



PRO BONO GUIDE FOR IN HOUSE TEAMS

3rd November 2021

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PRO BONO GUIDE FOR IN HOUSE TEAMS

Whatever the size or nature of the business, whether in the public or private sector, in-house legal teams in England and Wales have a long history of providing free legal services for not-for-profit charitable organisations and individuals.

Pro bono enables in-house legal teams to give back to their communities, enhance professional and personal development, and can bring long-term benefits for organisations that support their employees to carry out pro bono work.

The Law Society, LawWorks, the In House Pro Bono Group and GC100 are delighted to support the growing interest in pro bono activity by in-house legal teams.

This guide for in-house solicitors is part of an ongoing commitment on the part of all of these organisations to support in-house legal teams to develop their pro bono work and programmes within their organisations.

See Wider sector collaboration in the [Building a pro bono infrastructure](#) section below for more details about each of these organisations.



The In House Pro Bono Group would like to express its gratitude to the UK Collaborative Plan for its input in drafting this guide.

GC100 would like to express its gratitude to Tom Dunn, pro bono director at Clifford Chance LLP for his input in drafting this guide.

It is the responsibility of individual lawyers and companies to ensure that they are aware of, understand and comply with all legal, regulatory and other requirements relating to the manner in which they may choose to become involved in any pro bono activity.



About this guide



Setting a successful foundation for a pro bono programme



Overcoming potential barriers



Scoping a pro bono programme



Building a pro bono infrastructure



Delivering pro bono advice

About this guide

The term '**legal team**' is used throughout this guide as the contributors wish to emphasise that many organisations have successful pro bono programmes that involve every member of their team.

Discussions around regulation are specific to England and Wales qualified solicitors. **In England and Wales, the term 'solicitor' is a protected term that describes a lawyer who has been admitted as a solicitor by the Solicitors Regulation Authority (SRA) and whose name appears on the roll of solicitors.**

The SRA sets the principles and code of conduct for the provision of legal services by solicitors in England and Wales. The regulations regarding pro bono work are under constant review and, as such, this publication is guidance only and is not legal advice.

If you're not an England and Wales qualified solicitor, you may be subject to different regulation, which is outside the scope of these guidelines.

The contributors to this guide aim to update this publication when changes to the regulation of pro bono work are made but all in-house teams should ensure they are compliant with any regulatory requirements when undertaking any form of pro bono work. While care has been taken to ensure this guide is accurate and up to date, **contributors to this guide will not accept any liability in relation to it.**

Setting a successful foundation for a pro bono programme

Build a network of senior support to champion pro bono

Before establishing a pro bono programme, it's sensible to **seek support from key individuals within your organisation** such as the chief executive officer, general counsel, head of legal and/or head of corporate social responsibility (CSR) or if you do not have convenient access to such stakeholders, start with your manager or office lead.

Look for senior **people who are passionate about pro bono** to champion your work and be an advocate for your project.

Support from relevant stakeholders is vital to the success of your legal team's pro bono programme, regardless of the size or make-up of your team or department.

To gain support, consider providing your stakeholders with **examples of the various anticipated benefits of the programme** (such as the benefits to the individual members of your team, your company or organisation as a whole, and the community).

It can also help to **demonstrate the link between pro bono and CSR activities**.

The business case for pro bono

Beyond being “for the public good”, **there are many additional benefits of pro bono**, both for an organisation’s legal team and the organisation itself, as well as for the individual team members taking part. These include, but are not limited to:

Improved recruitment and retention

In an increasingly competitive recruitment market, a pro bono programme can help your legal team stand out from its competitors. New graduates have likely been exposed to pro bono as students, and therefore may have expectations of CSR and pro bono engagement.

Pro bono can also increase job satisfaction and be a source of pride in the workplace. For many lawyers, promoting access to justice through pro bono is an intrinsic part of being a lawyer.

At its best, pro bono can increase job satisfaction, boost morale and help lawyers develop stronger relationships with colleagues, contributing to greater staff loyalty and retention. Furthermore, if your pro bono programme can be linked to a corporate CSR programme, it can help legal teams feel more engaged with the wider organisation.

Skills development

Pro bono work allows employees to develop their legal, interpersonal, managerial and leadership skills, which they can apply to other aspects of their job to deliver an even better service to their organisation.

The personal and professional development benefits for employees can be just as rewarding as assisting those who need help gaining access to justice.

Legal team contribution to broader CSR goals

Ideally, your pro bono programme should strengthen and complement your company or organisation-wide CSR programme. When aligning a pro bono programme with CSR goals, in-house legal teams are able to develop relationships with colleagues across their organisation.

One way to develop the initiative is to get the buy-in of key influencers in the organisation, including the CSR team and the CSR champions, by involving them in the scoping of your pro bono programme.

Reputation and demonstration of values

Organisations can demonstrate a practical commitment to their CSR goals by utilising the professional skills of their in-house legal teams through pro bono work.

