes its natural meaning in context.

- **Authorised litigator** – an individual who conducts litigation services as an authorised person in accordance with the [Legal Services Act 2007](#) (see 'reserved legal activities'). The Legal Aid Agency (LAA) has contractual requirements concerning the employment of authorised litigators, see the Standard Civil Contract Specification for more information.

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<sup>1</sup> Where this guidance refers to 'solicitors', it may also apply equally to REs and in some cases RFLs.

- Non commercial sector this means the bodies that fall within the Legal Services Act 2007 s23(2). The bodies are:
  - (a) a not for profit body,
  - (b) a community interest company, or
  - (c) an independent trade union.
  
- Reserved legal activity - this is defined in the Legal Services Act 2007 Part 3(12)(1) and more detail is given in Schedule 2. The reserved legal activities are:
  - (a) the exercise of a right of audience;
  - (b) the conduct of litigation;
  - (c) reserved instrument activities;
  - (d) probate activities;
  - (e) notarial activities;
  - (f) the administration of oaths.
  
- Supervisor - this is not defined in the SRA Glossary but paragraph 3.5 of the [SRA Code of Conduct for Solicitors, RELs and RFLs](#) states:
  - Where you supervise or manage others providing legal services:
    - (a) you remain accountable for the work carried out through them; and
    - (b) you effectively supervise work being done for clients.

See section 7.1 below for more information.

The IAA has contractual requirements concerning the experience/qualifications which supervisors must have, and whether you need at least a full or part-time supervisor as well as the ratio of supervisors to other staff. See the Standard Civil Contract Specification for more information.

## **Part A – The Regulatory Environment**

### **1. SRA regulation overview**

All solicitors must comply with the SRA Principles and the SRA Code of Conduct for Solicitors, RELs and RFLs (referred to in this guidance as the Code for Individuals).

#### **1.1 The SRA Principles**

These are the fundamental tenets of ethical behaviour. The Principles require all solicitors to act:

1. in a way that upholds the constitutional principle of the rule of law, and the proper administration of justice.
2. in a way that upholds public trust and confidence in the solicitors' profession and in legal services provided by *authorised persons*.
3. with independence.
4. with honesty.
5. with integrity.
6. in a way that encourages equality, diversity and inclusion.
7. in the best interests of each *client*.

If circumstances arise where there is a conflict between complying with two or more Principles, the Principles which safeguard the wider public interest (such as Principles 1 and 2) take precedence over those which safeguard an individual *client's* interests (such as Principle 7). Given that the legal profession is a profession whose reputation depends on trust, the need to act with honesty and integrity (Principles 4 and 5) is also of particular importance.

The SRA Standards and Regulations do not provide any detail in relation to the way in which solicitors are to comply with the Principles, as this will very much depend on the circumstances.

### Case study

You have a client who is very unwell and is nearing the end of his life. You have provided pro bono assistance to him by drafting his Will at the local Law Centre pro bono clinic. The client is very grateful for all of your assistance, and considers that you have gone above and beyond what he would expect. You have developed a good rapport with him over time; but you are surprised when one day he tells you that he would like to include you in his will.

The Code for Individuals does not contain any specific provisions in relation to gifts. However, the duty to act with integrity in Principle 5 and in a way which upholds public trust and confidence in the solicitors' profession and in legal services in Principle 2 should be considered in this scenario. It is always helpful to consider what a member of the public would expect. In this scenario a member of the public may expect you to advise the client to take independent advice in relation to his plan to include you in his will. Pro bono clinics and other not for profit practices may have internal guidance in respect of gifts.

### 1.2 The SRA Code of Conduct for Solicitors, RELs and RFLs

This describes the standards of professionalism expected of solicitors. The Code for Individuals, which should be read in full, is divided into seven areas which apply to all solicitors:

- Maintaining trust and acting fairly.
- Dispute resolution and proceedings before courts, tribunals and inquiries.
- Service and competence.
- Client money and assets.
- Business requirements.
- Conflict of interests, confidentiality and disclosure.
- Cooperation and accountability.

Paragraph 8 of the Code for Individuals applies only to solicitors who provide their services to the public or a section of the public, and sets out requirements in relation to *client* identification, complaints handling and *client* information and publicity. Detail on the application of paragraph 8 of the Code for Individuals is provided in section 5 of this guidance.

As with the Principles, solicitors must exercise judgement in applying the standards within the Code for Individuals to individual situations and deciding on the best course of action depending on the circumstances.

The Code for Individuals is not prescriptive in relation to the way the standards of professionalism are to be applied. This is different to previous versions. For example, in the Law Society's 1999 Guide to the Professional Conduct of Solicitors, in force before the inception of the SRA, there was a detailed list of circumstances which override the requirement to keep confidential the affairs of

clients. In contrast, the Code for Individuals simply states that you must “*keep the affairs of current and former clients confidential unless disclosure is required or permitted by law or the client consents*”. This lack of prescription means that a solicitor will need to use their judgement. An example of the kind of dilemma a solicitor in the not for profit sector may face is set out in the case study below.

### **Case study**

You have a client who has been placed in temporary accommodation by the local authority. You are aware that the client is feeling extremely desperate. You arrive at work on a Monday morning to read an email sent by the client in the early hours of the morning saying “...by the time you read this, my son and I will be dead...” You immediately try to call the client but her phone goes to voicemail. Should you breach client confidentiality and call the police?

This is a difficult ethical dilemma, particularly because notifying the police may lead to the involvement of social care services which may have repercussions for your client’s primary care of or contact with her child. The Code for Individuals does allow disclosure as permitted by law, which could include protecting the child in these circumstances.

Even if the client only threatened harm to themselves, not a child, and there was therefore no suggestion that a crime may be committed, we would still not be critical of a solicitor for breaching client confidentiality in the interests of saving the client’s, or another person’s, life.

The Code for Individuals was written for solicitors working in a range of environments, both in private sector law firms, in-house and in the not for profit sector. This means that while a lot of the obligations within the Code for Individuals map across to solicitors working in the not for profit sector, not all of them are relevant in practice as the circumstances might be unlikely to occur in the not for profit sector. For example, the requirement in paragraph 4.1 to properly account to clients for any financial benefit you receive as a result of their instructions, except where they have agreed otherwise, is unlikely to be relevant to a solicitor working for the not-for-profit sector. It is essential to review the Code for Individuals in the context in which you’re working. Should any potential breach of the provisions of the Code for Individuals come to the attention of the SRA, the SRA will similarly consider this within the context of your position in a not for profit body.

### **1.3 The Code of Conduct for Firms**

The SRA Code of Conduct for Firms (the Code for Firms) describes the standards and business controls expected of firms authorised by the SRA to provide legal services. It therefore does not apply to organisations which are not authorised by the SRA. However, in order to comply with your individual requirements under the Code for Individuals, it may be necessary to ensure that there are appropriate systems in place within your organisation.

For example, in order to comply with the general requirement not to act in a matter if there is a conflict of interest (under paragraph 6.2 of the Code for Individuals) you must be aware of other clients or matters in relation to which your organisation is acting in case their interests are in conflict with those of your prospective client. You should ensure that there is a system in place within your organisation to enable you to carry out a conflict check before you agree to act for a new client or in respect of a new matter.

Similarly, in order to comply with the requirements in paragraph 8.3 of the Code for Individuals in relation to information to be provided to clients in writing at the time of engagement, you will need

to ensure that your organisation's initial client letters (where you are engaged in providing legal services as a solicitor) contain this information. Further detail on the practical application of this is provided in sections 5 and 6.2 below. We have also produced separate [guidance on client care letters](#).

Further guidance on the practical application of various rules within the Code for Individuals is provided in sections 6.1, 7.2, 7.3, 7.4, 7.6 and 7.7 below.

## 2. Prescribed Organisations and handling client money

The Code for Individuals contains requirements in relation to the handling of money which apply to all solicitors regardless of where they work.

- 4.1 You properly account to **clients** for any **financial benefit** you receive as a result of their instructions, except where they have agreed otherwise.
- 4.2 You safeguard money and **assets** entrusted to you by **clients** and others.
- 4.3 You do not personally hold **client money** save as permitted under regulation 10.2(b)(vii) of the Authorisation of Individuals Regulations, unless you work in an **authorised body**, or in an organisation of a kind **prescribed** under this rule on any terms that may be **prescribed** accordingly.

The SRA Accounts Rules do not apply to solicitors working in the not for profit sector. However, under paragraph 4.3 of the Code for Individuals, solicitors, RELs and RFLs are permitted to hold client money in their own name in certain limited circumstances. These include if they work in an organisation of the kind prescribed by the SRA under the rule, subject to the terms we prescribe.

