

**SOUTH WESTMINSTER
LEGAL ADVICE CENTRE**

Volunteers' Handbook

South Westminster Legal Advice Centre CIO: Registered Charity Number 1180716

Location: The Abbey Centre, 34 Great Smith Street, London SW1P 3BU

**Patrons: Lord Neuberger of Abbotsbury, former President of the Supreme Court,
Lord Briggs of Westbourne (Justice of the Supreme Court)**

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1. **BACKGROUND INFORMATION**

1.1 **ABOUT SOUTH WESTMINSTER LEGAL ADVICE CENTRE**

Having discussed with local organisations the need for free legal advice to be available locally and free-of-charge for those who could not afford to pay for it, South Westminster Legal Advice Centre ("SWLAC") was established in 1998 as a registered charity, operating from shop premises in Victoria, London SW1.

In 2020, those premises were required for re-development, and the charity (by now re-registered as a Charitable Incorporated Organisation, or CIO) moved to alternative premises within the South Westminster area, and have now moved again to the Abbey Centre, which is some 5 minutes' walk from St James's Park tube station, and slightly further (6 or 7 minutes' walk, from Westminster tube station. The address is 34 Great Smith St, London SW1P 3BU ("the Centre").

The initial uncertainties caused by the Covid-19 Pandemic caused the Centre to close for a few months, as face-to-face advice (which was how we had previously exclusively operated) was not permitted. We modernised our operations so that all case documents and files were available digitally. Remote advising enabled us to meet the continued demand for our services through the pandemic.

However, we learned that the service we were able to provide was not reaching some of our clients, especially the elderly, the poorest and the most vulnerable (such as people who are not computer literate, or do not have internet access or a smartphone). We felt it essential to re-open for face-to-face consultations, and have therefore evolved further, enabling mainly face-to-face advising, with (at present very limited) remote advising as explained in more detail below.

The Centre's objective is

"to provide free legal advice to people on low incomes independently, fearlessly, efficiently, and with integrity, but always in a friendly and courteous manner".

1.2 **OUR CLIENTS**

SWLAC was set up as a local charity, the intention being to provide a service for those living and working in and around South Westminster. Our clients mainly live or work in the City of Westminster and surrounding postcodes.

SWLAC's attitude is to accord respect to, and to expect respect from, its clients. We are committed to encouraging equality, diversity and inclusion amongst our volunteers and clients, and eliminating unlawful discrimination. We help those who need legal advice irrespective of their age, disability, race (including colour, nationality, and ethnic or national origin), religion or belief, sex, sexual orientation, gender identification or reassignment, single, married, or civil partnership status, pregnancy and maternity, or any other characteristics protected by the Equality Act 2010.

We aim to empower our clients, not to make them dependent on us. Most clients seek information on their rights, in the light of their current situation.

1.3 **WHAT IS SWLAC FOR AND HOW DOES IT OPERATE?**

The Centre provides free legal advice for those individuals who need it, but who would not otherwise

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be able to access it or afford it.

SWLAC is a registered charity, and all advice is given by volunteer lawyers. SWLAC does not accept retainers, nor go on the record for clients. Where the client needs advice or support of a nature which SWLAC is not in a position to provide, SWLAC will refer clients on to other advice organisations.

With the increase in working from home, many of our advisers are not in London on a daily basis. Furthermore, the availability of remote working has enabled advisers who live and work further afield to offer to give advice, without the need to come to the Centre as in the past.

The basic steps are as follows:

- The would-be client looks at our website (<https://swlac.org>) and makes contact using the form provided;
- If the nature of the problem is one on which SWLAC advises, a link enabling an appointment to be made is sent to the client;
- The client comes in to the Centre and will either be seen face-to-face, or they will be seated at a computer, and will communicate with an Adviser (in a different location) by Zoom, Microsoft Teams, or some other remote access computer program.
- If the client has relevant documents (eg a tenancy agreement), our Support Volunteers (defined in section 3 below) will assist with scanning these onto the system;
- If the Adviser (defined in section 3 below) drafts (for example) a letter (eg to be sent to the other side), this can be printed out there and then for the client to send, plus a copy for the client to retain.

Some clients will turn up at the Centre without an appointment. They will be seen if possible, and if not, will be offered an appointment as soon as convenient.

1.4 AREAS OF LAW

The main legal problems addressed include those relating to:

- Housing and landlord and tenant, (including leases);
- Employment and dismissal;
- Divorce and relationship breakup;
- Contracts and consumer issues;
- Bankruptcy and Insolvency (including Individual Voluntary Arrangements);
- Wills and succession to property after a death;
- Personal injury claims
- Criminal law (basic advice only).
- Other areas of law: We may be able to assist, but it is worth checking first.

SWLAC will not give advice on formal debt restructurings, nor on immigration matters (since it does

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not at present have the necessary registration) nor social security issues or other areas of law for which there are any special regulations or requirements.

Save as set out above, SWLAC will give advice on all areas of law on which it is consulted, so long as the Adviser feels sufficiently competent to tender such advice. It is inevitable that Advisers will stray beyond the areas in which they normally work, and it is important in such cases to bear in mind that the limited knowledge the Adviser has will usually be far greater than that of most clients.

SWLAC's charitable objects are, however, for the relief of poverty, and therefore a judgment must be made as to whether a particular client should be turned away. (See further section 5.10 - "Wealthy Clients" below.)

Clients who do not fall within SWLAC's objects should be referred to solicitors: we give them the names of three firms, chosen by their location and apparent suitability or willingness to undertake that type of work.

1.5 USEFUL CONTACTS

Volunteers should have contact details for the Supervising Solicitors, who will be their first port-of-call.

In the event of any major issues, you can always ask the Chair of Trustees, whose telephone number is 0777 1786120 – Richard Walford. His e-mail is richard@mutlow.net.

Please do not provide these details to clients.

2. GETTING TO SOUTH WESTMINSTER LEGAL ADVICE CENTRE

SWLAC is presently open on Tuesdays and Thursdays from 6.00 pm (**for setting up**) and from **6.30 pm** to 8.45 pm for appointments. We are required to vacate the premises by 9pm.

We intend to open on a third night each week if (as we expect) demand increases significantly.

Address and Location: South Westminster Legal Advice Centre
The Abbey Centre,
34 Great Smith Street,
London SW1P 3BU

Great Smith Street is located at the Westminster Abbey end of Victoria Street. Please look at Google Maps or a similar program and input the postcode SW1P 3BU. The nearest tube stations are:

- St James' Park (with access to the District and Circle lines);
- Victoria (with access to the District and Circle lines and to mainline and Victoria Line services); and
- Westminster (with access to the District and Circle and Jubilee Lines).

There are frequent buses along Victoria Street.

Support Volunteers are requested to arrive at 6 pm in order to assist with setting up, allocation and rotation of duties on the night, and to complete any file administration which is required before

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appointments begin.

Advisers are requested to arrive (or to be available online) by 6.20 pm in order to ensure that they are ready to start the session in a relaxed and focused manner.

The doors of the Centre will close to clients at 8.30 pm, but Volunteers are expected to remain at SWLAC until at least 8.45 pm to finish seeing the clients who are waiting. We must vacate the premises by 9pm.

All Volunteers will be given a tour of the relevant parts of the building when they attend for the first time. This will include detailing the fire exits and assembly points in case of fire.

3. **SUPPORT VOLUNTEERS AND ADVISERS (together “Volunteers”)**

Advisers will be either barristers or solicitors, or those beyond the first 6 months of their pupillage or training contract.

Support Volunteers are either unqualified local people (many of whom have been clients of the Centre) or non-lawyers/paralegals/students or trainee lawyers in the first 6 months of their training contracts or barristers in their first 6 months of their pupillage.

3.1 **The Support Volunteer’s Role**

The Support Volunteer’s main and important task is to “meet and greet” the client and check them off against the appointment lists. They will explain to the client that the Centre operates a two stage process, by which first some details are taken (recorded on a tablet or laptop we provide) and a file opened, and that they will then be seen by an Adviser, when the advice is tendered. They may need to explain that the legal advice will be tendered by an Adviser in another location, using the laptops we provide for the purpose.

All Support Volunteers need to remember that they are the public face and the “front page” of SWLAC. Clients are sometimes anxious about their predicament, unsure about what might happen, and/or may not speak English very clearly. We try very hard to ensure that they are met with warmth, consideration, and respect.