Pro bono work can often improve the reputation and profile of an organisation, as it offers a practical demonstration of the values an organisation is seeking to promote.

For more guidance on the business case for pro bono, see:

- [the Law Society's Pro Bono Manual](#)
- TrustLaw's [Championing Pro Bono](#) guide

While some of these benefits may be hard to quantify, there is a robust business case for pro bono to be carried out by in-house teams, which you can share with your senior support network and budget approvers.

Overcoming potential barriers

References to regulation in this guide are specific to England and Wales qualified solicitors. If you're not an England and Wales qualified solicitor, you may be subject to different regulations, which are outside the scope of these guidelines. Although care has been taken to ensure that this guide is accurate, up to date, and useful, **contributors to this guide will not accept any liability in relation to its content.**

Many in-house legal teams provide valuable pro bono work to a range of beneficiaries; however, many individuals are concerned about regulatory barriers to in-house teams carrying out pro bono work.

There are some **potential (or perceived) restrictions** on members of in-house legal teams providing pro bono advice as part of their employer's business. These include:

1. Regulations around 'reserved' versus 'non-reserved' legal activities – *are you permitted to undertake the legal activity?*
2. Professional indemnity insurance – *will your company's insurance cover the provision of pro bono services?*
3. Employment contracts – *does your own employment contract restrict you from providing 'outside services'?*
4. The inclusion of non-solicitors in your legal team – *can you scope a pro bono programme that is inclusive for your whole team?*

1. Reserved legal activities

Perceived barriers

When considering reserved legal activities in the context of pro bono, it's important to bear in mind that the vast majority of voluntary work undertaken is non-reserved.

The Legal Services Act 2007 (LSA) contains stringent rules governing the provision of reserved legal activities. Generally, only authorised individuals, such as practising solicitors, as well as authorised organisations are permitted to undertake them. However, practising solicitors, including in-house solicitors, are permitted to undertake reserved activities while volunteering through so-called 'special bodies,' subject to compliance with the LSA and SRA Standards and Regulations.

Special bodies, such as not-for-profit law centres and clinics, may undertake reserved legal activities without being authorised by the Solicitors Regulation Authority (SRA).

The LSA places restrictions on the way in which in-house solicitors are permitted to undertake reserved activities. The restrictions depend on the context, for example by restricting the provision of these services: in the course of in-house employment (i) to their employers; or (ii) in respect of certain types of legal services and where an exemption applies (see sections 13 (alongside schedule 3) and 15(4) of the LSA) to members of the public; or in a pro bono setting, to members of the public, subject to the rules contained in the SRA's Standards and Regulations, especially regulations 9 and 10 of the Authorisation of Individuals Regulations (AIR)).

The SRA Standards and Regulations (regulation 9 and 10 of the Authorisation of Individuals Regulations (AIR)) authorise solicitors to carry out reserved legal activities.

A note on exclusions

In addition to SRA regulation, the Financial Conduct Authority (FCA) regulates certain overlapping financial services, such as debt counselling and regulated claims management activities.

Debt services

For those debt services, undertaking advocacy and litigation services is excluded from the requirement to be authorised by the FCA. For these purposes, the exclusion should be assumed to refer only to reserved activities in connection with formal legal proceedings already afoot – in other words, having been issued.

Debt legal services should only be provided through and under the supervision of an SRA- or FCA-authorized body, which may include certain legal advice clinics.

Regulated claims management services

Although the FCA's rules contain general exclusions in respect of charities and not-for-profit organisations, the SRA's regulation 9.8 should be complied with for reserved regulated claims management services.

In-house solicitors may wish to restrict their voluntary reserved regulated claims management services to SRA-authorised bodies.

In-house solicitors considering carrying on reserved work when providing pro bono services should check the SRA guidance and notify the SRA of their intention.

Non-reserved activities

Examples of non-reserved activities include:

- advocacy before certain tribunals (for example, before the First-Tier Tribunal (*welfare benefits*) and the *Employment Tribunal*)
- a great deal of preparatory work in connection with formal litigation, **and**
- most correspondence between parties once formal litigation has commenced (*such as, following issue of the claim form*)

Under the Legal Services Act 2007 (LSA), in-house solicitors are (subject to any other applicable practice requirements (see section below), free to provide pro bono advice and representation to members of the public. This includes undertaking advocacy in the Employment Tribunal, the Employment Appeal Tribunal (EAT) and some First-Tier Tribunals, such as the Social Entitlement Chamber in respect of welfare benefits appeals.

The [SRA Standards and Regulations](#) permit in-house solicitors to provide most non-reserved services to members of the public, whether through their employer or through a law centre or clinic. This permission is subject to compliance with the AIR, especially regulations 9 and 10.