For the purposes of paragraph 4.3 of the Code for Individuals, we have issued a [Statement of the prescribed organisations and terms under which Solicitors, RELs and RFLs are allowed to hold client money in their own name](#). This confirms that non-commercial bodies, which include not for profit bodies, are 'Prescribed Organisations' under paragraph 4.3.

The mandatory statement also sets out the terms that you must comply with if you work for a [Prescribed Organisation and wish to be able to hold client money](#). These terms include the definition of client money under the statement, the arrangements for holding client money that apply to Prescribed Organisations and the requirements for accounting systems and accountants' reports.

You will also need to comply with the wider duties in the Code for Individuals and the Principles, which may have an impact on how you deal with money. For example, the provisions of paragraph 5 of the Code for Individuals relate to referral fees.

Similarly, if you are providing services to the public, paragraph 8.7 of the Code for Individuals requires you to ensure clients receive the best information possible about how their matter will be priced. More generally, the requirements in the Principles for you to act with integrity and in the best interests of your client may be particularly relevant to financial matters.

For assistance with the practical application of paragraph 4.1 of the Code for Individuals, see the case study on referral fees in section 7.3 below.

Paragraph 4.2 of the Code for Individuals applies more widely than the requirements in relation to client money as set out in the [Statement of the prescribed organisations and terms under which Solicitors, RELs and RFLs are allowed to hold client money in their own name](#). An example might be where settlement payments are paid to you in a housing disrepair case. The rule does not specify how money or assets entrusted to you by clients and others are to be safeguarded, as this will depend on the individual circumstances. However, you should ensure that proper systems are in place within your organisation for identifying the source and purpose of all money and assets entrusted to you so that these are protected and used only for their intended purpose.

## 2.2 Payments from the Legal Aid Agency (LAA)

Under our [Statement of the prescribed organisations and terms under which Solicitors, RELs and RFLs are allowed to hold client money in their own name](#), LAA payments do not need to be paid into a client account and can be paid into your organisation's office account. Our previous rules required advance payments for disbursements to be put back into client account if the party providing the professional services was not paid within a specified time. This requirement has now been removed.

However, you should not hold payments from the LAA in your organisation's office account indefinitely as this may breach other requirements within the Code for Individuals and Principles. For example, if your organisation does not pay a fee promptly in order to retain the money in its business account and avoid increasing its overdraft and thereby delays the client's matter, this is likely to be a breach of Principle 7. The need to comply with the broad requirements within the Principles and Code for Individuals provides sufficient protection without the need for more detailed rules in relation to LAA payments.

If you have a contract with the LAA, you should check the relevant regulations and the LAA's contract requirements in relation to handling money.

## **3. Professional indemnity insurance (PII)**

Under paragraph 5.6 of the Code for Individuals, solicitors carrying on reserved legal activities in a not for profit body must ensure that the body takes out and maintains indemnity insurance that provides "[adequate and appropriate](#)" cover in respect of all the services the solicitor(s) provide(s), whether or not this comprises reserved legal activities.

The previous requirement was that this insurance should be "reasonably equivalent" to that required under the SRA Indemnity Insurance Rules. This has been changed to allow for greater flexibility depending on the circumstances. The limits to this insurance may be higher or lower than our minimum terms and conditions depending on what is needed. This will be a question for you to

discuss with the senior management within your organisation as it will depend on the service you provide and the risk profile of your organisation. Our [minimum terms and conditions](#) can be found on our website.

To determine what might be [adequate and appropriate](#) cover, it will be necessary to look at the potential risks to clients if things go wrong and ensure there is sufficient cover for this. The key to the assessment will be ensuring the client is protected.

Section 8.2.1 below provides some options for ensuring pro bono services have suitable PII

#### 4. Other regulation

##### 4.1 Anti-Money Laundering

It is very unlikely that activities undertaken in the not for profit sector will be subject to the [Anti-Money Laundering Regulations](#). Guidance has been issued by the Legal Sector Affinity Group, comprising the AML Supervisors for the legal sector, including the [Law Society](#).

Anti-Money Laundering Guidance for the Legal Sector (extract from section 1.4.5 of the guidance)

Regulations only apply to a legal professional's activities where there is a risk of money laundering occurring. As such, they apply when a legal professional participates in financial or real property transactions concerning:

- buying and selling of real property or business entities
- managing of client money, securities or other assets
- opening or management of bank, savings or securities accounts
- organisation of contributions necessary for the creation, operation or management of companies
- creation, operation or management of trusts, companies, foundations or similar structures

#### ***Activities not covered by the Regulations***

HM Treasury has confirmed that the following would not generally be viewed as participation in a financial transaction:

- payment on account of costs to a legal professional or payment of a legal professional's bill
- provision of legal advice
- participation in litigation or a form of alternative dispute resolution
- will-writing, although you should consider whether any accompanying taxation advice is covered
- work funded by the Legal Services Commission (now the Legal Aid Agency)

Even where not subject to the Anti Money Laundering Regulations, the Proceeds of Crime Act 2002 (POCA) and the Terrorism Act 2000 apply to all legal professionals. Not for profit organisations may wish to consider whether to appoint a Money Laundering Reporting Officer (MLRO), in case a disclosure report needs to be made in respect of POCA or the Terrorism Act.

##### 4.2 Legal Ombudsman and its jurisdiction



A client can complain to the [Legal Ombudsman](#) (LeO) about the legal activities of anyone who is authorised in England and Wales to carry out a reserved legal activity. This includes all solicitors, irrespective of whether they are employed by an SRA-authorised firm.

Under the Code for Individuals, when you are providing services to the public or a section of the public:

- clients should be informed in writing at the time of engagement of the right they have to make a complaint to the LeO and when they can make such a complaint (paragraph 8.3(c)).
- when clients have made a complaint, if this has not been resolved to the client's satisfaction within eight weeks, they must be informed in writing of their right to complain to the LeO, the timeframe for doing so and full details of how to contact the LeO (paragraph 8.4(a)).

Examples of content for “client care letters” are in appendices to this guidance.

The [LeO Scheme Rules](#) set out the time limits for complaints to be made.

Ordinarily:

- the act/omission or date of when the complainant should reasonably have known there was a cause for complaint, must have been after 5 October 2010; and
- the complainant must refer the complaint to the LeO no later than six years from the date of the problem, or three years from when the client became aware of the problem.
- the complainant must usually refer the complaint to the LeO within six months of receiving a final written response from your organisation about their complaint.

These time limits can be extended.

#### 4.3 Office of the Immigration Services Commissioner

Regulation 9.5 of the Authorisation of Individuals Regulations (AIRs)

If you are a *solicitor*, an *REL* or *RFL* you may undertake *immigration work*, provided that such work is undertaken through:

- (a) an *authorised body*;
- (b) an *authorised non-SRA firm* that is a qualified person under the Immigration and Asylum Act 1999; or
- (c) a body regulated by the Office of the Immigration Services Commissioner.

Solicitors working in the not for profit sector are unlikely to be practising in an authorised body or in an authorised non-SRA firm<sup>2</sup> and so should refer to OISC for its requirements for providing legal advice and services relating to a person's immigration status.

There is specific guidance for the community and voluntary sector on the [OISC's website](#).

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<sup>2</sup> Authorised by one of the approved regulators listed in the Legal Services Act 2007, Schedule 4 to provide reserved legal activities.

If your organisation undertakes immigration work, you should check the OISC's requirements for PII.

#### 4.4 Financial Conduct Authority

Not for profit bodies providing debt counselling and debt adjusting and/or credit information services need to be authorised by the [Financial Conduct Authority \(FCA\)](#).

Organisations authorised by the FCA fall within the jurisdiction of the Financial Ombudsman and need to provide information about the relevant complaints procedure. See also section 6 below for more information.

#### 4.5 Legal Aid Agency (LAA)

The LAA is an Executive Agency sponsored by the Ministry of Justice. It is responsible for administering the legal aid scheme in England and Wales.

Most legal aid providers operate as entities which are regulated by the SRA. In the not for profit sector, although solicitors within the organisation are individually regulated, the organisation itself is generally not (see section 1 above for more information).

We have a [Memorandum of Understanding](#) about how we work with the LAA to achieve public interest outcomes in the prevention, detection, investigation and prosecution of dishonesty and serious misconduct in the community regulated by us and funded by the LAA. Where it is lawful and in the public interest to do so, we have agreed with the LAA to disclose information to the other where this concerns financial default/failure, fraud or other criminality or risk to clients.