It is a key part of the Support Volunteer’s role to make the client feel at ease, and to get the relationship off on the right footing. How a client is treated at reception and in their initial interview will influence their perception of the service given by SWLAC and whether it is willing or able to help them. It is important to avoid making judgments about clients from first impressions, and not to let any initial impressions interfere with your standard of work.

Existing clients: If the client has been to the Centre before in relation to the issue on which advice is being sought that evening, the Support Volunteer will need to ask whether this was recent, so as more readily to find the file. Once the Support Volunteer has found the client file and checked with the client whether there are further developments which need to be noted, the file is then available for the Adviser.

New clients/matter: If the client or the matter on which advice is sought is new, the Support Volunteer will need to open a file. This involves:

- (a) Taking the client’s contact details;
- (b) Taking a short statement from the client about the nature of the problem;
- (c) Inviting the client to fill in the Equality & Diversity Questionnaire ;

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- (d) Explaining the need for, and filling in, the Client Address Authority Form (authority to use the client's address);
- (e) Explaining the need for, and filling in, the Client Authority to Disclose Information (2 copies)

Examples of these forms are at Appendix 3.

It is **essential**:

- to ask first-time clients **to fill in the Equality and Diversity Questionnaire** including their sex/gender identification, postcode, and the broad area of law into which their case falls. We are required to keep these records both for our funders and as a condition of our licence to use the premises, so that we and our landlord can (by producing records) demonstrate non-discrimination and public benefit.
- to ask the client **to confirm whether they are happy to be contacted at their home address (and if not to provide a safe correspondence address)**: this is because the client may be the subject of domestic abuse and may not want their partner to know they are taking advice, or they may live in a place where mail is regularly stolen or intercepted.
- that the Support Volunteer fills in the Client Authority Forms (see (d) and (e) above), and explains to the client why these are needed. There are notes to the Support Volunteer explaining why, and a space for the Support Volunteer to confirm that he/she has done so: **the Support Volunteer must initial the forms to confirm that they have explained them.**

The Support Volunteer will be expected to scan copies of these documents, and other relevant documents brought in by the client, onto the case management system, so that they are available to be viewed by the Adviser.

The Support Volunteer will then request the client to wait for their name to be called to see an Adviser. It should be explained to the client that they may not be seen in the order of their arrival at the Centre - this may be because an Adviser with relevant expertise may not yet have arrived, or may be occupied on other cases.

It is important to say:

- that, whilst we do our very best to see the client during the appointment slot allocated, we cannot guarantee to do so; and
- that our Advisers offer time-limited appointments, normally for 20 – 30 minutes. (This is to manage the client's expectations, so that they do not feel they have an entitlement to 45 minutes or longer.)

When the Adviser is advising remotely, the Support Volunteer will take the client to one of the laptops set up for the remote advice session, and be on hand to assist with any technical problems.

3.2 **The Adviser's Role**

Advisers will be allocated a case by the Supervising Solicitor (see section 4.2 below): this will ordinarily be in an area of law on which the Adviser has expressed themselves as willing to advise. Please be aware that an area of law peripheral to the adviser's day-job will still be one on which they can advise at the Centre: the Adviser's knowledge will be far greater than that of the client, and many cases require little more than the ability to write a letter asking why something has happened, and requesting or

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requiring that things be put right.

Advisers present in person will call the client, and invite them through to one of the desks where advice is given and letters written. When an Adviser has prepared a court document or letter, it should be printed out for the client to approve, and once approved, the client should be given the top copy for them to send to the recipient, and a copy for their own records. (The document should of course be saved in the client file and an attendance note entry made). It should be explained to the client that a letter invites the other side to respond direct to the client, and therefore, that, if further advice is needed, it is up to the client to make an appointment.

Further guidance is given in section 5 below - A Framework for Advising.

Whilst it is not always possible, the Adviser should try to ensure that each appointment does not last much longer than 30 minutes. Advisers should show the client out once the appointment is finished.

Volunteers must not arrange to meet or advise clients of the Centre other than at the Centre, nor may SWLAC's laptops or any client files be removed from the Centre.

If it is necessary to refer the client to a firm of solicitors, it is not permitted to refer to your own firm. (The same rule applies to barristers, who may not offer their professional services to SWLAC clients.) We provide the contact details for 3 apparently appropriate firms in locations convenient for the client, and if necessary give them guidance as to what to say when making or attending their appointment.

4. ARRANGEMENTS FOR THE NIGHT

4.1 Timings and Setting Up

It is necessary for Support Volunteers attending the Centre on a particular evening to arrive as near to 6pm as they can manage. This is because:

- Tables and chairs may need to be moved to appropriate positions and cleaned down before usage;
- Depending on the Covid-19 situation, clear perspex screens and hand sanitiser may need to be brought from storage and put into position;
- Our laptops will need to be brought down from storage and prepared for use;
- There may need to be an initial briefing especially if there are any new volunteers.

The Supervising Solicitor (see below) will be in charge for the session, and will give directions as appropriate.

Advisers should aim to arrive at 6.20pm and are requested to make themselves known to the Supervising Solicitor, who will brief them as necessary.

The session will formally start with first appointments at 6.30pm. The Supervising Solicitor may allow Support Volunteers to start interviewing clients and opening files before 6.30pm if appropriate.

4.2 The Supervising Solicitor: Supervision and support

Volunteers are entitled to support on the night to help them do as effective a job for the Centre as possible. At every advice session, an experienced Adviser will be present and will be acting as Supervising Solicitor.

Volunteers may (and should) consult others present at the Centre at any time when they are unsure of

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how to proceed. Our culture is one of warmth, friendliness, support and respect. We all do our best to help each other.

Volunteers should aim to speak to the Supervising Solicitor at the end of the session to enable them to offload, and to ensure that any issues, concerns or uncertainties arising out of the session are dealt with as appropriate.

The Supervising Solicitor will be responsible for:

- Running the session;
- Supporting, guiding and assisting Support Volunteers and Advisers;
- Triaging/prioritising particular clients (for example when a different consultation does not run to time);
- Making any decision about closing doors early;
- If required, communicating to the client the ultimate decision if a client is to be refused service.
- In the unlikely event that a client is disruptive or violent, making the decision to call the police.

Casework supervision will also take place on a regular basis. Client files will be checked on an ad hoc basis for the quality of advice given. If any problems arise from this supervision, they will be discussed with the Volunteer involved.

4.3 Rotas, attendance and substitution

Some 15 to 20 clients will be seen each evening, depending on the number of Advisers present in person or electronically.

It is necessary for the smooth running of the Centre that we know a little in advance whether you are planning to come in: PLEASE do make use of the Volunteer Signup System to let us know when you are coming. Exceptionally, we may phone around and/or e-mail on the day to try to make the team up to strength if a certain area of expertise is, at that stage, insufficiently covered.

Some firms run a rota system in-house for their staff who volunteer with SWLAC, and it is desirable that the person responsible for the rota sends out an e-mail reminder during the day. Such firms usually will have made arrangements for a “first reserve” system for when a lawyer finds themselves unavoidably unable to attend. Volunteers unable to fulfil their rota commitments should do their very best to swap duties with another volunteer at the earliest possible opportunity. It is essential that the Centre is kept informed on info@swlac.org when alternative cover is arranged. (Obviously we understand and accept that there are occasions when someone is ill).

If you cannot attend and do not arrange cover, some clients may be turned away - which impacts on the good name and reputation of SWLAC - and/or other Advisers may have to stay later to cover.

5. **A FRAMEWORK FOR ADVISING**

5.1 **ADVISING – General Points**

Advice sessions should be around 30 minutes per client. Advisers provide there-and-then advice and assistance, with very limited personal follow up. If it is appropriate for a letter to be written, that is done there and then on one of the available PC's, printed out, approved by the client, and then 2 copies of the final versions are printed:

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- one (signed) for the client to send off,
- one (marked “copy”) for the client to keep, and

A soft copy **must** be saved to the client’s file.

The letter **must** bear the Adviser’s initials as the reference, plus the client’s name (for example “Our ref: SWLAC/Smith/RW” where Smith is the client’s name, and RW the adviser’s initials.

A brief attendance note **must** also be made of the advice which has been given, so that another Adviser picking up the file can see what an earlier Adviser has said. The note must be dated, must be on the client file, and also must carry the Adviser’s initials. This is often in practice prepared by Support Volunteers. See the section below entitled “Case Recording.”