However, restrictions will still apply to the following work:

- non-reserved debt
- claims management
- financial services
- immigration

Solicitors providing pro bono work in these areas should:

1. consult the websites of the SRA and other relevant organisations, *such as the FCA and the Office of the Immigration Services Commissioner*

2. notify the SRA
3. have indemnity insurance in place (*as explained further in section 8, pages 22 to 34 of the [SRA Standards and Regulations guidance for the not-for-profit sector](#)*)

Non-reserved financial legal services work is regulated by the SRA and the FCA. Therefore, in-house solicitors volunteering in this area through third parties may wish to restrict their voluntary work to bodies that:

- are authorised by the SRA
- have obtained FCA permission

What are reserved activities?

Reserved legal activities are:

- the exercise of a right of audience
- the conduct of litigation
- reserved instrument activities (that is, certain conveyancing work)
- probate activities
- notarial activities
- the administration of oaths

For many pro bono volunteers, the three main reserved activities are:

- the exercise of a right of audience
- the conduct of litigation
- reserved instrument activities

With the 'right of audience', the reservation is only in respect of courts and tribunals that operate restricted rights of audience. Some tribunals do not operate restrictions of rights of audience, such as the First-Tier Tribunal (Social Entitlement Chamber) and the Employment Tribunal and EAT, so advocacy before them is not a reserved activity and can be undertaken without restriction.

Regarding the 'conduct of litigation', the reservation only applies once formal proceedings have started and only relates to formal steps taken in those proceedings, such as:

- issuing the claim form
- pleadings (*defendants' or claimants' – though only claimants' pleadings drafted after issue*)
- witness statements
- disclosure

That means, for example, that correspondence between the parties to ongoing formal litigation about that litigation, including without prejudice correspondence, is not reserved.

Overcoming barriers

In-house solicitors can assist in the delivery of services in connection with reserved legal activities to the public on a pro bono basis, as long as the solicitor supervising their work has conduct of the file and takes responsibility for the work accordingly. Any such supervised work by in-house solicitors must be supervised by a body either:

- authorised to undertake reserved legal activities (*for example, a law firm or a law centre*)
- excluded from the requirement to be authorised (*for example, a not-for-profit law centre or clinic*)

Such in-house solicitors should take care to comply with any applicable restrictions.

Advocacy before a court or tribunal should only be undertaken by in-house solicitors in circumstances where they already satisfy SRA levels of competency, as the activity cannot be divided and supervised in the same way as the other reserved activities.

Ensuring separation from in-house employment

Under the LSA, in-house solicitors are free to provide reserved legal activities to the public on a pro bono basis, for example through volunteering at pro bono legal clinics. Hence, an individual who, on their own time and without any connection to their usual in-house employer, volunteers at a pro bono clinic will not create LSA liability for their employer.

However, a problem arises where in-house solicitors undertake reserved voluntary work other than strictly in the circumstances described above. In these cases, there is a risk that those reserved services would form “part of [their employers’] business” (section 15(4) of the LSA), rendering in-house employers responsible for the unauthorised provision of reserved legal services.

In its guidance, the SRA has given a broad interpretation to the phrase “part of [their employer’s] business”. The SRA states that it “may have regard to [its guidance] when exercising [its] regulatory functions”.

According to the SRA’s guidance, the phrase extends to situations where an employer:

- requires an in-house solicitor to undertake pro bono work
- provides management, supervision or training in relation to such work
- publicises any pro bono efforts, *or*
- pays any premium for an indemnity insurance policy to cover pro bono work

Relevant factors also include where and when the pro bono work is carried out.

Because the phrase “part of [their employers’] business” is so difficult to interpret as well as the broad interpretation given to it by the SRA, in-house solicitors have understandably treated it as an effective bar on undertaking any reserved activities which could conceivably be connected with their in-house employment

(subject to the section on overcoming barriers).

LawWorks has been working to remove many of the barriers in the LSA, the rules and SRA guidance.

2. Professional indemnity insurance

Perceived barriers

The SRA Standards and Regulations (5.6 of the [Code for Solicitors](#)) require that pro bono advice given by in-house solicitors must be covered by “adequate and appropriate” indemnity insurance in respect of:

- *advice on reserved legal activities and*
- *advice that combines both reserved and non-reserved activities*

No indemnity insurance is required for giving advice solely on non-reserved activities.

However, you should carefully consider the potential risks of giving pro bono advice without adequate and sufficient insurance cover for your work. You may be held personally liable for losses resulting from your advice if the organisation you work for is uninsured (or is not adequately insured) or if you have made personal guarantees.

For detailed information on the SRA adequate and appropriate insurance, see the [SRA guidance on adequate and appropriate indemnity insurance](#) and the [SRA Standards and Regulations guidance for the not-for-profit sector](#).

Overcoming barriers

Where in-house solicitors undertake reserved legal activities under the supervision and conduct of an authorised body in the way described above, any liability arising out of the work product will be covered by the authorised body’s professional indemnity insurance (PII), however individuals should satisfy themselves that this is the case before undertaking any pro bono work.

Similarly, in-house teams can collaborate with a law firm whose PII covers work done by volunteers with whom they collaborate. Not all law firms will be able to extend their PII coverage so you will need to discuss this with any law firms with which you seek to collaborate. Brokerage services, such as TrustLaw, may also assist by partnering you with law firms that can provide indemnity cover while you conduct pro bono work.

