



**FREE LEGAL
ANSWERS™**

Volunteers Handbook



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1. About LawWorks

LawWorks is the operating name of the Solicitors Pro Bono Group. We are a charity, and our aim is to enable access to justice through supporting and developing the contribution of legal pro bono. With support from the Law Society of England and Wales, we encourage, facilitate and celebrate pro bono across the solicitor profession and at law schools in England and Wales.

There are a number of key strands to our work to support and facilitate pro bono:

- we support a growing network of around 300 local independent pro bono advice clinics across England and Wales. We work with lawyers, advice agencies, charities and others to establish or develop new clinics, and provide ongoing information and support, training and resources, for clinic volunteers and coordinators;
- our Not-for-Profits Programme facilitates the provision of free legal advice for smaller charities and not-for-profit organisations, supported by volunteer lawyers from LawWorks' members;
- our Secondary Specialisation Programme supports the development of more 'in-depth' pro bono in areas of social welfare law. This currently includes an unpaid wages project and 'Voices for Families', with the charity Together for Short Lives, supporting parents and carers of children with life-limiting conditions;
- we support collaborative projects including: Pro Bono Connect: a project which facilitates barristers and solicitors working together on pro bono cases; the Domestic Abuse Response Alliance and IP Pro Bono.
- we have online tools and digital platforms including 'Free Legal Answers' and the Pro Bono Portal UK (with Justice Connect, an Australian access to justice charity).

In addition to encouraging and supporting pro bono delivery, we also work to address barriers to justice and to provide a 'policy voice' for pro bono - for example, working to address regulatory and other barriers to pro bono volunteering, and working with our members and others to influence policy on legal aid and other aspects of access to justice.

More information can be found at: www.lawworks.org.uk.

2. About Free Legal Answers

2.1 The aims of Free Legal Answers

Free Legal Answers is an online platform where people on low incomes can describe a legal problem or ask a legal question and receive pro bono legal advice. With a focus on early/initial legal advice on civil law matters.

Free Legal Answers is managed by LawWorks and facilitates the giving of one-off legal advice from volunteer lawyers to clients, through an intuitive platform designed to allow lawyers and clients to have an open dialogue. Where further advice or support is required, outside of that specified above, clients are referred to other advice organisations (see link below).

<https://freelegalanswers.org.uk/OtherHelp>

2.2 Free Legal Answers Eligibility

To be eligible, members of the public wanting to ask a legal question must:

- Be on a low to modest income. This is based on minimum income standards which vary by the size and type of household;
- Be in a civil law area covered by Free Legal Answers;
- Not already have a lawyer helping with their legal problem;
- Be over 16 years old; and,
- Live in England or Wales.

To be eligible to volunteer, lawyers must:

- Be 2 years PQE
- Have a current practicing certificate
- Apply the Pro Bono Protocol standards.

However, as long as the registered (and verified) solicitor meets these requirements, others can take part in researching and drafting an answer to a legal question/problem – e.g. supervised law students, paralegals and trainees. The key issue is that the information and advice then provided via the website is approved and submitted by the registered solicitor.

2.3 Key Contacts

Free Legal Answers Administrator: freelegalanswers@lawworks.org.uk.

3. Service Standards

We owe a duty to provide a competent and professional service to all clients we advise. Whilst our service is free, it should be done to the highest standards and by no lesser standard than that of paid legal work. Free Legal Answers Volunteers are encouraged to sign the Pro Bono Protocol. The Pro Bono Protocol is endorsed by the Law Society of England and Wales, Bar Council of England and Wales and the Chartered Institute of Legal Executives, and this governs the standard of care which is given to clients at Free Legal Answers. (For more information see the pro bono protocol at <https://www.lawworks.org.uk/why-pro-bono/what-pro-bono/pro-bono-protocol>)

Free Legal Answers and participating solicitors are subject to the professional rules and disciplinary procedures of the Solicitors Regulation Authority (SRA). All participants must therefore comply with all applicable professional obligations.

We also ask all lawyers participating in Free Legal Answers to have some familiarity (but not in-depth knowledge) about potential eligibility for legal aid. LawWorks believes it important to try and signpost people to legal aid if this may be applicable. There are introductory resources about legal aid in the 'Resources' section on the Free Legal Answers platform.

The 'Resources' section also includes other information and links to resources which may be helpful for participating solicitors.