The advice is free. If a letter is written or other document drafted, the client is asked for a £4 (or more) donation to assist with our bills and running costs. Photocopies are charged at 30p per sheet (to discourage the clients from using us as a photocopying service). They can be told that there are nearby commercial outfits which may offer cheaper photocopying. Sometimes the client does not have the money to pay even £4, and if so the requested donation can be deferred or waived. The Supervising Solicitor will have a card payment machine for any clients who wish to make a donation using a bank payment card or credit card.

If the client is a taxpayer, please encourage them to use a Gift Aid Envelope (which increases the value of their donation by 20% at no cost to them). If a client wants to make a Card payment, the Supervising Solicitor will have a card payment machine.

Advising at a legal advice centre is unlike much of private practice interviewing. It is pressured, and unless it is a repeat visit, the Adviser will know nothing of the client's situation or the nature of their problem before the interview. The client may be unfocussed, and may have multiple problems, in which case it is your task to introduce some clarity.

5.2 Suggested Framework for Advisers

The following is a framework for advising which may help:

Welcome your client

Usually it is easier for Advisers to break the ice than for clients. Clients may not have a clear idea about what you can do or whose side you are on. Some may have been put off from seeking advice because of their perceptions of lawyers.

Thank them for coming in. Apologise if they have had a long wait to see you. There is no need to identify your firm/chambers, nor to give your surname: it is usually sufficient to say “My name is Jane, and I am a solicitor.” Invite the client to explain the situation (this helps your client to offload, particularly if they have pent-up emotions about their situation.) If they are very unfocussed, you may need to intervene to get to the point, and to get specific information.

Try to make sure that you have the relevant details

To advise correctly, you need the relevant information, but that does not necessarily mean listening to an immensely long discourse (“It all started in 1993 ...!”) It may have done, but 99 times out of 100, that will be irrelevant to what you are being asked to help on.

This involves judgment. You will find it gets easier with experience.

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Are there any emergencies to deal with?

You may need to consider whether some urgent steps need to be taken to postpone some legal action, such as imminent eviction, to give time for your client to get more specialised help. If there is no time to refer the client on (such as a hearing the next day), you may need to draft a witness statement/affidavit and/or Application Notice there and then.

Which issues are priorities for the client?

Some clients have multiple problems going on simultaneously. For example, their benefit may have been stopped, causing them to get in arrears with their rent and utilities bills, and they may also have an ongoing personal injuries claim. They may wish to monopolise you for the whole evening. In such cases, you should ask “Which problem do you want to deal with this evening?” and, if necessary, explain that your time is limited as there are other clients to be seen too.

Don't necessarily try to solve it all at once

You may be able to see that there are several potential steps ahead, but the second, third and fourth steps (and the approach to be taken) may depend on the first step. If you explain to the client that these things have to be done in bite-sized chunks, which means they may have to come back later, they will normally understand.

Consider the future

What needs to be done immediately and what can wait until the client has an initial response?

What is realistic for your client to achieve?

How urgent is their problem?

How complex is it?

Is it appropriate to refer to solicitors/the CAB/FRU/the Bar Pro Bono Unit (Advocate) for follow-on help?

Are there significant deadlines that need to be recorded or acted on?

5.3 CASE RECORDING

Client files are digital, and it is **essential** that relevant documents are scanned to the client file.

Likewise, **it is essential that the Adviser's advice is recorded in writing on the file**: this can be in the form of bullet points. The attendance note, which if done by a Support Volunteer should be checked by the Adviser, must be sufficiently clear and thorough that if the client had to come back to see another adviser, that adviser would know very quickly from the file:

- what the client's problem was,
- what the advice you gave was;
- why you gave the advice you did,
- what needed to be done next; and
- what if any deadlines there are.

It is often a good idea to read your note out to the client, and confirm that they agree that this is what you have advised. **Please date and initial your note of advice.** This is so that another Adviser can contact you to clarify an issue or in the unlikely event that SWLAC's insurers raise a query.

We advise clients but we do not act for them. The Centre does **not** go on the record for clients in

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proceedings.

No original documents belonging to the client should be kept. Please scan a copy of the relevant pages for the file.

Clients should be asked to bring any relevant documents with them, arranged in date order, on any subsequent visits to SWLAC.

5.4 **GUIDANCE FOR ADVISERS**

1. There will be times when you are unsure of the legal position. Do not worry. It does not mean that there is nothing you can do to help. Even where you are unsure of the precise legal position, often a letter can be written to the other side stating what your client says, and asking the other side for information or an explanation, and for confirmation that they will act or refrain from acting as appropriate.
2. If a client's case is complicated and urgent, spend a bit longer with them if necessary. However, keep in mind your role is to identify problems and a way forward, not to offer a complete solution there and then. Once the next steps have been identified, you can close the interview and move on.
3. Do not assume that the client is lying!
4. Do not assume that the first thing the client talks about is necessarily why they wanted help.
5. Listen to your client, especially as to what is left unsaid - listen for the tone and feeling in a client's voice.
6. Move gradually to explore sensitive topics and feelings.
7. Use closed questions to get specific answers, open questions to encourage clients to talk about their situation.
8. When clients are quiet, give them a chance to speak: don't fill in the gaps for them.
9. If you are unsure of what to do, speak to the Supervising Solicitor or an experienced Adviser at the Centre: the atmosphere at SWLAC is warm and supportive. There is no need for embarrassment if you ask another Adviser to give a view. Most clients at SWLAC will not mind if you say that they have brought you a difficult problem, and you would like to think about it a bit before next week/ask another Adviser what they think etc. Those with urgent problems will need referring elsewhere.
10. Sometimes you may wish to do some research, and to prepare a letter after the client consultation. In these circumstances, it is best to encourage the client to make an appointment to return the following week, by which time (if you are not attending personally) you will have prepared and e-mailed the letter or other document so it is available. If you do this, please notify the Supervising Solicitor so that they can advise you exactly who to send it to and by when.
11. As soon as you are aware your client has needs which will not be met by the service we can provide at the Centre, refer them on for further help. Do not continue to advise and act for clients who need more specialised services. It is not in their long-term interests.
12. If a problem arises, or you are aware that a problem may arise, speak to the Supervising Solicitor

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or an experienced Adviser at the Centre. They will be willing to help. Do not wait for a problem to get out of control before you talk to someone. If necessary, please get in touch with SWLAC's Chair, Richard Walford (richard@mutlow.net).

5.5 LETTERS TO/FOR CLIENTS

Follow up work (other than case recording) should be kept to a minimum. If a good deal of work would be required, the client should be referred elsewhere. Volunteers will have access to the computers at SWLAC to draft letters or pleadings on behalf of the client while the client is still present to approve the content.

Agree with your client, and record on the file, whether the client would prefer you to draft a letter in their name or that of the Centre. Once they have confirmed this, volunteers should prepare the letter (on Centre headed notepaper if appropriate) for the client to send.

Once the client has approved the letter, three copies in final form are required:

- the signed copy (which is given to the client to send);
- a copy (marked as such) for the client to keep;
- a soft copy must be saved to SWLAC's file for the client.

Letters should normally be headed with the client's name and address, and should start **"We have been consulted by ..."** (rather than "We act for .."). The letter should conclude with a request that **"When responding, please also send a copy of your reply direct to our client at their address as stated above."** This saves us time and postage.

Please note that SWLAC's computers or any documents **must not** be removed from the Centre.

SWLAC's advice is free, but the client should be requested to make a donation of £4 or more for writing a letter or drafting a Claim Form or other Statement of Case, This should be explained on the basis that the advice is free, but that a donation of £4 or more will help with the running costs of the Centre. There will be times when the client is destitute or has no money with them. In such cases, payment of the £4 can be deferred or waived. Please encourage taxpayers to use the Gift Aid envelopes, and those who wish to pay by card can be directed to the card machine held by the Supervising Solicitor.

5.6 WHEN FURTHER ADVICE IS NEEDED

SWLAC caters both for clients seeking advice on a single occasion, and for those with ongoing matters. For example, having written a letter to the other side, the client will usually wish to come in to discuss the response.

Advisers should also explain that if users need to be referred for more specialised help, they may have to pay for it. Advisers have a duty to explain to a client that they may be eligible for assistance from the Legal Services Commission. For further information about legal aid and the financial eligibility calculator, please look at the Community Legal Service website at <http://www.clsdirect.org.uk/legalhelp/calculator.jsp>

In no circumstances may a Volunteer propose that their own firm might take on a case.