It is also worth noting that where you ‘piggyback’ onto another organisation’s insurance there’ll inevitably need to be additional checks on your work by the host body or firm.

Additionally, in-house solicitors who work in teams that do not have indemnity cover may be able, either individually or collectively, to take out PII cover for pro bono work that does not consist of reserved legal activities and which they undertake as part of their employment.

Companies with developed pro bono programmes that are part of the businesses’ corporate responsibility will often consider taking out PII to cover legal work carried out by their legal team on a pro bono basis.

Organisations with firm-wide membership of LawWorks can potentially benefit from the indemnity insurance for:

- the pro bono work that the in-house team does through LawWorks, *and*
- the teams’ pro bono projects that are registered with LawWorks

[Find more details on LawWorks’ website.](#)

3. Contracts of employment

Perceived barriers

In-house solicitors’ contracts of employment may restrict what they can do by way of other work.

Overcoming barriers

If there are any issues relating to an in-house solicitor’s contract of employment, these would need to be dealt with on a case-by-case basis. An employer’s informed consent should potentially be enough to remove any obstacles.

Wherever possible, record whatever has been agreed in writing.

For more guidance on the regulatory issues in-house lawyers may face, see the [LawWorks in-house regulatory guidance](#).

4. Scoping a programme for all employees

Perceived barriers

You may have trouble making your programme more inclusive of non-solicitors or lawyers who are non-UK qualified.

Overcoming barriers

Although pro bono matters conducted by solicitors are regulated by the SRA, other lawyers may also be able to take part in your programme.

For example, lawyers qualified in other jurisdictions may be able to work under the supervision of solicitors or under members of other parts of the profession, for example, by those regulated by the General Council of the Bar or the Institute of Legal Executives.

Non-solicitors (including anyone without any legal experience) can also play a key role in your programme by using their own skills to help with various aspects of a project including research, administration and subject matter expertise (data privacy, anti-money laundering, communications and so on).

Certain international projects will benefit from understanding legal requirements in jurisdictions outside of England and Wales.

Read more on advice to charities/NGOs below for a list of international organisations with branches in the UK.

Collaboration (within and outside the wider legal profession) can be very effective and may mean that a wider set of skills is available to the project.

Scoping a pro bono programme

Before establishing a pro bono programme, consider the following:

- *What support and interest for pro bono exists within the legal department and the wider organisation?*
- *What skills exist in the legal team, and can those skills be matched to an identified legal need?*
- *What skills does the legal team wish to develop?*
- *What are the resources your organisation is willing to invest?*
- *Are there existing law firm relationships which you can leverage?*
- *What other relationships can you leverage?*
- *Realistically, does the organisation have the resources to get the project off the ground and continue to run it?*

Surveying support and interest

When developing a pro bono programme, there are many considerations to take into account – looking both at the support you will get from management as well as the interest you will get from your legal team.

The following checklist provides a guide to how you can successfully survey internal support and interest to help you choose how to approach your pro bono offering.

1. What type of institutional support do I have?

Speak with members of your legal team to ensure you will have sufficient support and enthusiasm to participate in pro bono projects. It may be better to start small to ensure initial projects are successful.

Taking part in pro bono work should always be a matter of choice on the part of the individual in-house legal teams, in the same way as giving money to charity is generally not mandatory.

Speak with those responsible for wider CSR programmes. They may be helpful in getting projects off the ground, publicising your efforts or introducing you to charity partners.

Find one or more 'pro bono champions' who will be able to encourage your team members to participate in pro bono projects.

Find a senior member of the legal department who would be prepared to sponsor the programme, and advocate for it internally.

2. What type of pro bono project should I select?

Survey your team to ensure pro bono matters align with social issues important to your colleagues.

Sample questions to ask are:

- Have you ever been involved in pro bono work? *(If yes, provide a short description of the situation in which you were involved, a brief example of the work you undertook and the name of the organisation you advised. Explain the circumstances that you had to address.)*
- Which social issues or beneficiary groups would you like to focus your pro bono efforts on? *(For example: homelessness, health, environment, education or elderly people. Please state as many as you wish.)*
- Would you like to focus on local community pro bono work? What types of pro bono activities are you interested in? Tick all that apply: advice clinics; advice to charities/NGOs; other *(please elaborate)*.
- Do you have any contacts who might be relevant or helpful for our pro bono programme, *for example, are you a trustee of a charity, do you have contacts from recent volunteering work?*
- Please let us know what you would hope our pro bono programme would accomplish over the next year.

However, be careful to avoid questions that could inadvertently lead to the disclosure of confidential or privileged information.

You may wish to identify programmes that may not be suitable, for example, if your organisation is not located near any local advice bureaux it may be difficult for individuals to reach a venue.

Find out what pro bono or volunteering work is already being done by members of your team or by your institution. One way of galvanising organisation-wide support of a pro bono programme is to link the pro bono work with a broader CSR initiative or social goals being pursued by your organisation.