4. Supervision and Quality Assurance

As part of Free Legal Answers' commitment to quality, clients have the right to give both feedback on Free Legal Answers and to make complaints. Complaints shall be dealt with under the Complaints Procedure Both complaints and client feedback will be reviewed at least annually by LawWorks.

If you are made aware of *any* expression of dissatisfaction or complaint or notice of a claim from an FLA client, either directly (i.e., outside the FLA platform) or via the FLA platform, you must immediately (and, in any event, no later than ten (10) days after the complaint/claim is first intimated) provide LawWorks' administrator with the details, including: the date received, the complainant's/claimant's name and address (if known), the dates of the communications on LawWorks' Free Legal Answers, and the grounds for the complaint/claim.

While participating lawyers can respond to questions anonymously (and usually do so), the name and details of participating lawyers will be provided by LawWorks to users should a complaint be intimated or made to LawWorks or the Solicitors Regulation Authority or the Legal Ombudsman (the SRA has indicated its approval of this approach). This approach is consistent with the SRA Code of Conduct for Solicitors, RELs and RFLs and is consented to by agreeing to this Lawyer Agreement.

5. Confidentiality

All information given by clients, or by other parties in connection with their case, shall be treated as confidential by Free Legal Answers staff and volunteers. No information may be given to a third party outside of Free Legal Answers without the client's prior consent. If you believe it would be beneficial to the client to discuss the client's question further, you must bear in mind at all times your duty of confidentiality to the client and must endeavour not to reveal the client's name or other details enabling identification of the client to anyone outside of Free Legal Answers. At all times you must observe solicitors' professional conduct obligations in respect of Free Legal Answers clients.

Breach of confidentiality shall be taken very seriously, and may be considered an act of gross misconduct by staff or volunteers, leading to the termination of paid or voluntary work with the Free Legal Answers.

Confidential information may only be revealed:

- (i) to the extent you or your supervisor believes necessary to prevent the client or a third party committing a criminal act which they believe is likely to result in serious bodily harm; or
- (ii) in certain circumstances involving children, where the client (who may or may not themselves be the child concerned) reveals information indicating continuing sexual or other physical abuse against a child but refuses to allow any disclosure, you must consider whether the threat to the child's life or mental or physical health, is sufficiently serious to justify a breach of confidence to an appropriate authority.

If there is an identified need for further contact after the session, the client should usually be referred to another service. Please remember you are acting as advisors of Free Legal Answers and not as representatives of your respective law firm.

Advice provided by volunteer lawyers via the Free Legal Answers Project will be provided by lawyers acting as volunteers for LawWorks and not in their capacity as employees, consultants or in any other capacity in connection with

a law firm or other business or entity, including an un-regulated business or entity.

6. Insurance

Advice and information provided by lawyers through the Free Legal Answers website is insured by professional indemnity insurance held by LawWorks. The insurance is limited to liability for claims that are made in relation to the legal advice provided through Free Legal Answers.

7. Guidance for Advisors

7.1 Advising the Client

Participating lawyers will be able to review the legal questions being asked, before choosing which questions (if any) to answer.

Users will not know the name of the lawyer who answers their question(s) unless the lawyer chooses to provide it. Generally, we suggest that lawyers refrain from providing their personal details. Lawyers who do provide their details should be aware of the possibility of users contacting them directly. Upon receipt of any direct communication from a user outside the FLA platform, lawyers should immediately inform the site administrator and insist upon users reverting to communicating via the FLA platform, subject only to LawWorks' site administrator granting permission to communicate outside the FLA platform.

Advice provided outside the FLA platform will **not** be covered by LawWorks' policy of insurance.

Please note that you will only be providing one-off advice and assistance, with very limited personal follow up. The clients may not have the requisite legal knowledge to fully convey the question they seek an answer to. Volunteers are not limited to a single response, so in these circumstances, volunteers should use the dialogue box to gather additional information or context from the client.