5.7 REFERENCE AND INFORMATION MATERIALS

The following reference and information materials will be available at SWLAC:

- all policies and guidance applicable to SWLAC including this handbook;

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- a list of solicitors and agencies in the local area to whom clients can be referred.
- Some textbooks (although please be aware that these may not be the most up-to-date editions;
- Some online materials including the White Book and other legal databases.

Advisers should also, where appropriate, say to the client that they would like to research the issue (which they can do at their place of work) and discuss further with the client next week.

5.8 INSURANCE

Volunteers will be covered by SWLAC's professional indemnity insurance for advice given to clients of SWLAC. The fact that SWLAC carries insurance should not normally be mentioned to clients.

5.9 NEW VOLUNTEERS

All new Volunteers will be given a copy of this handbook and given a health and safety tour of the premises. New Volunteers may wish to shadow more experienced Volunteers initially until they feel confident about giving advice themselves. In due course, a newer Volunteer may wish to shadow them.

Please encourage friends and colleagues to come along to the Centre without any obligation “to see what it is like” and in the hope that they will also become regular attenders.

5.10 WEALTHY CLIENTS

SWLAC's charitable objects are for the “relief of poverty”. In the context of SWLAC, we consider this to mean having insufficient means to pay for legal advice.

On occasion, a client may say something which makes you think that they do not fall within the category of poverty. In such cases, a judgment must be made as to whether a particular client should be turned away. For example, we think that “We don't act for landlords” is too crude a rule, since the landlord in front of you may be an elderly lady who rents out a room in her flat and now wishes the tenant to leave. But a landlord who owns a block of 20 flats may normally be thought to have sufficient assets to be able to pay for their own legal advice.

In practice, what tends to happen where the client is prosperous is that brief advice is given on that occasion, accompanied by an explanation that SWLAC is here to help people in financial hardship, and therefore that the client does not fall within our permitted criteria.

5.11 REFUSING TO ADVISE CLIENTS

This section has been included as a matter of good practice, but tends usually to refer only to individuals who may be under increased emotional pressure (due to imminent dismissal from employment or eviction, for example).

Service may be withheld if a client is using or threatening violence, or acting in a racist, sexist, discriminatory or disruptive manner. Advisers should first consult the Supervising Solicitor, who will make the decision. Before refusing advice, the Supervising Solicitor may wish to allow the client the opportunity to reconsider, apologise or comment. People under stress sometimes make offensive or irrational comments they would not normally make.

Where a client is refused service, however, this should be polite, firm and unequivocal. The reasons for refusal should be stated and there should be no room for negotiation.

The client should then be invited to leave the premises and escorted to the exit. (A useful tip is to start walking towards the exit whilst still listening to the client's protests. They will usually follow and end

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up near the exit making it easier to get them to leave.) It may be necessary to threaten to call, or to call, the police. (The Centre's proximity to Parliament, Government departments, and Scotland Yard means that there are a lot of police officers nearby at all times.)

When advice has been refused, the Adviser responsible must record the client's name and address (if known), the reasons for refusing advice and a brief history, including any threat or use of violence. This record should be signed, dated and filed under the client's surname. A copy should also be filed in the folder labelled 'Refused Service'.

In addition, it will be appropriate to refuse service if a client has complained that their case has been handled in a negligent manner, or has intimidated or brought proceedings against SWLAC.

5.12 THREAT OF VIOLENCE

Safety is considered paramount, and Volunteers should not continue to offer advice under a threat of violence. In such circumstances, there is no need to offer a client any further opportunity to apologise or rethink their actions before refusing advice.

It shall be sufficient reason for refusing advice that a client has used or threatened violence in the past.

If a Volunteer suspects that there may be a risk of violence when advice is refused, they should first seek help from the Supervising Solicitor. If necessary, leave the room to consult with the Supervising Solicitor.

In all situations where there is a risk of violence, at least one other Volunteer should accompany the Adviser when the client is refused service and asked to leave the premises.

Where the client has been asked to leave and has refused, or where violence is threatened or has been used, the police should be called. If possible, the Adviser should move themselves and any other clients in the area to a place of safety, out of range of any potential danger. If this is not possible and/or deemed not to be necessary, at least two members of staff should wait in the reception area with the client until the police arrive.

Use of force by Volunteers or staff

The only circumstances in which force should be considered against a client or person within SWLAC is when a Volunteer believes that they or any other person present is in immediate and imminent risk of serious harm. This is a decision for the individual (and for which the individual is personally responsible) that must be made in the light of circumstances at the time.

Note: that the use of any force, even holding someone by the arm, may constitute an assault, and/or may provoke an attack putting the Volunteer at risk of serious injury. Any force used must be reasonable in the circumstances: excessive force could lead to criminal charges and/or a claim for damages against the individual, for which SWLAC will not be vicariously liable.

Other situations

There may be other occasions where none of these circumstances seem to apply but an Adviser still feels uncomfortable dealing with a particular individual. Here the Adviser should give a "tactful reason" why they might not be able to deal with the case and explain that they need to seek assistance from a colleague.

"Tactful reasons" can include "too much work", "other Advisers being more experienced/skilled in the area of work" etc. The Adviser should then discuss the matter with the Supervising Solicitor. Together they will decide what to do. This may be to refuse service to the client under this policy, or that the

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same or another Adviser should continue to advise, perhaps with a second Adviser present, or that the client is referred or directed to another agency.

6. PROFESSIONAL CONDUCT

Volunteers must comply with the Bar Council's Code of Conduct or the Solicitors Regulation Authority Code of Conduct or any code of professional conduct applicable to them.

7. FREE

Advice given at the Centre is free to all clients. There are more than enough clients in genuine financial hardship, so we prefer not to use our precious resources of time and energy on those who are sufficiently prosperous to pay for their own advice.

Volunteers must not accept personal financial donations. Occasionally the client offers, unsolicited, a bottle of wine or a box of chocolates, and gifts of this nature and size, so long as unsolicited, may be accepted.

8. DONATIONS AND CASH MANAGEMENT

The advice we give is free. If a letter is written or other document drafted, the client is asked for a £4 (or more) donation to assist with our bills and running costs. Photocopies are charged at 30p per sheet (to discourage the clients from using us as a photocopying service). They can be told that there are nearby commercial outfits which may offer cheaper photocopying.

Sometimes the client does not have the money to pay even £4, and if so the requested donation can be deferred or waived.

Any client wishing to make a donation to SWLAC can do so there and then. If the client is a taxpayer, the client should be requested to use the Gift Aid envelopes provided to increase the value of their donation to SWLAC by 20% at no cost to themselves.

The Supervising Solicitor will have a card payment machine for any clients who wish to make a donation using a bank payment card or credit card.

If a client makes a cash donation, they should be offered a receipt, and the cash amount should be recorded on a list held by the Supervising Solicitor. It is essential for our record keeping and financial transparency that the Treasurer is informed of the cash and payment machine donations on the day of, or the day after the advice session.

9. EXPENDITURE ON BEHALF OF SWLAC.

On occasion, it may be necessary for a volunteer to incur expense on behalf of SWLAC. Typically, this will be small (for example, tea bags, or paperclips), and in such cases, the Volunteer (if they want to) can provide a receipt to the Treasurer and request reimbursement.

If the amount of the expenditure is larger (say over £15), then pre-authorisation from the Treasurer must be sought. Without such pre-authorisation, SWLAC does not promise that any sum will be reimbursed.

Any notices or other advertising must be pre-authorised by the Treasurer and/or Chair whether or not they involve expenditure, before the same are exhibited/posted.

10. CONFLICTS

If a Volunteer identifies any conflict of interest between their work or work done by their firm and the client's interest, then the Volunteer should decline to advise, and ask the Supervising Solicitor to re-allocate the case to another Adviser. If the potential conflict is considered to be serious, that client shall

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be referred to another organisation.

On rare occasions, SWLAC has already been asked to advise the opposite side in a matter. If this is identified before any advice has been tendered, the client should be referred elsewhere at once. If it is identified **after** advice has been tendered to one client, then both clients should be notified, with appropriate apologies and explanations, that we cannot assist them further, and both must be referred elsewhere.

The Supervising Solicitor will be available to assist in the event of any concerns.

11. CONFIDENTIALITY AND DATA PROTECTION

All information given by clients, or by other parties in connection with their case, shall be treated as confidential by Volunteers. No information may be given to a third party outside SWLAC without the client's prior consent. If consent is given, it should be given in writing and a scan must be recorded on the client's file.