If members of your team have relevant contacts, these networks might be useful in developing sources of pro bono work.

3. Existing skills

When developing a pro bono programme, it's important to understand the skills and preferences of your team members and how they could be used.

The generic skills of a typical lawyer – legal research and writing, fact-gathering, the ability to marshal persuasive arguments, advocacy and negotiation skills, combined with their particular specialist skills – can be used to help people experiencing disadvantage, or the community organisations that support them. Non-lawyers can also make valuable contributions to an effective pro bono programme.

For example, administrative staff are essential to the smooth coordination of projects and communications teams can help publicise pro bono work both internally and externally. There is a role for everyone.

Do not worry about not being an expert in the field. In-house legal teams are frequently asked to undertake legal work involving areas that they are not familiar with. They are able to do this because they know the framework of a particular area, where to look for detail and where to obtain support, including conceptual and strategic advice.

Depending on the circumstances of the pro bono work, a competent in-house legal team with adequate time and access to appropriate support may easily provide useful assistance.

While in-house legal teams can (with appropriate training and supervision) advise on areas of law outside their usual expertise, many prefer to provide pro bono advice in their core areas of expertise. This is a useful approach to consider for work undertaken in the early stages of the project, to allow experience to build up in those areas of work with which the team is most familiar.

It is worth considering your potential volunteers' preferences for delivering pro bono advice. This can range from face-to-face advice with individuals in a clinic setting, to corporate law advice given remotely to an international NGO. In developing a pro bono programme, the team could work from its existing skills base to identify ways of using these skills to address important community needs.

In-house lawyers have skills which can make the same contribution to small charities as to large corporates. Many pro bono matters allow volunteers to apply the skills they use for their employer to the pro bono context.

There is a clear match between the skills of lawyers working in corporate organisations and the needs of not-for-profit organisations, which may include fact gathering, advice, drafting, negotiation or representation needs in areas such as tax, contracts, incorporation and governance, employment, intellectual property and government tendering.

4. Developing skills

Pro bono can be a great way to upskill and gain experience in areas of law relevant to career progression.

Consider the sub-specialisms in your team, and areas that you or others might be looking to develop, when deciding the legal areas in which you wish to volunteer.

Depending on the interest of your team and the resources available, there might be additional training that could be undertaken to support a broader range of pro bono projects.

Pro bono work is also ideal for more junior lawyers who may not have experience of directly advising clients, and can do so, while working under the supervision of more senior members of the in-house legal team.

5. Resources

Many in-house pro bono programmes operate on minimal to no budget and rely on existing internal and external resources.

Your organisation may consider partnering with organisations such as LawWorks which requires a minimal fee to access its resources. Costs may be reduced by collaborating with law firms or other in-house legal teams.

As you progress with your pro bono programme, you may consider how to incorporate the programme within your team or organisation's budget.

Pro bono work may require a small financial investment in addition to time and expertise. The expenses can include membership fees, travel costs and disbursements such as travel, copying costs, filing fees, and so on. The costs will depend on the nature of the project or the matters that you undertake.

Even though costs are likely to be minimal, it's important to understand the extent to which your organisation can provide funding to facilitate pro bono work. This may impact the types of pro bono projects that you're able to take on.

6. Identify external support

When you're establishing a pro bono programme, draw on the guidance, inspiration and potential collaboration of those who have done it before. Get to know the pro bono sector – it's often a great networking opportunity to meet people who can provide guidance and inspiration.

Join the UK In-House Pro Bono Group. This is a group of people like you who run, or one day hope to run, pro bono programmes in their organisations. The working group provides opportunities to network, learn, share knowledge and cooperate on pro bono programmes. See the section on Wider sector collaboration below for more information on how to join the group.

Speak to LawWorks about its programmes. It is an easy way to source one-off pro bono projects for in-house teams. The Not-for-Profits Programme circulates fortnightly casework opportunities, which can be forwarded to interested members of the legal team.

As a first step it's a good idea to reach out to:

- in-house legal teams who have established pro bono programmes
- LawWorks, and/or other pro bono charities listed in chapter 26 of the [Law Society's Pro Bono Manual](#)

Building a pro bono infrastructure

Developing a formal structure for your pro bono programme will allow you and your colleagues to focus on the substantive pro bono work and provide clarity for volunteers.

This section contains suggestions that in-house teams have found helpful when building their own infrastructure, but you should be driven by what works best for your organisation.

Defining pro bono

To build a pro bono programme you should first agree on a definition of pro bono. This allows you to set clear parameters for the work you're undertaking; both the what and the how.

The key definition in the UK, [the Pro Bono Protocol](#), states that pro bono work means legal advice or representation provided by lawyers in the public interest including to individuals, charities and community groups who cannot afford to pay and where alternative means of funding are not available. There are other recognised definitions of pro bono found in Part 1, Chapter 1 of the [Law Society's Pro Bono Manual](#).