You may wish to check your contract with the LAA for requirements about:

- disclosure of information to us
- notifying the LAA if you are subject to investigation or disciplinary proceedings by us.

#### 4.6 The Information Commissioner's Office (ICO)

The ICO is an independent public body sponsored by the Department for Digital, Culture Media and Sport. It upholds and enforces information rights for the UK public, including the General Data Protection Regulation (Regulation (EU) 2016/679), which introduced greater protections for the public and enhanced obligations for organisations.

Organisations offering legal advice services process personal information and need to be registered with the [ICO](#).

### **Part B – Regulation in practice**

#### **5. Information for and about consumers**

This part of the guidance refers to paragraph 8 in the Code for Individuals. It covers issues relevant to solicitors providing non-for-profit legal services to members of the public, for example in Law Centres, advice agencies, local Citizens Advice offices and pro bono clinics and projects.

##### **5.1 Client identification**

Paragraph 8.1 says ‘You identify who you are acting for in relation to any matter.’ If you are simply providing one-off advice you should establish who the client is so that you can carry out a conflict of interest check. The client’s stated name, address and contact details would normally be sufficient to identify the client at this level.

If you are providing more in-depth legal advice or casework, acting in legal proceedings or conducting litigation, you should establish the client’s identity in a way that is appropriate to what you are doing.

Note that the Anti-Money Laundering regulations are most unlikely to apply to work carried out in the not for profit sector and so customer due diligence as required by the Anti-Money Laundering regulations is not likely to be relevant (see section 4.1 above).

### Case studies

You see a man who has a welfare benefits problem. He tells you he has been sanctioned and has had no money this month. He needs a payment immediately and a referral to the foodbank. He does not have any evidence of identity with him; but he knows his national insurance number so that you can telephone Jobcentre Plus. You agree to do so and Jobcentre Plus confirms what he has told you. This establishes his identity to your satisfaction.

You see a woman who has an employment problem. She has a letter from her employer asking her to attend an internal disciplinary hearing. This establishes her identity to your satisfaction.

You see a woman with a child under five years old who have been turned away by the Homeless Persons Unit. They do not have any accommodation for tonight. She does not have any documentary evidence of this. She gives you their names and personal details. This establishes her identity to your satisfaction.

## 5.2 SRA Transparency Rules

Since 6 December 2018, all of the law firms we regulate have been required to publish information about the prices they charge, and what these cover, across a number of common services.

These rules do not apply to the not for profit sector, even where the organisation makes a charge for its services, as most of the rules only apply to practices which are regulated as entities by us or to SRA-regulated freelance solicitors, who can offer reserved legal services.

## 5.3 What you should put in ‘Client Care’ letters

The Code for Individuals, paragraph 8 says:

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.

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.

You also need to provide information about regulation and complaints – see section 6 below.

Solicitors use the term ‘client care letter’ to mean different things. Some refer to a letter or email sent following an initial (or only) interaction with the client, which covers confirmation of instructions, advice, any next steps and ‘terms of business’. Others separate the personalised element into one document and send the standard information as a separate document. We have produced separate guidance on [client care letters](#).

Research has found that clients like confirmation by letter as they felt this was more appropriate to signify the importance of the information (although some wanted an electronic copy). Clients also wanted plain English with legal terms explained, using short sentences. Clients did not like lengthy letters – they indicated a preference for a maximum of one or two pages. Where this was not possible, they wanted clear signposting at the start of the letter about the things they identified as important to them; confirmation of their named contact, scope of the agreed work, fees and charges, likely timescales, next steps and action required.

The research also found that clients would be happy to see: terms of business, regulatory information, cancellation rights and complaints information in a separate ‘terms and conditions’ document.

#### *Providing information in a way that clients can understand*

Paragraph 8.6 does not require you to confirm information and advice provided to the client in writing. In simple matters, where you are providing one-off advice only, depending on the client’s level of understanding, it might not be necessary to do so; but it is generally regarded as best practice. You should be satisfied that the client has understood what you have said. Quality standards such as Lexcel or the Specialist Quality Mark require you to do so.

We have produced separate guidance on acting for vulnerable clients.

#### *Price and costs*

Paragraph 8.7 does not require you to provide price and costs information to the client in writing; but where the client will have to make any payment, you should do so if you want to rely on it and this will also help to avoid possible complaints because of misunderstanding. Some not for profit organisations do not charge fees but do ask clients to pay disbursements.

In litigation, it is possible to seek a pro bono costs order under section 194 of the Legal Services Act 2007. If so, it would be good practice to explain this to the client.

The information you should provide about costs and charges is highly technical and depends on the charging scheme in place. It is beyond the scope of this guidance to cover it in detail.

### **5.4 Checklist for client care letters**

Please see annex 1 for a checklist which gives a list of the requirements in paragraph 8 of the Code for Individuals which are relevant to ‘client care’ letters.

### **5.5 Client care letter sample paragraphs**

Please see annex 2 for sample paragraphs which could be used by:

- A not for profit legal service such as a Law Centre
- A legal service within a general advice agency such as a member of AdviceUK or Citizens Advice local office
- A pro bono legal service

## 6 Dealing with problems and complaints

### 6.1 Dealing with problems

The Code for Individuals, paragraph 7 says:

7.9 You are honest and open with **clients** if things go wrong, and if a **client** suffers loss or harm as a result you put matters right (if possible) and explain fully and promptly what has happened and the likely impact. If requested to do so by the **SRA** you investigate whether anyone may have a claim against you, provide the **SRA** with a report on the outcome of your investigation, and notify relevant persons that they may have such a claim, accordingly.

A not for profit organisation should have a procedure to handle any problems or errors which you identify. This should include a process for assessing whether a client has suffered, or is likely to suffer, loss or harm, and whether there is anything you can do to mitigate it.

A not for profit organisation is not required to have a COLP or COFA but many organisations identify one of their solicitors to take a lead on professional compliance issues. The role may be described as ‘Supervising Solicitor’, ‘Head of Legal Practice’ or similar wording (see section 7.1 below for more information).

This person would be involved in investigating any problems, making decisions about what action to take, for example whether the organisation’s professional indemnity insurer needed to be notified, and what information should be provided to the client. They may also take the lead in any contact with us. In many not for profit organisations, the organisation’s Director or CEO would also need to be involved under the organisation’s general complaints handling procedure. See below for more information.

### 6.2 Complaints about solicitors

The Code for Individuals, paragraph 8 says:

8.2 You ensure that, as appropriate in the circumstances, you either establish and maintain, or participate in, a procedure for handling complaints in relation to the legal services you provide.

8.3 You ensure that **clients** are informed in writing at the time of engagement about:

- (a) their right to complain to you about your services and your charges;
- (b) how a complaint can be made and to whom; and
- (c) any right they have to make a complaint to the **Legal Ombudsman** and when they can make any such complaint.

**8.4** You ensure that when *clients* have made a complaint to you, if this has not been resolved to the *client's* satisfaction within eight weeks following the making of a complaint, they are informed in writing:

(a) of any right they have to complain to the *Legal Ombudsman*, the time frame for doing so and full details of how to contact the *Legal Ombudsman*; and

(b) if a complaint has been brought and your complaints procedure has been exhausted:

(i) that you cannot settle the complaint;

(ii) of the name and website address of an alternative dispute resolution (ADR) approved body which would be competent to deal with the complaint; and

(iii) whether you agree to use the scheme operated by that body.

**8.5** You ensure that complaints are dealt with promptly, fairly, and free of charge.

Many not for profit organisations provide a wide range of services, some of which are legal services and others which are not, for example general advice or non-legal advocacy or counselling. You should consider the requirements of other regulators, professional membership bodies and/or any networks you belong to when designing your complaints procedure. Paragraph 8.2 provides flexibility about how you involve solicitors in complaints handling procedures about legal services.

Many organisations identify one of their solicitors to take a lead on professional compliance issues. The role may be described as 'Supervising Solicitor' or 'Head of Legal Practice'. They may have a joint role in complaints handling with the organisation's Director or CEO. See section 7.1 below for more information.

Under paragraph 8.3 you need to provide clients with information about your complaints handling procedures at, or soon after, their initial contact with the legal service within your organisation. See example paragraphs in annexes 1 and 2 for use in 'client care' letters or similar documentation to help you comply with paragraph 8.3.

The Legal Ombudsman provides [guidance on handling complaints](#).