SWLAC takes its obligations under Data Protection and Privacy law seriously, and asks its Volunteers to do likewise.

If an Adviser believes it would be beneficial to the client to discuss the case further at their place of work, they must bear in mind at all times their duty of confidentiality to the client, and must not reveal the client's name or other details enabling identification of the client to anyone outside SWLAC.

Breaches of confidentiality are taken very seriously, and may be considered an act of gross misconduct by Volunteers, leading to the termination of voluntary work with SWLAC.

However, there are a number of legal rules and statutory provisions which may require SWLAC to give out confidential information about clients, including:

- Proceeds of Crime Act 2002
- Police and Criminal Evidence Act 1984;
- Legal Aid Regulations, where a client is legally aided;
- Drug Trafficking Offences Act 1986;
- Terrorism Act 2000;
- Prevention of Terrorism Act (Temporary Provisions) Act 1989;
- Insolvency Act 1986;
- where information was communicated before the commission of a crime for the purpose of being guided or helped in the commission of it
- an order of any court of competent jurisdiction or any regulatory, judicial, governmental or similar body of competent jurisdiction

In circumstances where SWLAC is required by law to give out confidential information, it will endeavour to do so very strictly in accordance with legal requirements.

Further, confidential information may be revealed 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: in such circumstances, the Adviser must consult with the Supervising Solicitor and together consider whether

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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.

Advisers should tell clients their name, but should not disclose other personal information including their work or home details or contact telephone number. If there is an identified need for further contact after the session, such contact should be by e-mail, so that there is a clear "paper trail" of the communications. It is preferable for the client to be invited to return to the Centre on another occasion.

Where possible, any further advice should be sought from others present including the Supervising Solicitor, during the Face-to-Face sessions. If a Volunteer wishes to take advice on a case outside the session, they may do so after contacting the Supervising Solicitor, and after that, by contacting Richard Walford if appropriate.

12. QUALITY ASSURANCE

Volunteers may be observed by the Supervising Solicitor or by other senior lawyers requested by SWLAC to undertake this role, either generally or specifically. If a Volunteer's work falls below acceptable standards, appropriate action will be taken, which may involve requiring a volunteer to attend a training session or sessions, and ultimately terminating a Volunteer's involvement with SWLAC.

As part of the Centre's commitment to quality, clients have the right to both give feedback on the Centre and to make complaints. Complaints shall be dealt with under the Complaints procedures at Appendix 6. Both complaints and client feedback will be reviewed at least annually.

11. SEAMLESS SERVICE

The Centre's purpose is to provide high quality assistance and advice to clients, but within the constraints of the limited financial and volunteer resources available. If it is apparent that a client needs help beyond the remit of the Centre, the Volunteer will offer the client the option of referral to advice agencies or solicitors better able to provide the help needed.

Advisers must speak to the Supervising Solicitor or another qualified Adviser present, if they have any doubts about their ability to act or how best to serve the client's needs.

12. EMPOWERMENT

SWLAC's attitude is to accord respect to, and to expect respect from, its clients.

The Centre aims to empower its clients, not to make them dependent. In practice, this will happen in different ways. Some clients seek information on their rights, or advice on the best course of action to take in their circumstances. Frequently it is appropriate to give to a client guidance as to what to expect in a Court hearing, and a list of bullet points to make in support of their position to the Judge: it may be necessary to reassure them that the Judge will listen carefully and attentively to them. Many local District Judges and County Court Judges are aware of SWLAC's existence and ethos, and are pleased to be told that advice has been sought from the Centre.

Other users 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 a crisis 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. If a client is seeking to act in a way that the Adviser perceives not to be in their best interests, the Adviser should be sure to tender that advice, and make a note of this on the file.

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In an extreme case, the Adviser can refuse to assist that course of action.

13. NON-JUDGMENTAL

All people have opinions, prejudices and biases. However, those preferences must not interfere with an Adviser's willingness to listen to their client and to advise that client as to their options. If clients perceive that they are not being treated with respect, they will not use SWLAC.

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Appendix 1

Client Information Sheet

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SOUTH WESTMINSTER LEGAL ADVICE CENTRE

The Abbey Centre, 34 Great Smith Street, London SW1P 3BU

www.swlac.org

CLIENT INFORMATION SHEET

Thank you for coming in to the South Westminster Legal Advice Centre (“SWLAC”), a charity established in 1998. Our objective is:

“to provide free legal advice to people on low incomes, independently, fearlessly, efficiently, and with integrity, and always in a friendly and courteous manner.”

Who we are: SWLAC is staffed by volunteers, all of whom are attending voluntarily and unpaid, and most at the end of the day’s work. They do it because they want to. Please bear with us if there is a delay before you can be seen, or if there are no or few advisers available or if particular specialities are not covered on any particular evening. *Please respect our staff, and the fact that they are giving up their own time to help others.*

The procedure: In the interests of social distancing, and in order to respect the privacy of others, please stand back from reception desk until it is vacant, or until you are called. You will be asked for your name and whether you have been to the Centre before. This is so we can locate any relevant file. You will be asked for your personal details, and perhaps a brief summary of your problem. Then please take a seat and await the next step, which is for you to see a lawyer who will ask further questions, take more details of your case, and will advise you. Your name will be called when they are free to see you. We try to limit each interview to 20 minutes so others can also be seen.

The lawyer who gives you advice may be in another location, and may advise you via a computer screen: our volunteers will be on hand to assist you with this.

Please note that you may not be called in the order in which you arrived at the Centre: this is likely to be because the available lawyer has expertise in other areas of law, or for some other reason. Please bear with us if we are running late.

Our appointment slots are stated as 45 minutes, and we will do our best to see you within that slot. Our advisers offer time-limited appointments - usually 20 - 30 minutes.

The advice we give is free. We do however request a small donation (£4) when we write a letter or draft a document for you, or for photocopies (30p per sheet) if it is necessary to make copies for our file, or to send to the other side. We struggle to pay the running costs of SWLAC, and these donations really help. We have a card payment machine for those who do not have cash.

We ask you to check and approve the letter or document before it is finalised. If we produce a letter for you, we normally ask the person to whom we have written to send a copy of their reply to you. If we do not receive a reply, you will not hear from us. If we do receive a reply, we will send you a copy unless it appears that you have already been sent one.

REMEMBER THAT IT IS UP TO YOU TO COME BACK IN TO SEE US SHOULD YOU WISH TO DO SO: WE CANNOT TAKE ANY ACTION WITHOUT YOUR AUTHORITY AND INPUT.

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We usually do not advise by telephone or by letter: YOU MUST COME TO THE CENTRE.

Please note that all documents in our file are the property of SWLAC.

HELP US TO HELP YOU: If there are any relevant documents in your case (such as letters) please bring them with you arranged in date order, so that the earliest letter is on the top. If your case concerns a contract such as a tenancy agreement or an employment contract, please bring it with you.

CAN YOU HELP US? If you have any spare time, could you help us, by, for example, doing some typing or cleaning, or helping us raise money?

We are always in need of money: any donations are always much appreciated, and if you are a taxpayer, please ask for a Gift Aid Form (which enables us to recover tax from the Inland Revenue).

CONFIDENTIALITY

South Westminster Legal Advice Centre offers a confidential service:

Nothing you tell us will be shared with any other organisation or individual without your express permission, or as required by law.

If you would prefer to be interviewed in private, please tell the staff member on duty.

DATA PROTECTION: The Data Protection Act 1998 (DPA) regulates the use of personal information within all organisations, including a legal advice centre such as ours. Under the provisions of the DPA, there is a duty upon all data processors to keep that data secure (the seventh data protection principle) and as such, we do our very best to take such technical and organisational steps so as to ensure that there is no unauthorised or unlawful processing of personal data and no accidental loss or destruction of, or damage to, personal data.

SERVICE STANDARDS

We are a low-budget charitable organisation providing our services voluntarily and free-of-charge. This of course means that we may have constraints as regards volunteer availability on any particular day. Against this background, we aim to provide service of a standard acceptable to all our clients.

If we fail to do this, please let us know about it. This will enable us not only to deal with the specific problem, but also avoid it happening again.

EQUALITY, DIVERSITY, AND INCLUSION

We are committed to encouraging equality, diversity and inclusion amongst our volunteers and clients, and to eliminating unlawful discrimination. We help those who need legal advice and we accept volunteers, irrespective of their age, disability, race (including colour, nationality, and ethnic or national origin), religion or belief, sex, sexual orientation, gender identification or reassignment, single, married, or civil partnership status, pregnancy and maternity, political persuasion or any other characteristics protected by the Equality Act 2010.