7.2 Areas of Law Covered by Free Legal Answers

At present, Free Legal Answers accepts questions relating to the follow areas of law:

- Employment

- Housing
- Family
- Consumer

In a bid to have their questions submitted, clients may submit a question not covered by Free Legal Answers but categorise it as such. In these circumstances, clients should be advised that an answer cannot be provided at this time and be signposted to alternative services (link below):

<https://freelegalanswers.org.uk/OtherHelp>

7.3 Jurisdiction Issues

Many of the questions we receive from clients, relate to housing and tenancy issues. Due to the devolution of powers to Wales specifically pertaining to housing, advice needs to reflect the law of this jurisdiction. **If the client's location is not clear from the question, volunteers should seek to confirm jurisdiction prior to providing advice.**

7.4 Are There Any Urgent Matters to Deal With?

It is always essential to work out whether any steps need to be taken urgently. Obvious examples are where the client is facing court proceedings, or has a claim and proceedings need to be started within a certain time limit.

Clients can include a deadline on their question. Free Legal Answers operates a flag system:

Red flag – older than 10 days or pending legal deadline

White flag with red outline – older than 5 days

If the client is facing legal proceedings, they will need to be referred to another agency or to find solicitors (link below)

<https://freelegalanswers.org.uk/OtherHelp>

If the client has a claim, consider the limitation period.

You may need to consider what immediate action can be taken to postpone legal action, eviction etc. to give time for your client to get more specialised help.

7.5 Submitting Your Advice

There are two options for submitting advice. Volunteers can either submit advice using the dialogue box, or volunteers can type up the advice in a separate document and upload this to the message thread. Uploading the

advice in a separate document is preferable for the client as they are able to download/ print/ forward the advice.

If you are typing the advice in a separate document and uploading it to the message, please ensure no confidential information is included in the document as it will be saved on your device.

8. Conflict of Interest Policy

The client's name and the opposing party will be provided to the lawyer so that the lawyer can ensure that they do not answer a question if there is a concern that they or their employer might be at risk of or have an actual conflict of interest.

We take a pragmatic approach to avoiding conflicts arising out of our involvement at Free Legal Answers. With this in mind, every volunteer must follow the following guidance to minimise the risk of a conflict:

- If any volunteer of Free Legal Answers recognises that there is a potential or actual legal conflict, in the sense that their firm has prior involvement in the particular matter (or a related matter) for the other party or the other party is a current client of the firm, the volunteer should decline to provide advice.
- We should also avoid advising a client in relation to the interpretation of legal documents where there is a real risk the firm might have prepared them for a firm client.

9. When Further Advice is Needed

9.1 Follow up questions from client

Free Legal Answers is an initial advice service only. If a client has posted a question to Free Legal Answers more than twice in relation to the same matter, tell them we are unable to help further and refer them on if possible. If, after providing the client with advice, a follow-up question is posted within the message thread, it is the volunteer's discretion whether to provide the client with a further response.

Where further help that goes beyond initial advice is needed, clients should be referred to an appropriate agency or solicitor.

9.2 Help from Volunteer's Firm

Representation will be limited to providing an answer through the FLA website and will not involve any continuing representation of the client beyond the act of providing such an answer. Lawyers shall provide one-off legal advice services to a client without expectation by either the lawyer or the client of an ongoing relationship or representation in the matter or question. Such one-off advice may include more than one response from a participating solicitor concerning a question or matter, for example following receipt of further information from the client about it.

However, there may be circumstances where a solicitor or firm/in-house team wish to take a case further, beyond the stage of initial legal advice. In those circumstances, we ask that LawWorks first be contacted with this request. Subsequently, should a case be taken on, this will no longer be covered by LawWorks' professional indemnity insurance.

Advice provided outside the FLA platform will not be covered by LawWorks' policy of insurance.

10. Acting in the Client's Best Interests

This is the golden rule of professional conduct.

Free Legal Answer's purpose is to provide high quality assistance and advice to clients but within the constraints of the volunteer time commitment. If it is apparent that a client needs help beyond the remit of Free Legal Answers, offer the client the option of referral to advice agencies better able to provide the help needed. In the interests of clients, you must not give advice beyond your level of competence or outside the scope of Free Legal Answers.

Also, always remember that Free Legal Answers aims to empower its clients, not to make them dependent. In practice, this will happen in different ways. Some clients will seek information on their rights, or advice on the best course of action to take in their circumstances. Other clients may be unable to act fully in their own interests, either because their problem has progressed and needs a specialised legal response, or because of crises in their lives affecting their ability to act. Referring clients to agencies or solicitors able to take action quickly may put the client in the best possible position quickly, though the choice on what action to take always remains with the client.