Whether your firm or in-house team is interested in getting involved in pro bono for the first time or has an established pro bono practice, making sure you have a definition that works and is commonly understood is an important foundation.

Creating a pro bono lead or committee

Part of making in-house pro bono practice work is making sure that there is leadership in place to drive forward the programme.

The first question is who is going to create and maintain the structure to manage the pro bono programme.

Regardless of the size of your team or the type of the programme you create, designating at least one person to coordinate the management of the pro bono programme is essential. This person will establish the pro bono programme structure. They will be the primary point of contact for the pro bono programme.

In addition, some legal departments form a pro bono committee. Especially in larger teams, the committee can serve as a valuable resource and assist the pro bono coordinator with the administration, which may include managing a listing of pro bono opportunities, disseminating information, overseeing logistics and

communicating with partners.

Serving in these positions can be a great way for members of the legal team to get more involved and work with others with whom they would not typically interact.

It is also very helpful to have someone in senior management appointed to champion pro bono internally and as a reporting line/advisor for the pro bono lead and/or committee.

Creating a pro bono policy

A pro bono policy can be an effective tool for defining expectations and setting goals for your programme. A policy can provide clarity and direction to interested volunteers and ensure the smooth running of the programme.

Creating a pro bono policy will also help to formally establish the role of the pro bono lead and/or committee, and the structures that they will manage.

Content of the pro bono policy

Ideally your pro bono policy should outline the:

- structure/work of the pro bono committee
- nature of the work that the organisation is willing to take on a pro bono basis and any restrictions on potential beneficiaries
- pro bono agenda and strategy
- resources available – *such as budgeting and accountability processes*
- onboarding procedures for new pro bono matters and process for determining potential conflicts of interest

Additional documents

There may be other documents that you'll need for the administration of your programme. These are often standard documents your in-house legal team can draw on for ease, efficiency and consistency while operating within the programme.

These documents might include a sample:

- engagement letter
- termination letter to the client
- matter closing form (internal)
- memorandum of understanding

- conflicts provisions pro forma
- matter outcome form

Information about pro bono policies and sample documents can be found in:

- Part 3 of the [Law Society's Pro Bono Manual](#)
- TrustLaw's [Guide to Championing Pro Bono](#)

It might also be useful to compile and share a list of useful contacts with everyone involved in the project.

Communicating the pro bono programme

The best way to gather momentum is by sharing your stories and successes within your organisation.

An intranet site is a useful place to post pro bono opportunities, policies, forms, documents, training materials, and other relevant information.

Other ways to highlight pro bono successes and opportunities to get involved might include:

- a quarterly newsletter, either within your team or to the wider organisation
- a dedicated paragraph in the legal team's newsletter

Consider how you can celebrate success. For example:

- pass on praise and feedback to contributors' managers and input into appraisals
- give awards
- get your organisation to pledge a cash sum to a charity of your choice for every pro bono hour you record

Measuring the impact

It's important that teams can measure the success of their programmes in order to inspire continued participation and support for the programme from senior management. It may also be useful for any relevant auditing processes.

There are four key areas you might want to measure:

- output of matters
- benefits to the clients and/or community
- benefits to the company and the in-house legal team
- amount and value of time spent undertaking pro bono work

There are a number of tools you can use to measure the impact of your programme, including requesting

information from your pro bono volunteers and clients through online reporting systems, surveys and closing matter forms.

At the end of each matter, it's a good idea to review the case and send an overview to your key internal stakeholders outlining who was involved and the impact.

The TrustLaw Index of Pro Bono offers a global analysis and evaluation of key trends in pro bono around the world and can be a useful benchmarking resource for teams to compare the success of their programmes.

Conflicts of interest

Commonly, there are two types of conflicts of interest that legal teams should consider when creating a pro bono programme:

- direct conflicts of interest
- positional or business conflicts

Unlike law firms, which represent numerous clients with potentially adverse interests, in-house teams usually do not need complex clearing procedures to monitor direct conflicts. However, conflicts may on occasion arise, so it's worth considering them on a case-by-case basis.

With clear tracking procedures for pro bono matters and common sense, your legal team can avoid direct conflicts.

To prevent positional or business conflicts, it may be advisable for some legal teams to avoid certain types of pro bono matters.

For example, banking institutions may decide to prohibit volunteers from handling certain consumer-law-related issues (not least as consumer debt advice is both regulated and restricted by the Financial Conduct Authority (FCA)).

Some legal teams have pro bono policies that clearly spell out their procedure for clearing and avoiding conflicts. Other teams leave it to the personal judgement of each in-house legal team member.

The best approach for your team will depend on your company's area of business and available pro bono opportunities.

Delivering a pro bono advice

After you have determined what areas of work your team are interested in supporting, their skills, and the resources available to you, the next step is to work out how you're going to deliver pro bono legal advice.

This will depend on the results of your survey of your team preferences – do they want to be involved with individuals or charities, and how do your lawyers want to carry out their work?