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Appendix 2

Client Authorities

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AUTHORITY TO DISCLOSE INFORMATION

To whom it may concern

I
(Name in capital letters)

of
(Address)

authorise you to disclose to South Westminster Legal Advice Centre, of The Abbey Centre, 34 Great Smith Street, London SW1P 3BU such information about my affairs as South Westminster Legal Advice Centre may request.

Signed

Dated

NOTE TO SWLAC ADVISERS/STAFF:

This form is to be used whenever it is necessary to write to any other person or body requesting information about the client or their affairs.

Please ensure that the client understands that the form will be used only in connection with their case.

Please ensure that this form is signed and scanned to the file. The client should be offered a copy if they would like one.

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SOUTH WESTMINSTER LEGAL ADVICE CENTRE
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AUTHORITY TO USE ADDRESS/TELEPHONE NUMBER
(to be scanned to the file)

To South Westminster Legal Advice Centre

I
(Name in capital letters)

of
(Address)

Telephone Number:E-mail

authorise South Westminster Legal Advice Centre CIO (“you”):

1. to use the address, e-mail address and telephone number stated above (“my address”) in communicating with me;
2. to disclose my address in any communication with any other person about my case;
3. to request any person who may be responding to a communication from you to send a copy of that response direct to my address.

Signed

Dated

NOTE TO SWLAC ADVISERS/STAFF:

Please ensure that the client understands that:

1. We must have an address through which we can communicate with the client. The telephone number may be of assistance, but is not necessary, and the words “and telephone number” may be deleted if the client wishes.
2. It is usual when writing to another person or organisation to identify the name and address of the client by whom we have been consulted. But there may be circumstances (fear of reprisals, etc) in which the client does not wish his/her address to be disclosed; The client is entitled not to give this authority.
3. It is our custom when writing to another person or organisation to request that a copy of their response is also sent direct to the client, as this may save time and expense. The client is entitled not to give this authority.

SWLAC adviser/staff member who explained this

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Appendix 3

Confidentiality Policy

South Westminster Legal Advice Centre CIO: Registered Charity Number 1180716

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SOUTH WESTMINSTER LEGAL ADVICE CENTRE

CONFIDENTIALITY POLICY

1. Confidentiality Statement.

The South Westminster Legal Advice Centre ["SWLAC"] is committed and obliged to provide a confidential advice service to its clients.

SWLAC believes that principles of confidentiality must be integrated across all aspects of services and management, and that its clients have the right to confidentiality, not only to protect their own interests, but also to safeguard SWLAC and its volunteers .

The following will be displayed in the waiting area/interview rooms:

"South Westminster Legal Advice Centre offers a confidential service:

Nothing you tell us will be shared with any other organisation or individual without your express permission, or as required by law.

If you would prefer to be interviewed in private, please tell the staff member on duty."

2. Definition of Confidentiality.

SWLAC understands confidentiality to mean that no information regarding a client (including the fact that he/she is using our services) shall be given directly or indirectly to any third party outside SWLAC's Volunteers without that client's prior express consent to the disclosure of such information, unless SWLAC is required by law or allowed in its own defence to disclose such information. Such information may, however, be shared internally between our Volunteers.

SWLAC recognises that clients need to feel secure in using our services in a confidential manner. We will ensure that any client who wishes to be interviewed in private is given the opportunity. SWLAC will not confirm the client's presence in SWLAC's premises ("the Centre") or the client's consultation of SWLAC without obtaining the client's consent.

3. Maintaining Confidentiality

3.1 Statistical Recording.

SWLAC is committed to effective statistical recording of clients in order to enable it to monitor the usage of the services provided, and to identify any policy issues arising. It is SWLAC's responsibility to ensure that all statistical records given to third parties in support of funding applications, or monitoring reports for the Local Authority, shall be produced in anonymous form, so that individuals cannot be recognised.

3.2 Case Records.

It is the Volunteers' responsibility to ensure that all reasonable steps are taken to keep files and other case records secure. Documents should be scanned onto SWLAC's systems and the originals returned to the client. Attendance notes should be made on SWLAC's system. No documents nor any SWLAC property may be removed from the Centre.

3.3 Express Consent to Give Information.

It is the responsibility of Volunteers to ensure that, where any action is agreed to be taken by the Centre on behalf of a client, that the client has first agreed to such action. This should be noted on the client's file.

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Volunteers are responsible for checking with clients if it is acceptable to telephone them or e-mail them in relation to their case. To ensure client safety, Volunteers must ensure that they make no reference to SWLAC when leaving a telephone message for clients, and on making contact with the client must first ask whether the client can speak freely. (If the client says no, it is best to ring off and try at another time). Caution should be exercised when speaking to someone other than the client, for example when leaving a message.

Volunteers are responsible for finding out from clients the appropriate address to which letters in relation to their case may be sent, and for obtaining the client's written consent to use such address.

All details of expressed consent must be recorded on the case file.

3.4 Discussions of client's information and involvement with SWLAC

Volunteers and staff must not disclose, publish or make available the client's information or the client's consultation of or involvement with SWLAC to anyone that does not have authority to know and use such information, except as permitted by this policy.

Volunteers must not discuss the client's information or the client's involvement with SWLAC in public where it may be overheard, including, but not limited to, elevators, restaurants, cabs and public transportation.

3.5 Removal of client information from the SWLAC centre

Volunteers shall not remove any laptops or papers from SWLAC unless specifically authorised by the Supervising Solicitor.

4. When Confidentiality is at Risk

In order that organisations can take steps to identify potential risks to confidentiality and thus prevent them from arising, Volunteers need to be aware of the kinds of situation in which a breach can arise. The following is a non-exhaustive list of some of the situations that might arise:

- **Admitting to advising:** Even admitting that SWLAC is advising someone could, in itself, be a breach of confidentiality, even if not accompanied by any other facts of the matter.
- **Careless Talk:** One of the most common ways in which client confidentiality can be breached is from discussing client matters outside of the Centre. All volunteers need to be aware that they must not, under any circumstances, discuss clients or their cases when they are out of the Centre and in particular when they are in public places. Even a discussion which does not name the client could, in certain circumstances, be sufficient to breach confidentiality if overheard by someone who was able to put a name to the circumstances. Similar considerations apply to the use of social media.
- **Careless Reading:** Another common way in which client confidentiality can be breached is where a volunteer is reading papers or documents in a public area such as on a train or in a coffee bar and they are seen by someone else. Even just seeing the client's name on the side of a closed file could in some circumstances be sufficient for there to be a breach of confidentiality.
- **Loss and Theft:** We do not permit the removal of laptops or papers from the Centre. In exceptional circumstances, when this has occurred, special care must be taken to ensure that the laptops and papers are not lost or stolen – specifically, they should not be left in cars, even in the boot, and certainly should not be left overnight. Do not leave them unattended in bags at any time – even very briefly – and always be very careful to make sure that bags are not left on the floor in a bar, or left behind on departure.

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- **Misdirected Messages:** The ease with which information can be sent by e-mail means that it is all too easy for confidential information to be sent to the wrong person.
- **Cloud Computing:** One particular vulnerability is the use of a cloud computing service. This could be anything from storing files on a shared drive, cloud-based software and management programmes, online accounting systems and cloud-based intranets. SWLAC does its best to verify that the service is secure before any data is stored or shared utilising such a system.
- **Disposal of files and papers:** Any files or papers that contain confidential information or could be linked in any way to a client of the firm must be disposed of using a confidential waste service that has been verified as secure and trustworthy. Likewise, if a volunteer makes notes about a case which he or she does not intend to keep, or drafts a document in longhand, then those notes or drafts should also be disposed of confidentially and not simply placed in the normal rubbish.
- **Disposal of electronic data:** When disposing of old computer equipment, it is important to ensure that all data previously contained on that computer has been safely destroyed. This does not mean simply deleting the files, as deleted files can often be recovered with comparative ease. It means either removing and physically destroying the hard drive or at the very least wiping the disc or formatting it to ensure all data is destroyed.
- **Taking care with portable equipment:** The greatest care is needed with SWLAC's laptops, tablets, phones or memory sticks if they contain client data. A lost laptop on a train could disclose large amounts of client data. Such data should be removed from the Centre only in exceptional circumstances, and even then, steps must be taken to password access to the equipment. Loss of such an item should be reported immediately, so that remedial steps can be taken.
- **Hacking and Data Theft:** Increasingly law firms are becoming subject to hacking and data breaches. Volunteers need to be alert to the dangers that cybercrime presents and take steps to avoid becoming a victim.
- **Media and the Press:** Everyone should be very wary of commenting to the media or press about any matter in which they are involved. Even replying by saying that you cannot discuss a client's matter will tell the enquirer that you are/SWLAC is advising – a fact which might not previously have been known. The best way is simply to have a blanket refusal to take unsolicited calls from the media or press, to not respond to e-mails about client issues and if a member of the press gets through to you, simply to state that we do not talk to the press at all and then hang up. In the event that a Volunteer is contacted, they should report the matter to the Supervising Solicitor.