11. Tips for Lawyers using Free Legal Answers

The following tips will hopefully help to make your experience of using Free Legal Answers a positive one:

1. **FAQs** – we recommend that volunteers read the FAQ section on Free Legal Answers (in the blue toolbar at the top of the dashboard) once registered.
2. **Notifications** – Lawyers can choose how often they want to receive notifications and what kind of notifications they prefer. To do this, select the ‘Notifications’ tab on the dashboard, click on the red icon in the table to change them to ticks on the categories that the volunteer wishes to receive notifications on. By clicking on the text in the column marked ‘Mode’, volunteers can decide if they would like daily or weekly notifications, or every time a new case is added.
3. **Searching & filtering questions** - questions are searchable by area of law and by date so volunteers can quickly filter to see oldest or newest questions and only view questions for a particular area of law. The ‘kind of problem’, ‘issue with’ and ‘subject’ headlines along with the preview function are tools to help lawyers quickly decide which questions they would like to review and answer.
4. **Resources** – we recommend that volunteers look at the ‘Resources’ section (in the blue toolbar at the top of the dashboard) which includes information and links to useful resources regarding legal aid and the relevant legal areas covered by FLA.
5. **Jurisdiction issues** - individuals from both England and Wales can submit a question. Volunteers should be aware that some areas of law, particularly housing law, are devolved in Wales. It is therefore important that volunteers ensure they confirm the client’s geographic area and have an adequate understanding of the law in the client's geographic area.
6. **Contacting the FLA administrator** – Lawyers can contact the FLA administrator at any time if they have any concerns about a question or if there are any technical issues with the website. To contact the FLA administrator, use the purple ‘Notify the site administrator about this question’ button. Examples of concerns about a question could include:
 - The question is in the wrong category

- The client may be ineligible
 - The person is asking a question on behalf of someone else
 - The question may be a criminal question
 - The question is likely eligible for legal aid
 - The question is not suitable for the nature of the service (eg: not suitable for brief, initial advice).
7. **Requesting further information from a client** - clients may not have the requisite legal knowledge to fully convey the question they seek an answer to. Volunteers are not limited to a single response, so in these circumstances, volunteers should use the dialogue box to gather additional information or context from the client.
 8. **Involvement of others in research & drafting** – although there are specific eligibility criteria for volunteer lawyers, remember that others can take part in researching and drafting an answer to a legal question/problem – e.g. supervised law students, paralegals and trainees as long as the information and advice then provided via the website is approved and submitted by the registered solicitor.
 9. **Detail of answers** – some questions will only require a brief answer (eg: telling the client they need to complete a particular form) and some answers will require more detail. It is therefore hard to give general guidance about how detailed an answer should be. The most important point is that volunteers must not give advice beyond their level of competence or outside the scope of Free Legal Answers.
 10. **Uploading answers as an attachment** - some volunteers prefer to type their answers in Word and then attach them as a pdf (rather than using the reply field in the question). This makes it easier for lawyers to copy and paste things and add links. Please, however, note the earlier comments about not saving confidential client information on a personal device.
 11. **Template answers** - The same type of questions often come up (eg: tenancy deposits and standards of repair). Some lawyers prepare and keep a number of template answers which can be easily adapted and therefore questions can be answered quite quickly.
 12. **Anonymity** – one of the advantages of Free Legal Answers is that lawyers do not need to provide their name to the client if they do not wish to. Generally, we suggest that lawyers refrain from providing their personal details. Lawyers who do provide their details should be aware of the possibility of users contacting them directly. Upon receipt of any

direct communication from a user outside the FLA platform, lawyers should immediately inform the site administrator and insist upon users reverting to communicating via the FLA platform, subject only to LawWorks' site administrator granting permission to communicate outside the FLA platform.

13. **Reminding clients of the limitations of the service & other sources of help** – although the client user agreement clearly sets out the limitations of Free Legal Answers, clients do not always read this or fully understand what it means. Therefore at the end of drafting an answer to a question, some lawyers choose to remind clients that they will have no further involvement with the case, can't provide ongoing advice, casework or representation. Free Legal Answers has an 'other places to find legal help & information' section for clients so a lawyer may wish to remind the client about that.
14. **Further questions from a client** - Free Legal Answers is an initial advice service only. If a client has posted a question to Free Legal Answers more than twice in relation to the same matter, a volunteer should tell them we are unable to help further and refer them on if possible. If, after providing the client with advice, a follow-up question is posted within the message thread, it is the **volunteer's discretion** whether to provide the client with a further response.