#### **Case study – Law Centre or specialist legal service**

A Law Centre received a complaint from a client about the way one of its caseworkers, working under the supervision of a solicitor, had dealt with their case. The Supervising Solicitor and Centre Manager discussed the issue. The Supervising Solicitor reviewed the file and spoke to the caseworker concerned. She felt there was miscommunication but the caseworker had not made any mistakes and the client had not suffered any loss. The Centre Manager offered to meet the client in person to discuss their complaint, but the client did not want to meet, so the Centre Manager wrote a letter apologising for the mis-communication and explaining the investigation into the complaint. She tried to reassure the client that it had not affected the outcome of their case. She also provided details of the Legal Ombudsman service and ADR schemes.

### **Case study – Pro Bono Clinic**

The host organisation (eg a Law Centre) of a pro bono clinic received a complaint from a client who was not happy with the advice they had received from a volunteer solicitor. The clinic was supervised by the host organisation's Head of Legal Practice. The Head of Legal Practice reviewed the file and discussed it with the volunteer solicitor and the organisation's CEO.

The Head of Legal Practice telephoned the client and discussed their concerns. The client was reassured about the advice they had received and did not want to take the matter any further. The Head of Legal Practice sent the client a letter confirming their telephone conversation. She also provided details of the Legal Ombudsman service and ADR schemes.

The CEO recorded the complaint in the organisation's internal complaints log and the matter was closed.

### **When complaints are not resolved**

Annex 3 has example paragraphs for if you have not been able to resolve a complaint to a client's satisfaction within eight weeks.

Alternative Dispute Resolution (ADR) organisations approved under EU directive 2013/11/EU

The directive requires you to provide information about an approved ADR scheme. However, you do not have to use any such schemes. The following organisations are approved ADR schemes:

- [Ombudsman Services](#)
- [ProMediate](#)

See Annex 3 for suggested paragraphs about ADR entities.

### **6.3 Other complaints**

If your organisation provides a range of services, you should only consider compliance with our rules where a complaint involves services provided or supervised by your solicitor(s).

### **Case study – Citizens Advice or an independent advice agency**

A volunteer adviser at Advice Anytown had overlooked the correct dismissal date and as a result the client had failed to lodge an Employment Tribunal claim within the time limit. The client later complained. The professional indemnity insurers were notified. The Advice Anytown solicitor was not involved as the case had not been discussed with him and he had no involvement with it.

## **7 Employing solicitors in the not for profit sector**

### **7.1 Relationship with managers and trustees**

It is important for solicitors, non-solicitor managers and trustees in not for profit organisations to have an understanding of the way that the professional obligations which apply to their solicitors can affect them. For example, in relation to:

- business planning
- funding and income generation
- service design and delivery
- line management and supervision
- human resources issues
- reporting and accountability to the SRA.

We have replaced the ‘qualified to supervise’ rule under the previous Code of Conduct with a new three-year practice requirement for bodies regulated by us or an SRA-regulated freelance solicitor, who can offer reserved legal services. The rule does not apply to solicitors working in unauthorised bodies because anyone, whether qualified or not, can provide unreserved legal services. We think that it would be an unjustified market restriction for a newly qualified solicitor not to be able to do so, especially given the other safeguards that are in place for those solicitors.

While solicitors in not for profit bodies can provide reserved legal services as well as unreserved, the bodies are able to provide reserved legal services under the transitional arrangements (s23 of the Legal Services Act 2007) rather than under the licensing requirements of that Act.

This is partly because of the other safeguards (eg boards of Trustees, compliance with charity law) that these bodies have in place. Not for profit bodies that consider it useful or necessary to employ a solicitor with three years’ experience to supervise the work are able to do so. We think that not for profit bodies are in the best position to judge the degree of experience their solicitor(s) need, given the nature of their work, client base and staff.

Not for profit organisations may choose to appoint a solicitor as Head of Legal Practice/Supervising Solicitor. The role-holder would work with other senior managers and the organisation’s overall CEO or Director (where those roles are separate).

## 7.2 Business planning

You need to consider the name of your organisation because if it includes the word ‘solicitors’ or suggests that it is a solicitors’ firm, under paragraph 5.4 of the Code for Individuals it will need to be an authorised body.

The Code for Individuals states:

### **Business requirements**

- 5.4 You must not be a **manager, employee, member or interest holder** of a business that:
- (a) has a name which includes the word "solicitors"; or
  - (b) describes its work in a way that suggests it is a **solicitors’ firm**;
- unless it is an **authorised body**.

## 7.3 Funding and income generation

Trustees should consider whether accepting funding from any source might put their employed solicitors at risk of an ‘own-interest’ conflict and therefore unable to act for prospective clients who would otherwise be identified as priority groups in your business plan. If any funding source presents



such a risk, organisations need to have policies and procedures to ensure that solicitors can avoid being in an 'own-interest' conflict position.

The Code for Individuals states:

**Conflict confidentiality and disclosure**

6.1 You do not act if there is an *own-interest conflict* or a significant risk of such a conflict.

**Case study – 'own-interest conflict'**

Anytown Legal Advice Centre had developed a good relationship with the grants officer in the local authority. The grants officer recommended that the authority should fund a debt adviser to work with social tenants; but one of the councillors wanted to make it a condition of the funding that the legal advice centre did not take any further judicial reviews against them in respect of homelessness decisions.

The Anytown Legal Advice Centre trustees considered the issue, advised by their CEO and the Supervising Solicitor. The Centre's clients would benefit from the additional debt advice capacity; but if they accepted the funding condition, it would mean they could no longer take judicial reviews in respect of homelessness decisions. As a result, some priority clients would be denied a service.

At the trustee board meeting, the IAC trustees discussed two possible approaches which would be compatible with the Code for Individuals:

**Option 1** Anytown IAC would try to persuade the local authority to drop the condition on the funding and would decline the additional resources for a debt adviser if they refused.

**Option 2** Anytown IAC was located near XYZ solicitors. They had a housing department with an excellent reputation and they were happy to take referrals of judicial review cases. Anytown IAC could accept the funding with the proposed condition. Clients would be referred to an alternative high-quality source of advice and representation.

The Code for Individuals says:

**Referrals, introductions and separate businesses**

5.1 In respect of any referral of a *client* by you to another *person*, or of any third party who introduces business to you or with whom you share your *fees*, you ensure that:

(a) *clients* are informed of any financial or other interest which you or your business or employer has in referring the *client* to another *person* or which an *introducer* has in referring the *client* to you;

(b) *clients* are informed of any fee-sharing arrangement that is relevant to their matter;

(c) the agreement is in writing;

(d) you do not receive payments relating to a referral or make payments to an *introducer* in respect of *clients* who are the subject of criminal proceedings; and

(e) any **client** referred by an **introducer** has not been acquired in a way which would breach the **SRA's regulatory arrangements** if the **person** acquiring the **client** were regulated by the **SRA**.

5.2 Where it appears to the **SRA** that you have made or received a **referral fee**, the payment will be treated as a **referral fee** unless you show that the payment was not made as such.

5.3 You only:

(a) refer, recommend or introduce a **client** to a **separate business**; or

(b) divide, or allow to be divided, a **client's** matter between you and a **separate business**; where the **client** has given informed consent to your doing so.

### Case study - Referral fees

Anytown Legal Advice Centre's housing team did not have the capacity to take on all the clients who approached them, so their policy was to refer clients who were not eligible for legal aid to a local private practice firm. Feedback from clients was good. After this informal arrangement had been in place for some time, the firm approached them and asked if they would be interested in putting the arrangement on a more formal basis and receiving referral fees.

The CEO and supervising solicitor wrote a joint paper to their trustee board setting out the perceived advantages and disadvantages of the firm's proposal.

They also set out the changes which would need to be made to client care practices in order to comply with the Code for Individuals if the trustees decided to accept the firm's proposal.

### 7.4 Service design and delivery

The Code for Individuals requires:

#### Service and competence

3.2 You ensure that the service you provide to **clients** is competent and delivered in a timely manner.

Each organisation should develop its own policy to meet the requirements of paragraph 3.2. The organisation should consider staffing and other resources available, in designing the legal service it wishes to provide.

### 7.5 Line management and supervision

#### 7.5.1 Line management

There are many different models of line management which are used in the not for profit sector. Some solicitors are line-managed by people who are not solicitors themselves. In some organisations all the management is done by a specific manager or managers, in order to give solicitors as much time as possible to do legal work. In others, solicitors are line-managed by solicitors. Others use a combination of solicitor and non-solicitor managers. Any of these models can be compatible with the Code for Individuals as long as the people involved take its requirements into account.

Not for profit legal practices often appoint a solicitor with significant experience in practice as an authorised person to a Head of Legal Practice/Supervising Solicitor role (see section 7.1 above for more information). The role holder would typically work closely with the organisation's overall CEO or Director (where those roles are separate).