5. Breaches of Confidentiality.

SWLAC recognises that exceptional occasions may arise where an individual Volunteer may feel that it is necessary to breach confidentiality. We recognise that any breach of confidentiality may damage the reputation of SWLAC the services provided, and therefore that this has to be approached seriously.

On occasions where a Volunteer feels it to be essential or unavoidable for confidentiality to be breached the following steps must be taken:

1. The Volunteer should raise the matter immediately with the Supervising Solicitor.

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2. The Volunteer must discuss with the Supervising Solicitor the issues involved in the case, and explain why they feel confidentiality should be breached and what would be achieved by breaching confidentiality. The Supervising Solicitor should make a written note of this discussion.
3. In urgent cases (when a decision needs to be made at once), the Supervising Solicitor is responsible for making the decision on whether confidentiality should be breached.
4. If the situation was not urgent (so at that time no breach had yet occurred), the Supervising Solicitor should seek authorisation to breach confidentiality from the Chair/Trustee.
5. In both urgent and non-urgent cases (ie where the Chair/Trustee authorises a breach of confidentiality), a full written report on the case should be made and any action agreed undertaken.
6. If the Chair/Trustee does not agree to breach confidentiality then The Supervising Solicitor may request that the matter be brought before the Trustees. The decision of the Trustees is final.

In the event of an inadvertent disclosure of a client's information by a Volunteer, the Volunteer must immediately inform the Supervising Solicitor or the Chair (richard@mutflow.net) so that measures can be taken to minimise damage.

6. Legislative Framework.

There are a number of legal rules and statutory provisions which may require the Centre to give out confidential information about clients, including:

- Proceeds of Crime Act 2002
- Police and Criminal Evidence Act 1984;
- Legal Aid Regulations, where a client is legally aided;
- Drug Trafficking Offences Act 1986;
- Terrorism Act 2000;
- Prevention of Terrorism Act (Temporary Provisions) Act 1989;
- Insolvency Act 1986;
- Data Protection Act 2018
- where information was communicated before the commission of a crime for the purpose of being guided or helped in the commission of it.
- an order of any court of competent jurisdiction or any regulatory, judicial, governmental or similar body of competent jurisdiction.

In circumstances where SWLAC is required by law to give out confidential information, it will endeavour to do so to the minimum extent necessary in accordance with legal requirements.

7. Ensuring the Effectiveness of the Policy.

All Trustees and existing or new Volunteers will be directed to this confidentiality policy. The policy will be reviewed annually and amendments should be proposed and agreed by the Trustees.

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Appendix 4

Volunteers' Policy

South Westminster Legal Advice Centre CIO: Registered Charity Number 1180716

Location: The Abbey Centre, 34 Great Smith Street, London SW1P 3BU

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SOUTH WESTMINSTER LEGAL ADVICE CENTRE

Volunteers Policy

This Policy is to be read in conjunction with the Volunteers' Handbook and any appendices to it

1. South Westminster Legal Advice Centre CIO is a charity set up to provide legal advice free of charge to those in need, and is primarily directed at those on low incomes who live in or are employed in the City of Westminster. Resources permitting, advice is also tendered to those living and working in surrounding postcodes. SWLAC operates from the Abbey Centre, 34 Great Smith Street, Westminster, London SW1P 3BU ("the Centre")

2. A copy of SWLAC's main objects clause is to be found at the bottom of this document. In summary, however, we are here:

"To provide free legal advice independently, fearlessly, efficiently, and with integrity, but always in a friendly and courteous manner."

3. Your rights as a volunteer

This is a voluntary organisation, and your support is much appreciated.

You have the right:

- 3.1 to the support and information you need to advise effectively;
- 3.2 not to be discriminated against yourself;
- 3.3 to make your views known to the Trustees;
- 3.4 to confidentiality - we keep only your name, address, employment address (if any), phone number, and specialist areas of work covered, and will not divulge it to anyone without your consent;

4. Do's and Do Not's

There are, of course, some ground rules, which are set out more fully in the Volunteers' Handbook:

PLEASE DO:

- ask the Supervising Solicitor or other advisers if you have any queries, whether on questions of law, practice, ethics, or the way in which SWLAC works: anyone will be pleased to help as much as they can;
- make attendance notes of the advice you give AND INITIAL THEM. Likewise, please put your initials on a letter you write. Someone may need to clarify something with you later.
- bring along trainee solicitors or pupil barristers and other qualified lawyers with a view to them becoming Advisers in due course;
- look it up: we have a good library of practitioners' works;
- read and abide by the Volunteers' Handbook (available on our website);

YOU MUST NOT:

- take computers, books or casework away from the Centre: others may need them;

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- use SWLAC to promote your own or your firm's practice;
 - break the ordinary rules of client confidentiality or conflict of interest;
4. For the protection of our clients, we have professional indemnity insurance cover: the details are available on request. But please do not tell clients of this. Likewise, you will understand the need for us, when you first become a Volunteer, to check with your professional body and/or your employer that you are duly qualified.
 5. For your protection, we will always ensure that there is at least one other person with you in the Centre when you are advising clients.
 6. We are committed to encouraging equality, diversity and inclusion amongst our volunteers and clients, and to eliminating unlawful discrimination. We help those who need legal advice and we accept clients and Volunteers, irrespective of their age, disability, race (including colour, nationality, and ethnic or national origin), religion or belief, sex, sexual orientation, gender identification or reassignment, single, married, or civil partnership status, pregnancy and maternity, political persuasion or any other characteristics protected by the Equality Act 2010.
 7. We must reserve the right to ask Volunteers not to attend if they are not competent, or if they display an attitude which is inconsistent with SWLAC's ethos and principles, or if they seek to behave in a manner which is inconsistent with its charitable status or objectives. If a Volunteer is asked not to attend SWLAC, they will have the right to request a hearing (to be conducted in accordance with the rules of natural justice) before three Trustees.
 8. We will monitor and evaluate this policy, modifying and updating it as necessary. We will keep statistics of recruitment of Volunteers, and will ensure that the views of Volunteers are heard and taken into account when decisions are made.
 9. We will endeavour, within reason, and within the limits of our resources:
 - 9.1 to provide a welcoming and well-equipped base for Volunteers to give advice.
 - 9.2 to communicate effectively with other voluntary and statutory bodies, to ensure the flow and cross fertilisation of ideas, and expertise, where appropriate.
 10. We will provide a structure for the resolution of problems between Volunteers.

Main Objects Clause

The main objects of the South Westminster Legal Advice Centre CIO are as follows:

- (1) *To hold the funds of the CIO to apply them for the following objects, those being for the relief of poor persons and in particular (but without limitation) those being resident in or employed in the City of Westminster by providing to such persons legal services of any nature whatsoever which they might not otherwise obtain through lack of means;*
- (2) *Without wishing to restrict the general terms of the words "legal services" as used above, these services may include the provision of advice, assistance and representation in or in connection with:*
 - (a) *Any contentious or non-contentious legal work of any nature, including the prosecution of, or defence of any civil or family or criminal causes, claims or interests (including the challenge of executive action), in any Court, tribunal, arbitration, or other place set up for the resolution of disputes, and any appeals from any such decisions; and*
 - (b) *Any problems caused by or as a result of debt, sickness, poor housing, loss of employment, low income, matrimonial breakdown, discrimination, failure to obtain welfare or other state allowances or benefits of any nature whatsoever, failure to obtain*

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the full amount to which such persons may be entitled, or claims or clawbacks of such allowances or benefits

Nothing in this constitution shall authorise an application of the property of the CIO for purposes which are not charitable in accordance with the Charities Act 2011 (or any statutory amendment or re-enactment of it).