This section covers:

- working for vulnerable individuals
- advising charities / NGOs
- working with law firms
- advising social enterprises
- giving non-contentious advice to not-for-profits
- pro bono costs
- other forms of legal volunteering, such as NGO boards and public legal education
- international pro bono
- wider sector collaboration

Access to justice – work for vulnerable individuals

Following changes to legal aid introduced by the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012, many areas of law were taken out of scope for legal aid.

As a consequence, a large number of people facing legal problems will have neither the means to pay nor access to publicly funded legal advice through legal aid. This significantly increased the demand for pro bono legal advice.

It's important to use legal aid where it remains available to make the best use of pro bono resources and protect the best interests of the client. The Law Society has produced a [legal aid guide for pro bono clinics](#). There are opportunities for in-house teams to volunteer at existing pro bono legal advice clinics (also called

projects or programmes) run by law centres and advice organisations, subject to regulatory compliance.

Alternatively, an in-house team can work with a law centre or advice organisation to develop a new advice clinic. This work is normally done through face-to-face clinics but there are projects where advice is delivered using an online platform or solely via letters.

Clinics can take the form of 'initial advice only', where (usually) solicitors go to a law centre or advice organisation for one evening every week or fortnight to give initial advice on a range of areas of law.

These types of clinics were popular with solicitors in the past. However, issues have been identified with this model, including:

- training solicitors with enough depth on a number of areas of law
- monitoring the quality of advice given
- ensuring proper supervision
- roster availability issues
- tracking impact

LawWorks supports a network of independent clinics across England and Wales, and can provide insurance for these clinics, so it's a good place to start finding out about opportunities for involvement.

Over the last few years more clinics have been developed that are 'end to end' – that is, where solicitors don't just give one-off legal advice but work with the client until a resolution is found. They might specialise in one or two areas of law only, for example, welfare benefits and social housing.

Work for the client can be done in person at the law centre or advice organisation, or remotely through video conference, calls and emails.

Specialist expert solicitors at the law centre or advice organisation train the group of solicitors on the one or two areas of law that the clinic focuses on and provide comprehensive supervision for the work. It is also usual for the solicitors to act as volunteers of the law centre or advice organisation, rather than acting in their capacity as a solicitor at a firm or business.

LawWorks runs a 'secondary specialisation' programme which supports and supervises solicitors from in-house environments undertaking social welfare law cases, including:

- welfare benefits appeals in the First-Tier Tribunal (*no restriction on rights of audience*)
- unpaid wages claims in the Employment Tribunal (*no restriction on rights of audience*)
- a project for parents and carers of children with life-limiting conditions

The LawWorks programme offers a chance for in-house solicitors to take on all aspects of clients' cases,

including interviewing and advising, drafting submissions and undertaking advocacy in a tribunal. There are external law firms that also provide an opportunity to partner on such matters.

We also recommend talking to law firms to see what kind of access to justice clinics they already run, and if you can join one of their existing clinics.

If you're developing your own project with a law centre or advice organisation, it would be worth asking these questions:

- What are the areas of law that your centre/organisation focuses on? Can we choose one or maximum two areas to train our in-house legal team in?
- Is legal aid still available in this area of law? Alternatively, would this type of case be suitable for Exceptional Case Funding (ECF)? *Find out more about legal aid and ECF in chapter 27 of the [Law Society's Pro Bono Manual](#) and [ECF guidance for solicitors](#)*
- Are there any other funding sources that may be available to the individual for this type of work such as legal expenses insurance, trade union cover, conditional fee agreements and contingency fee agreements? *Find out more in chapter 28 of the [Law Society's Pro Bono Manual](#)*
- How will the structure of the project work – *will you take on clients as an organisation, or will lawyers act as volunteers of your organisation and you hold the client relationship?*
- Who will hold the insurance for the work?
- How will you ensure proper supervision?
- How will the work be completed by the volunteer in-house legal teams – *will they meet clients in person or do most of the work remotely by video, calls and emails?*
- What arrangements are needed to ensure that there's an appropriate balance between the needs of the team's clients within the organisation and those receiving pro bono services?

Giving advice to charities/NGOs

By providing legal assistance to charities, voluntary organisations, social enterprises and other not-for-profit organisations on a pro bono basis, pro bono providers allow these organisations to devote their limited resources to their core objectives, rather than diverting them towards paying for legal services.

The support of a pro bono in-house legal team to strengthen their capacity to deliver services can have a profound effect.

There is often a natural match between the skills of an in-house counsel and the legal needs of a charity or not-for-profit organisation.

Working with law firms

Many large law firms have their own dedicated pro bono management resource responsible for developing their firm's pro bono practice and infrastructure.

In the spirit of adding value to what they can offer, these law firms are often happy to consider collaboration with their clients' in-house teams.

This has several advantages. Firms can often help source opportunities, training, insurance and communications. They might also have a different footprint/geographic/ demographic reach which can lead to exciting opportunities. They can also help fill skills and capacity gaps.