Much not for profit legal work is delivered in pro bono settings where solicitors may be delivering pro bono services as part of their paid employment or may be providing pro bono services in their own time. See section 8 below for more information about pro bono services.

### **7.5.2 Supervision of reserved legal activities**

Solicitors have specific responsibilities in respect of 'reserved legal activities' as defined in the Legal Services Act 2007 (see the glossary for the definition).

All admitted solicitors are authorised to conduct litigation by the SRA.

A solicitor is personally responsible for any litigation or advocacy undertaken under their supervision within their team or department. Paragraph 3.5 of the Code for Individuals states:

Where you supervise or manage others providing legal services:

- (a) you remain accountable for the work carried out through them; and
- (b) you effectively supervise work being done for clients.

Appropriate systems of supervision will vary according to the nature of the work and the way it is organised. It will depend on factors such as numbers of staff, volume of work undertaken, and the qualifications, knowledge and experience of those being supervised. In some situations, a solicitor should exercise close supervision of reserved legal activities, for example when working with trainees or colleagues new to the work. In other situations, they may be able to delegate to a much greater extent because the person carrying out the work has proven competence. See section 7.1 above for more information.

### **7.5.3 Supervision of non-reserved legal activities, eg advice**

The Legal Services Act 2007 defines 'legal activities'; but these are not reserved to authorised persons such as solicitors. Legal Services Act 2007 Part 3(12)(3) defines legal activities as:

(3) In this Act "legal activity" means—

- (a) an activity which is a reserved legal activity within the meaning of this Act as originally enacted, and
- (b) any other activity which consists of one or both of the following—
  - (i) the provision of legal advice or assistance in connection with the application of the law or with any form of resolution of legal disputes;
  - (ii) the provision of representation in connection with any matter concerning the application of the law or any form of resolution of legal disputes.

This enables organisations providing general advice and legal advice to 'ring-fence' non-reserved advice, assistance and representation falling within the definition.

#### **Q&A – ring fencing supervision of advice**

Citizens Advice Anytown (CAA) provides a general advice and information service across a wide range of topics. In housing it provides general information and advice. It also has a solicitor who takes on some housing cases referred by the generalist advice service.
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**Q - Does the solicitor have to supervise all the housing advice provided by CAA?**

**A – No. Up to the point the case is accepted by the solicitor, CAA’s general supervision systems and procedures provide quality assurance. The solicitor only becomes responsible once they accept the case and a retainer is created with the client (and confirmed in the client care letter).**

**Q – Once the solicitor accepts the case, do they become responsible for all the advice provided by CAA? For example, if they are conducting a defence to possession proceedings, are they also responsible for the welfare benefits appeal which is being handled by CAA’s welfare rights specialist?**

**A – No – the solicitor is only responsible for the advice provided by them or under their supervision. The scope of their responsibility is defined in the client care letter.**

## **7.6 Human resources issues**

A not for profit organisation’s human resources policies and procedures will apply to any employed solicitors. Issues where there are additional considerations are shown below.

### **7.6.1 Recruitment**

Not for profit organisations wishing to recruit a solicitor to practise as such, should ensure that they have a current practising certificate. They should also check disciplinary records on our website.

### **7.6.2 Training and development**

Solicitors should be provided with training and development opportunities to enable them to maintain and develop competence as appropriate to their roles. They need to be able to make an [annual declaration](#) that they have done so to us.

Similarly, under paragraph 3.6 of the Code for Individuals those working with solicitors need to be trained to an appropriate level of competence for their work. They also need to keep their understanding of legal, ethical and regulatory obligations up to date.

The Code for Individuals states:

#### **Service and competence**

**3.3 You maintain your competence to carry out your role and keep your professional knowledge and skills up to date.**

**3.6 You ensure that the individuals you manage are competent to carry out their role, and keep their professional knowledge and skills, as well as understanding of their legal, ethical and regulatory obligations up to date.**

### **7.6.3 Solicitors without a practising certificate**

Some organisations employ solicitors to provide advice in a general adviser role and not as a practising solicitor. In such situations, both the organisation and the solicitor need to ensure that they are not described/held out as a solicitor in speech, on headed paper /correspondence, or in any publicity (eg including any biographical details on a website or annual report). Further information can be found in our [guidance on whether you need a practising certificate](#).

## 7.7 Reporting and accountability to the SRA

Solicitors working in a not for profit environment should have systems and procedures to ensure that they are accountable to us. These arrangements are often managed by a solicitor with significant experience in practice as an authorised person, who has been appointed as Head of Legal Practice/Supervising Solicitor, working with the organisation's overall CEO or Director (where those roles are separate).

### 7.7.1 Annual returns

Solicitors are responsible for completing and submitting an annual return to us about their continuing competence, as part of the practising certificate renewal process. This is often managed at an organisation-wide level and individual arrangements will vary. They will often involve the 'Supervising Solicitor', 'Head of Legal Practice' (or similar) role-holder as well as the overall organisation CEO or Director (where this role is separate). See section 7.1 above for more information.

The Code for Individuals states:

5.5 If you

5.5 If you are a **solicitor** who holds a practising certificate, an **REL** or **RFL**, you must complete and deliver to the **SRA** an annual return in the **prescribed** form.

### 7.7.1 Reporting problems and issues

Not for profit organisations should also have systems and procedures for reporting problems and issues to us. They will often involve the 'Supervising Solicitor', 'Head of Legal Practice' (or similar) role-holder as well as the overall organisation CEO or Director (where this role is separate). See section 7.1 above for more information.

The Code for Individuals states:

#### Cooperation and accountability

7.1 You keep up to date with and follow the law and regulation governing the way you work.

7.2 You are able to justify your decisions and actions in order to demonstrate compliance with your obligations under the **SRA's regulatory arrangements**.

7.3 You cooperate with the **SRA**, other regulators, ombudsmen, and those bodies with a role overseeing and supervising the delivery of, or investigating concerns in relation to, legal services.

7.4 You respond promptly to the **SRA** and:

(a) provide full and accurate explanations, information and documents in response to any request or requirement; and

(b) ensure that relevant information, which is held by you, or by third parties carrying out functions on your behalf which are critical to the delivery of your legal services, is available for inspection by the **SRA**.

7.5 You do not attempt to prevent anyone from providing information to the **SRA** or any other body exercising regulatory, supervisory, investigatory or prosecutory functions in the public interest.

7.6 You notify the **SRA** promptly if:

(a) you are subject to any criminal charge, conviction or caution, subject to the Rehabilitation of Offenders Act 1974;

(b) a **relevant insolvency event** occurs in relation to you; or

(c) if you become aware:

(i) of any material changes to information previously provided to the **SRA**, by you or on your behalf, about you or your practice, including any change to information recorded in the **register**; and

(ii) that information provided to the **SRA**, by you or on your behalf, about you or your practice is or may be false, misleading, incomplete or inaccurate.

7.7 You ensure that a prompt report is made to the **SRA**, or another **approved regulator**, as appropriate, of any serious breach of their **regulatory arrangements** by any **person** regulated by them (including you) of which you are aware. If requested to do so by the **SRA** you investigate whether there have been any serious breaches that should be reported to the **SRA**.

7.8 You act promptly to take any remedial action requested by the **SRA**.

7.9 You are honest and open with **clients** if things go wrong, and if a **client** suffers loss or harm as a result you put matters right (if possible) and explain fully and promptly what has happened and the likely impact. If requested to do so by the **SRA** you investigate whether anyone may have a claim against you, provide the **SRA** with a report on the outcome of your investigation, and notify relevant persons that they may have such a claim, accordingly.

## 8 Pro bono

Pro bono comes from the Latin phrase “pro bono publico” which means for the public good. There is no universally accepted definition of what is meant by “pro bono” legal work but it generally means the provision of legal services on a free basis to individuals, charities and community groups who cannot afford to pay for that advice or representation and where public and alternative means of funding are not available.

Many organisations have adopted the [pro bono protocol](#), which was developed under the auspices of the Attorney General's Pro Bono Coordinating Committee and has been endorsed by the Law Society of England and Wales, Bar Council of England and Wales and Chartered Institute of Legal Executives.

There are many different pro bono clinics providing legal services to members of the public, eg in Law Centres, at local Citizens Advice offices, in Universities and medical settings. Some provide one-off advice and others provide casework.

Pro bono services are delivered through a wide variety of models including; individual lawyers offering their services to or through a local advice agency on an ad hoc basis, regular clinics provided by a firm or panel of lawyers, delivered in community or university settings, and substantial pro bono programmes delivered by the largest law firms.