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Appendix 5

Gift Aid Form

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Location: The Abbey Centre, 34 Great Smith Street, London SW1P 3BU

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The Abbey Centre, 34 Great Smith Street, London SW1P 3BU

When completed, please return to The Treasurer at the above address

GIFT AID FORM

By signing a Gift Aid declaration, you will increase your support for South Westminster Legal Advice Centre by 20p for every £1 donated at no additional cost to yourself. In order to be eligible for Gift Aid, you must pay an amount of income or capital gains tax at least equal to the Gift Aid that will be claimed during the tax year.

Please ask your adviser if you would like advice about this form.

I would like the South Westminster Legal Advice Centre CIO to treat my donation of £..... [PLEASE FILL IN AMOUNT] and any further donations I make, and all donations I have made since 1 January 2019 as Gift Aid donations. I confirm that I am a UK taxpayer, resident in the UK for tax purposes, and that I will notify South Westminster Legal Advice Centre CIO if my situation changes and I no longer pay tax.

Your name (in capitals).....

Signature

Your home address

For direct bank transfers:

Our bankers are Metro Bank, One Southampton Row, London WC1B 5HA

For the credit of: South Westminster Legal Advice Centre CIO

Sort Code 23-05-80 Account Number 32051871

For SWLAC use only: Amount of this donation: £.....

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Appendix 6

Complaints Policy

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SOUTH WESTMINSTER LEGAL ADVICE CENTRE

COMPLAINTS PROCEDURE

1. Statement.

The following statement will be provided to clients:

“We are a low-budget charitable organisation providing our services voluntarily and free-of-charge. This of course means that we may have constraints as regards volunteer availability on any particular day. Against this background, we aim to provide service of a standard acceptable to all our clients.

If we fail to do this we want to know about it. This will enable us not only to deal with the specific problem, but also avoid it happening again. ”

2. Introduction.

2.1 This policy sets out the procedures we will follow when we receive a complaint from a client of SWLAC, a volunteer, an organisation, or a member of the public.

2.2 This procedure is meant to provide a means to resolve a dispute between SWLAC and any complainant. It requires SWLAC Volunteers at every stage to try to resolve the complaint.

2.3 Complaints are likely to be in one or more of the following areas:

- * dissatisfaction with our service, such as inadequate work, problems with casework, unacceptable delay or failure to deliver a service etc.
- * disputes between a client or Volunteer and SWLAC regarding policy, procedures or activities.
- * discourtesy or unhelpfulness on part of Volunteers.

2.4 When someone wishes to register a complaint, the following procedure should be adopted.

3. The Procedure

3.1 Where the complaint is against the Supervising Solicitor, the same procedure will be followed, but with the Chair of the Trustees substituting for the Supervising Solicitor's role at all stages.

3.2 Preliminary stage

The complaint should be received either via completion of a complaints form or by a request to make a verbal complaint.

3.3 Stage 1

3.3.1 The complainant should be invited to speak to the Supervising Solicitor who was supervising the session on the relevant occasion to discuss the complaint with them. This can be done in person or by phone, whichever is appropriate.

3.3.2 The Supervising Solicitor should keep a record of the conversation on the complaints monitoring sheet. The Supervising Solicitor will endeavour to resolve the matter.

3.3.3 If the complainant remains dissatisfied, or where it is not possible to use Stage 1 above (for

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example if it is not convenient for them to phone or visit the Centre) then refer to Stage 2 below.

3.3.4 Stage 1 should be completed within 5 working days of receiving the complaint.

3.4 Stage 2

3.4.1 The complainant should be asked to put their complaint in writing to the Supervising Solicitor, marked Private and Confidential, using the Form below, as providing as much detail of the complaint as possible, together with their name, address e-mail address and telephone number.

3.4.2 If the complainant is not able to put their complaint in writing, the complainant will be offered an interview with the Supervising Solicitor or another person who acts as Supervising Solicitor. The role of the Supervising Solicitor or nominee at this meeting will be confined to:

- * putting the complaints in writing,
- * obtaining the complainant's approval that the contents are accurately recorded; and
- * asking the complainant to sign to indicate they confirm the accuracy of the contents as recorded.

3.4.3 The complainant may choose to work with a third party at this stage and throughout the process.

3.4.4 The Supervising Solicitor will then investigate the complaint and attempt to resolve it.

3.4.5 The Supervising Solicitor may delegate any aspect of the investigation to a nominee.

3.4.6 If the complaint involves a Volunteer, the Supervising Solicitor should offer the opportunity for the Volunteer to put forward their account, initially by a written statement.

3.4.7 The Supervising Solicitor will ensure that all complainants receive a response in writing within 10 working days of the letter/complaint notes being received. This letter will summarise what investigation has been carried out and what action, if any, is proposed to resolve the matter. A copy of this letter should be attached to the complaints form.

3.4.8 If a response by letter is unsuitable, the complainant will be offered an interview with the Supervising Solicitor to provide the response verbally. This meeting should be held within 10 working days as before. A written record of this interview will be kept and the complainant will be invited to sign it.

3.4.9 If the complainant is not satisfied at this stage they should ask for the matter to be dealt with under Stage 3 of the complaints procedure.

3.5 Stage 3

3.5.1 Where the matter is not resolved by stage 2, the Supervising Solicitor should immediately refer the complaint to the Trustees who will convene a Complaints Panel ("the Panel"). The Chair of the Trustees will be responsible for convening the Panel. In the absence of the Chair, the Treasurer will become the convenor.

3.5.2 The Complaints Panel will comprise of the Chair of the Trustees and the Treasurer) and one other Trustee.

3.5.3 The Supervising Solicitor will send copies of all correspondence and documentation to the Panel members.

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3.5.4 The complainant will be informed immediately by the Supervising Solicitor that this is being done, and that the Panel will also be contacting the Volunteer against whom the complaint is made, or who has relevant knowledge.

3.5.5 The Panel will review the decision made at Stage 2 and may seek further clarification from any of the parties involved.

3.5.6 The Complaints Panel will notify the complainant of its reasons and decision within 15 working days of having received notice of the complaint. The Panel's decision will be final. The Supervising Solicitor is responsible for ensuring that records of the meeting are kept, and that the Complaints monitoring form is completed.

3.5.7 The Chair will be responsible for reporting the Panel's findings to the next meeting of the Trustees.

3.6 Charity Commission

If the complainant remains unhappy with the decision, they may be able to complain to the Charity Commission. Information about the kind of complaints the Charity Commission can involve itself in can be found here: <https://www.gov.uk/complain-about-charity>

4. Recording and Monitoring Complaints

4.1 All complaints will be recorded and kept on file, including those, which were resolved without being put in writing. The Complaints monitoring form shall be used for this purpose. All complaints shall be handled in accordance with SWLAC's Confidentiality Policy.

4.2 The Chair will make a report once a year to the Trustees summarising the nature of any complaints received and how they were resolved.

5. Publicising the Procedure

5.1 The procedure for making a complaint shall be publicised on SWLAC's website.

6. Ensuring the Effectiveness of the Procedure

6.1 This complaints procedure will be annexed to the Volunteers' Handbook.

6.2 Existing and new Volunteers will be introduced to the complaints procedure via induction and training. The procedure will be reviewed annually and amendments should be proposed and agreed by the Trustees.

Date procedure was agreed:

Date of review:

Person responsible for review:

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SOUTH WESTMINSTER LEGAL ADVICE CENTRE

COMPLAINTS FORM - CONFIDENTIAL

Name of Complainant

Address

E-mail address

Telephone number.

Date of Complaint

Date of subject matter of complaint (if different)

Name of Supervising Solicitor who was supervising the session on the relevant occasion (if known):

.....

Please summarise the nature of the Complaint (eg "Volunteer was rude")

.....

Please provide full details of the complaint including the names of any persons present and/or complained about:

I confirm that I believe that the matters above are true and accurately recorded.

Signed: Dated:

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For SWLAC Use only:

Date Complaint received

Date of Stage 1 discussion and result (*Stage 1 should be completed within 5 working days of receiving the complaint.*)

Stage 2 – Written Form received/completed:

Stage 2 – Response (*All complainants should receive a response in writing or offer of interview within 10 working days*)

Stage 3 – Date of referral to Chair and convening of Complaints Panel

Stage 3 – Date of decision of The Complaints Panel and reasons notified to complainant (*within 15 working days*)

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