### **8.1 Changes under the Code for Individuals**

The SRA Practice Framework Rules 2011 had implications for the type of legal work a solicitor could provide 'pro bono', depending on whether they were employed in-house or were in a regulated practice. See the Law Society's Pro Bono Manual November 2016 and LawWorks 'Clinics: Practice guidance for volunteer solicitors' June 2018 for more information about the position under the 2011 Handbook.

The approach in the AIRs is completely different. The regulatory framework for solicitors is more streamlined and less prescriptive; there are no longer special rules that apply to in-house solicitors or pro bono work. However, solicitors who are employed outside the not for profit sector by bodies that are not authorised under the Legal Services Act 2007 should consider section 15 of the Legal Services Act 2007, if they wish to carry on reserved legal activities when delivering pro bono services. See our guidance on [whether your employer needs to be authorised by an approved regulator](#) for more information.

Solicitors can choose to practise in different situations, so you could be an employee of a regulated practice in your 'day job' and practise as an SRA-regulated freelance solicitor when providing pro bono services. If you do so, different rules would apply, see below.

### **8.2 The Authorisation of Individuals Regulations (AIRs)**

The SRA Standards and Regulations include the AIRs. Among other things, they set out what solicitors are authorised to do, including as volunteers.

Regulation 9 of the AIRs authorises solicitors to carry on reserved legal activities. Beyond the conditions set out in regulation 9 in relation to certain areas of work, there are no longer restrictions on the way that solicitors may practise, for example, solicitors working in private practice or in-house may also practise in the capacity as a volunteer on behalf of not for profit bodies, such as free legal advice centres, undertaking both reserved and non-reserved activity. However, the AIRs only deal with the position of the individual and not the position of the entity. Employers of solicitors will still need to consider their position under the Legal Services Act 2007. See section 8.1 above for more information.

Regulation 10 of the AIRs sets out the ways in which solicitors may practise on their own, namely:

- by having their practice authorised as a recognised sole practice
- by having a practice that consists entirely of carrying on activities that are non-reserved legal activities
- under regulation 10.2(b), which sets out the circumstances in which a solicitor may practise on their own and carry on reserved legal activities including: having adequate and appropriate PII and being engaged directly by the client.

### **Non-reserved legal activities**

Solicitors can provide non-reserved legal activities pro bono under regulation 10.2(a) of the AIRs, whether their mainstream practice is in-house, as the owner/manager of a legal practice, an employee of a legal practice or as a sole practitioner. However, they will need to notify us that they are practising in this way.

### **Reserved legal activities**

If you wish to provide reserved legal activities pro bono, you could do so through your mainstream practice, or you could do so by meeting the requirements set out at 10.2(b) of the AIRs. If you are an employed solicitor and wish to carry on reserved legal activities when providing pro bono services, you should consider our [guidance](#).

### **Pro bono reserved legal activities – case study – solicitors employed by authorised bodies**

Amita Shah is employed by ABC solicitors, which is authorised by the SRA. They have adopted a pro bono policy and actively encourage their solicitors to volunteer by providing legal services at the local foodbank, which does not employ any solicitors. Any pro bono reserved work is covered by ABC solicitors LLP's supervision, PII and complaints procedures.

Michael Adebayo is employed by DEF solicitors, which is authorised by the SRA. They do not have a pro bono policy; but Michael is keen to join his friend Amita at the foodbank. If Michael wants to carry on reserved legal services, he can do so alone under 10.2(b) of the AIRs. Under this rule, he will need to: notify the SRA that he will also be practising on his own; do so in his own name, not that of his firm, and arrange PII (see 10.2(b) of the AIRs for full requirements).

### **Pro bono reserved legal activities – case study – solicitors employed by organisations which are not authorised by the SRA**

Felicity Brown works in the legal department of a construction company, which is not authorised by the SRA. She wants to do pro bono legal work that includes some reserved legal activity for those members of the public that contact a particular charity

If Felicity is clearly providing this service on behalf of the charity (for example it is a law clinic) then this charity will be a not-for-profit body covered by the transitional arrangements in the Legal Services Act 2007 and they will need to take out and maintain insurance that provides adequate and appropriate cover.

However, if the service is not being provided on behalf of the charity itself, then if Felicity wants to include reserved legal services she will need to meet the requirements of 10(2)(b) of the AIRs, including the requirement to be qualified for three years and to have adequate and appropriate insurance. She will need to notify us that she is practising this way. Felicity should also consider [the guidance](#) on section 15 of the Legal Services Act and be clear that she is providing the services on her own behalf and not that of her unauthorised employer.

### **8.3 Checklist for solicitors delivering pro bono**

- Professional Indemnity Insurance (see below for more information)



- Supervision
- Conflict checks
- Letter of engagement (see section 5 above for more information)
- Complaints procedure
- File closing, storage and retrieval arrangements

### **8.3.1 Professional Indemnity Insurance**

There are several options to ensure that pro bono services have suitable professional indemnity insurance in place (see section 3 above for more information about professional indemnity insurance).

- It may be covered by the general PII policy held by the firm of solicitors managing the pro bono service.
- It may be covered by the general PII policy held by the organisation hosting the pro bono service.
- It may be covered on a PII policy held by an in-house team or department specifically to cover their pro bono activities.
- It may be covered by the general PII policy held by a regulated sole practitioner.
- It may be covered by the general PII policy held by the self-employed solicitor/REL.
- LawWorks may be able to identify suitable PII cover for members.

### **8.3.2 Supervision**

There are several options to ensure that pro bono services have suitable supervision arrangements in place (see sections 7.5.2 and 7.5.3 above for more information about supervision).

- It may be provided by the firm of solicitors managing the pro bono service.
- It may be provided by the organisation hosting the pro bono service.
- It may be provided by an in-house team or department providing the pro bono service.
- It may be provided by a regulated sole practitioner providing the pro bono service who is self-supervising.
- It may be provided by the self-employed solicitor/REL providing the pro bono service who is self-supervising.

### **8.3.3 Complaints**

There are several options to ensure that pro bono services have suitable complaints procedures in place (see section 6 above for more information about complaints). It may also be appropriate to include the name of the pro bono partner or director, or local pro bono coordinator as a point of contact if clients want to raise any issues or complaints.

- They may be handled by the firm of solicitors managing the pro bono service.
- They may be handled by the organisation hosting the pro bono service.
- They may be handled by an in-house team or department providing the pro bono service.
- They may be handled by a regulated sole practitioner providing the pro bono service.
- They may be handled by the self-employed solicitor/REL providing the pro bono service who is self-supervising.

### **8.3.4 Other sources of useful information about pro bono**

The [Law Society's Pro Bono Manual](#) contains information and advice about pro bono models and issues. You may wish to refer to it when adapting the examples below to your situation.

[LawWorks](#) is a charity working in England and Wales to connect volunteer lawyers with people in need of legal advice, who are not eligible for legal aid and cannot afford to pay and with the not for profit organisations that support them. It provides resources and training to support pro bono clinics.

### **Annex 1 - Checklist for client care letters**

This checklist gives a list of the requirements in paragraph 8 of the Code for Individuals which are relevant to 'client care' letters.

<b>What you need to include</b>	<b>Code for Individuals reference</b>
Information about the complaints handling procedure operated by the organisation	8.2
Clients' right to complain about your services and charges	8.3 (a)
How a complaint can be made and to whom	8.3 (b)
Any right to make a complaint to the Legal Ombudsman and when they can make any such complaint	8.3 (c)
Explanation of which activities will be carried out by you, as an authorised person	8.10 (a)
Explanation of which services are regulated by an approved regulator	8.10 (b)
Ensure clients understand the regulatory protections available to them	5.6; 8.11  Examples of regulatory protections are shown below: <ul style="list-style-type: none"> <li>• Information about professional indemnity insurance cover</li> <li>• Right to complain to the SRA</li> <li>• Right to complain to the ICO, along with information about how clients' personal data may be processed</li> <li>• Right to use any other available regulatory redress scheme, eg OISC, FCA</li> <li>• Right to object to a bill under Part III of the Solicitors Act 1974 where applicable</li> </ul>

## Annex 2 - Client care letter sample paragraphs

You may want to consider the following example paragraphs when drafting your own ‘client care’ letters. The examples are based on some typical ways of working in:

- Legal services such as Law Centres
- Specialist legal service within a generalist advice agency such as an AdviceUK or Citizens Advice local office
- Pro bono service

However, you may do things differently and should take that into account.

You do not have to use this wording or order of paragraphs below. The way you draft your own ‘client care’ letter is up to you.

You may need to provide additional information due to other factors, such as membership of a network, being accredited to an external quality standard or because you offer a particular type of funding, such as legal aid.

### Not for profit legal service – example wording

The examples below could be used by a Law Centre or specialist legal service where all work is delivered by a regulated individual or under their supervision. Elements of the Code are shown on the left and sample wording on the right. You will need to ensure that you have text in your client care letters which meets all the requirements, whether you decide to use these examples or prefer to use your own wording.

Code for Individuals’ requirement	Sample wording which relates to the requirement
Information about the complaints handling procedure operated by the organisation (8.2)	We hope you will be happy with the service you receive but if you have any concerns, please raise them with me in the first instance so that we can resolve them. If you would prefer to raise a problem with someone else, please contact [insert details eg Law Centre Director].
Clients’ right to complain about your services and charges (8.3(a))	If you charge for services:  We hope you will be happy with the service you receive but if you have any concerns about the service or charges please raise them with me in the first instance so that we can resolve them. If you would prefer to raise a problem with someone else, please contact [insert details eg Law Centre Director].
How a complaint can be made and to whom 8.3(b)	Covered above and below.
Any right to make a complaint to the Legal Ombudsman and when they can make any such complaint 8.3(c)	We want to give you the best possible service. However, if at any point you become unhappy or concerned about the service we have provided then you should inform us immediately, so that we can do our best to resolve the problem.

	<p>In the first instance it may be helpful to contact the person who is working on your case to discuss your concerns and we will do our best to resolve any issues at this stage. If you would like to make a formal complaint, then you can read our full complaints procedure here. <i>[eg insert link to the complaints procedure on your website]</i> Making a complaint will not affect how we handle your case.</p> <p>The Legal Ombudsman could also help you if you are not happy with your solicitor's work or service and need to put things right. This could include things like:</p> <ul style="list-style-type: none"> <li>• Not replying to your emails, letters or calls.</li> <li>• Losing your documents or giving you unclear advice.</li> <li>• Charging you an amount you are not happy with.</li> <li>• Not explaining issues properly so you do not understand</li> </ul> <p>The Legal Ombudsman can help you if we are unable to resolve your complaint ourselves. They will look at your complaint independently and it will not affect how we handle your case.</p> <p>Before accepting a complaint for investigation, the Legal Ombudsman will check that you have tried to resolve your complaint with us first. If you have, then you must take your complaint to the Legal Ombudsman:</p> <ul style="list-style-type: none"> <li>• Within six months of receiving a final response to your complaint</li> </ul> <p><b>and</b></p> <ul style="list-style-type: none"> <li>• No more than six years from the date of act/omission; or</li> <li>• No more than three years from when you should reasonably have known there was cause for complaint.</li> </ul> <p>If you would like more information about the Legal Ombudsman, please contact them. Contact details:</p> <p>Visit: <a href="http://www.legalombudsman.org.uk">www.legalombudsman.org.uk</a>  Call: 0300 555 0333 between 9.00 – 17.00.  Email: <a href="mailto:enquiries@legalombudsman.org.uk">enquiries@legalombudsman.org.uk</a>  Legal Ombudsman PO Box 6806, Wolverhampton, WV1 9WJ</p>
<p>Explanation of which activities will be carried out by you, as an authorised person 8.10(a)</p>	<p>I am a solicitor and so authorised to practise and regulated by the Solicitors Regulation Authority (SRA). I will be advising you/conducting your case.</p> <p>or</p> <p>I am a caseworker. My work will be supervised by [insert name] who is a solicitor and so authorised to practise and regulated by the Solicitors Regulation Authority (SRA).</p>
<p>Explaining which services are regulated by an approved regulator 8.10(b)</p>	<p>All legal work at the Law Centre is conducted and/or supervised by a solicitor authorised and regulated by the SRA.</p>

<p>Ensure clients understand the regulatory protections available to them (5,6; 8.11):</p> <ul style="list-style-type: none"> <li>• Information about professional indemnity insurance cover</li> <li>• Right to complain to the SRA</li> <li>• Right to complain to the ICO</li> <li>• Right to use any other available regulatory redress scheme (eg OISC, FCA)</li> <li>• Right to object to a bill under Part III of the Solicitors Act 1974 where applicable</li> </ul> <p>Information about the SRA Compensation Fund</p>	<p>We have professional indemnity insurance cover to the level of £xx. Our insurers are [insert details].</p> <p>The Solicitors Regulation Authority could also help you if you are concerned about our behaviour. This could be for things like dishonesty, taking or losing your money or treating you unfairly because of your age, a disability or other characteristic.</p> <p>You can raise your concerns with the Solicitors Regulation Authority via the <a href="#">website</a> or by calling 0370 606 2555.</p> <p>If you are unhappy about the way we manage your personal information you have a right to object to the Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF (Tel: 0303 123 1113). <a href="https://ico.org.uk/make-a-complaint/">https://ico.org.uk/make-a-complaint/</a></p> <p>You may also be able to raise any complaint with [insert details of any other available regulatory redress scheme].</p> <p>If you have a complaint about our charges you may also have the right to object to the bill by applying to the court for an assessment of the bill under Part III of the Solicitors Act 1974 (although there may be circumstances where you may be liable for costs in the event that any such application is unsuccessful).</p> <p>If a solicitor fails to account to you for your money or is dishonest and you have suffered loss as a result you may be able to claim on the <a href="#">SRA Compensation Fund</a>.</p>
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**Not for profit legal service/general advice agency – example wording**

The examples below could be used by a local Citizens Advice service or an advice agency where some work is delivered by a regulated individual or under their supervision; but the organisation also delivers information/general advice which has separate quality procedures, not involving their solicitor(s). Elements of the Code are shown on the left and sample wording on the right. You will need to ensure that you have text in your client care letters which meets all the requirements, whether you decide to use these examples or prefer to use your own wording. The difference between this and the table above is the explanation of the services which are regulated by an approved regulator.

See also section 7 above for more information about supervision.

Code for Individuals' requirement	Sample wording which relates to the requirement
Information about the complaints handling procedure operated by the organisation (8.2)	We hope you will be happy with the service you receive but if you have any concerns, please raise them with me in the first instance so that we can resolve them. If you would prefer to raise a problem with someone else, please contact [insert details eg CEO/Director].
Clients' right to complain about your services and charges 8.3(a)	<p>If you charge for services:</p> <p>We hope you will be happy with the service you receive but if you have any concerns about the service or charges please raise them with me in the first instance so that we can resolve them. If you would prefer to raise a problem with someone else, please contact [insert details eg CEO/Director].</p>
How a complaint can be made and to whom 8.3(b)	Covered above and below.
Any right to make a complaint to the Legal Ombudsman and when they can make any such complaint 8.3(c)	<p>We want to give you the best possible service. However, if at any point you become unhappy or concerned about the service, we have provided then you should inform us immediately, so that we can do our best to resolve the problem.</p> <p>In the first instance it may be helpful to contact the person who is working on your case to discuss your concerns and we will do our best to resolve any issues at this stage. If you would like to make a formal complaint, then you can read our full complaints procedure here. <i>[eg insert link to the complaint's procedure on your website]</i> Making a complaint will not affect how we handle your case. The Legal Ombudsman could also help you if you are not happy with your solicitor's work or service and need to put things right. This could include things like:</p> <ul style="list-style-type: none"> <li>• Not replying to your emails, letters or calls.</li> <li>• Losing your documents or giving you unclear advice.</li> <li>• Charging you an amount you are not happy with.</li> <li>• Not explaining issues properly so you do not understand</li> </ul> <p>The Legal Ombudsman can help you if we are unable to resolve your complaint ourselves. They will look at your complaint independently and it will not affect how we handle your case.</p> <p>Before accepting a complaint for investigation, the Legal Ombudsman will check that you have tried to resolve your complaint with us first. If you have, then you must take your complaint to the Legal Ombudsman:</p> <ul style="list-style-type: none"> <li>• Within six months of receiving a final response to your complaint</li> </ul> <p><b>and</b></p> <ul style="list-style-type: none"> <li>• No more than six years from the date of act/omission; or</li> </ul>

	<ul style="list-style-type: none"> <li>No more than three years from when you should reasonably have known there was cause for complaint.</li> </ul> <p>If you would like more information about the Legal Ombudsman, please contact them. Contact details:</p> <p>Visit: <a href="http://www.legalombudsman.org.uk">www.legalombudsman.org.uk</a>  Call: 0300 555 0333 between 9.00 – 17.00.  Email <a href="mailto:enquiries@legalombudsman.org.uk">enquiries@legalombudsman.org.uk</a>  Legal Ombudsman PO Box 6806, Wolverhampton, WV1 9WJ</p>
<p>Explanation of which activities will be carried out by you, as an authorised person 8.10(a)</p>	<p>I am a solicitor and so authorised to practise and regulated by the Solicitors Regulation Authority (SRA). I will be advising you/conducting your case.</p> <p>or</p> <p>I am a caseworker. My work will be supervised by [insert name] who is a solicitor and so authorised to practice and regulated by the Solicitors Regulation Authority (SRA).</p>
<p>Explaining which services are regulated by an approved regulator 8.10(b)</p>	<p>You may have been provided with advice and/or casework by my colleagues. There are systems in place to check the quality of their work.</p> <p>Your problem/case has now been passed to me/my team and the work as set out in this letter will from now on be conducted and/or supervised by me as a solicitor authorised and regulated by the SRA.</p>
<p>Ensure clients understand the regulatory protections available to them (5.6; 8.11):</p> <ul style="list-style-type: none"> <li>Information about professional indemnity insurance cover</li> <li>Right to complain to the SRA</li> <li>Right to complain to the ICO</li> <li>Right to use any other available regulatory redress scheme (eg OISC, FCA)</li> </ul>	<p>We have professional indemnity insurance cover to the level of £xx. Our insurers are [insert details].</p> <p>The Solicitors Regulation Authority could also help you if you are concerned about our behaviour. This could be for things like dishonesty, taking or losing your money or treating you unfairly because of your age, a disability or other characteristic. You can raise your concerns with the Solicitors Regulation Authority via the <a href="#">website</a> or by calling 0370 606 2555.</p> <p>If you are unhappy about the way we manage your personal information you have a right to object to the Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF (Tel: 0303 123 1113). <a href="https://ico.org.uk/make-a-complaint/">https://ico.org.uk/make-a-complaint/</a></p> <p>You may also be able to raise any complaint with [insert details of any other available regulatory redress scheme].</p> <p>If you have a complaint about our charges you may also have the right to object to the bill by applying to the court for an assessment</p>

<ul style="list-style-type: none"> <li>• Right to object to a bill under Part III of the Solicitors Act 1974 where applicable</li> </ul>	of the bill under Part III of the Solicitors Act 1974 (although there may be circumstances where you may be liable for costs in the event that any such application is unsuccessful).
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**Pro bono service**

The examples below could be used by a pro bono service. There are many different models which are used to deliver pro bono services. Some pro bono services provide one-off advice through a rota of qualified lawyers or students, others provide on-going casework through a named solicitor.

Elements of the Code are shown on the left and sample wording on the right. You will need to ensure that you have text in your client care letters which meets all the requirements, whether you decide to use these examples or prefer to use your own wording.

The examples below will need to be adapted to reflect your situation. See also section 8 above for more information about pro bono.

Code for Individuals' requirement	Sample wording which relates to the requirement
Information about the complaints handling procedure operated by the organisation (8.2)	We hope you will be happy with the service you receive but if you have any concerns, please raise them with [insert details].
Clients' right to complain about your services and charges 8.3(a)	See above re complaints about services.
How a complaint can be made and to whom 8.3(b)	Covered above.
Any right to make a complaint to the Legal Ombudsman and when they can make any such complaint 8.3©	<p>We want to give you the best possible service. However, if at any point you become unhappy or concerned about the service, we have provided then you should inform us immediately, so that we can do our best to resolve the problem.</p> <p>In the first instance it may be helpful to contact the person who is working on your case to discuss your concerns and we will do our best to resolve any issues at this stage. If you would like to make a formal complaint, then you can read our full complaints procedure here. <i>[eg insert link to the complaints procedure on your website]</i> Making a complaint will not affect how we handle your case. The Legal Ombudsman could also help you if you are not happy with your solicitor's work or service and need to put things right. This could include things like:</p> <ul style="list-style-type: none"> <li>• Not replying to your emails, letters or calls.</li> <li>• Losing your documents or giving you unclear advice.</li> <li>• Charging you an amount you are not happy with.</li> <li>• Not explaining issues properly so you do not understand</li> </ul> <p>The Legal Ombudsman can help you if we are unable to resolve your complaint ourselves. They will look at your complaint independently and it will not affect how we handle your case.</p>



	<p>Before accepting a complaint for investigation, the Legal Ombudsman will check that you have tried to resolve your complaint with us first. If you have, then you must take your complaint to the Legal Ombudsman:</p> <ul style="list-style-type: none"> <li>• Within six months of receiving a final response to your complaint</li> </ul> <p><b>and</b></p> <ul style="list-style-type: none"> <li>• No more than six years from the date of act/omission; or</li> <li>• No more than three years from when you should reasonably have known there was cause for complaint.</li> </ul> <p>If you would like more information about the Legal Ombudsman, please contact them. Contact details:</p> <p>Visit: <a href="http://www.legalombudsman.org.uk">www.legalombudsman.org.uk</a>  Tel: 0300 555 0333 between 9.00 – 17.00.  Email <a href="mailto:enquiries@legalombudsman.org.uk">enquiries@legalombudsman.org.uk</a>  Legal Ombudsman PO Box 6806, Wolverhampton, WV1 9WJ</p>
<p>Explanation of which activities will be carried out by you, as an authorised person 8.10(a)</p>	<p>You are being advised by a volunteer whose work will be supervised by [insert name] who is a solicitor and so authorised to practise and regulated by the Solicitors Regulation Authority (SRA).  or  I am a solicitor and so authorised to practise and regulated by the Solicitors Regulation Authority (SRA). I will be advising you/conducting your case.</p>
<p>Explaining which services are regulated by an approved regulator 8.10(b)</p>	<p>Covered above.</p>
<p>Ensure clients understand the regulatory protections available to them (5.6; 8.11):</p> <ul style="list-style-type: none"> <li>• Information about professional indemnity insurance cover</li> <li>• Right to complain to the SRA</li> <li>• Right to complain to the ICO</li> </ul>	<p>There is professional indemnity insurance cover in place to the level of £xx. Our insurers are [insert details].</p> <p>The Solicitors Regulation Authority could also help you if you are concerned about our behaviour. This could be for things like dishonesty, taking or losing your money or treating you unfairly because of your age, a disability or other characteristic. You can raise your concerns with the Solicitors Regulation Authority via their <a href="http://www.sra.org.uk">website</a> or by calling 0370 606 2555.</p> <p>If you are unhappy about the way we manage your personal information you have a right to object to the Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF (Tel: 0303 123 1113). <a href="https://ico.org.uk/make-a-complaint/">https://ico.org.uk/make-a-complaint/</a></p>

<ul style="list-style-type: none"><li>• <b>Right to use any other available regulatory redress scheme (eg OISC, FCA)</b></li></ul>	<b>You may also be able to raise any complaint with [insert details of any other available regulatory redress scheme].</b>
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### Annex 3 - Example paragraphs - complaint has not been resolved within eight weeks

Code for Individuals 8.4 You ensure that when *clients* have made a complaint to you, if this has not been resolved to the *client's* satisfaction within eight weeks following the making of a complaint they are informed, in writing:

(a) of any right they have to complain to the **Legal Ombudsman**, the time frame for doing so and full details of how to contact the **Legal Ombudsman**

(b) if a complaint has been brought and your complaints procedure has been exhausted:

(i) that you cannot settle the complaint;

(ii) of the name and website address of an alternative dispute resolution (ADR) approved body which would be competent to deal with the complaint; and

(iii) whether you agree to use the scheme operated by that body.

This is our final letter at the end of our internal complaints process. We are sorry that we have not been able to resolve your complaint to your satisfaction.

The Legal Ombudsman can help you. They will look at your complaint independently. You must take your complaint to the Legal Ombudsman:

- Within six months of receiving this final response to your complaint
- and**
- No more than six years from the date of act/omission; or
  - No more than three years from when you should reasonably have known there was cause for complaint.

If you would like more information about the Legal Ombudsman, please contact them. Contact details:

Visit [www.legalombudsman.org.uk](http://www.legalombudsman.org.uk)

Call 0300 555 0333 between 9.00 - 17.00

Email [enquiries@legalombudsman.org.uk](mailto:enquiries@legalombudsman.org.uk)

Legal Ombudsman PO Box 6806, Wolverhampton, WV1 9WJ

You may ask the Legal Ombudsman to investigate it: PO Box 6806, Wolverhampton, WV1 9WJ. Tel: 0300 555 0333 Website: [www.legalombudsman.org.uk](http://www.legalombudsman.org.uk)

There are other approved alternative dispute resolution ADR schemes such as [insert name and website address of a chosen scheme – see above for more information]. We do/do not agree to use that scheme.