In-house legal teams can also bring a different perspective to private practice solicitors. Working within the client they are more aware of the day-to-day challenges faced by businesses and the wider business context of legal issues faced.

Some questions a firm might ask you when you first approach them about collaboration include:

- What is your main objective?
- Do you have a theme you want to focus on?
- Do you want to link your pro bono work to your industry?
- Do you have targets/incentives for your team?
- What are the constraints?
- Do you prefer desk-based work or meeting clients?
- How far out of your legal comfort zone are you willing to go?
- Do you want a bespoke project or to join something well established?

Do not worry if the answer is "I'm not sure" – one of the things they might help you with is working out how to answer these questions.

If an in-house team is relying on the partner law firm for PII for pro bono work, then the responsibility for the legal work sits with the law firm. Clear communication is needed at the start about how the project shall be run to ensure that this does not cause difficulties.

Many organisations look at the pro bono activities of law firms when deciding who to work with. This is also an opportunity to change behaviour by letting your interest and preference for active pro bono solicitors be known during or after pitches.

Giving advice to social enterprises

It may also be possible to work with law firms to provide pro bono legal advice to social enterprises and other organisations that need capacity-building to effectively deliver their market-based approach to solving social, environmental and humanitarian problems.

Most legal issues faced by these entities have a strong commercial focus and align neatly with the skills and expertise of commercial lawyers.

There are growing numbers of organisations that provide incubation and mentorship services to social enterprises, following sophisticated vetting procedures that take into account commercial viability and social impact. Opportunities to offer legal advice include areas such as:

- corporate governance
- operational and management issues
- presentations and seminars on generic legal topics during an enterprise's start-up phase

Many pro bono clearing houses facilitate opportunities with social enterprises, as well as registered non-profits.

Case study 1: getting a fair trial

Several lawyers from a large financial institution worked with one of its panel law firms on a significant research project for a major NGO client.

The project examined the state of fair trial rights across Europe, and involved lawyers from across the European offices of both organisations. The project's findings underpinned a major report released by the NGO as part of its campaign to improve compliance with international human rights standards by EU member states in the operation of their domestic criminal justice systems.

To date, the campaign has seen the introduction of three European Directives designed to improve criminal defendants' rights. As a result of their involvement, the financial institution has gone on to develop their own pro bono relationship with the NGO.

Case study 2: supporting children with special educational needs

A law firm worked alongside one of its strategic clients to advise one of its major UK pro bono clients on the development of specialist units in several mainstream schools for children with special educational needs.

This project deployed the wide-ranging expertise of lawyers in both organisations.

By enabling children with severe learning difficulties to receive the dedicated support they require while remaining in mainstream schools, it stands to benefit large numbers of children for years to come.

On both matters, the law firm provided partner supervision of the work of both sets of lawyers and the law firm took responsibility for the work product.

Giving non-contentious advice to not-for-profit organisations in the UK

Smaller not-for-profit organisations in the UK often struggle to afford legal advice and assistance across a range of issues. These organisations often provide vital support to disadvantaged communities and vulnerable individuals, working on areas such as:

- poverty
- children
- social exclusion
- health

LawWorks can be a good organisation to work with in this area.

Case studies: LawWorks for Community Groups

Case study 3: Rolling out an adult literacy programme

The founder of a volunteer-based adult literacy programme needed legal assistance reviewing documents in order to roll out the programme nationally. Pro bono help from a lawyer was brokered through LawWorks for Community Groups.

The applicant reported that “it would have been a long time before we could have afforded to pay for such advice ... it would have been very difficult to move forward with confidence without the invaluable and detailed advice that we received”.

Case study 4: Play spaces for children in deprived communities

A local play association that enhances the lives of children in a deprived part of London (through maintaining and promoting play spaces and opportunities) received advice about its service contracts, brokered by LawWorks for Community Groups.

The association believed that it had been saved from being forced out of existence because of the “absolutely first class”, diligent and thorough advice that it received.

Pro bono costs

If a civil case is won with pro bono help, pro bono costs can be ordered by the court, or included in settlements.

Pro bono costs orders are essentially just like normal costs orders. The costs cover any period when free representation was provided and the amount is based on what a paying client would recover. The costs must

be paid to the Access to Justice Foundation (ATJF)(section 194 of the Legal Services Act 2007). The ATJF, supported by a network of Local Legal Support Trusts and committees across the UK, gives grants for the provision of free legal advice and representation to vulnerable people who could not otherwise afford access to justice.

For more information, see the ATJF guide on [pro bono costs orders](#), or email costs@atjf.org.uk.

Other forms of legal charitable volunteering

Sitting on NGO boards

Although not within the definition of “pro bono”, another way senior lawyers can gain a great deal of satisfaction, as well as the opportunity to network and develop their skills, is by sitting on the boards of NGOs. NGOs vary enormously, from small, local community organisations to complex international ones.

Corporate Directors and Officers (D&O) liability insurance policies may extend cover to in-house lawyers sitting on the boards of NGOs. Policies vary, so in-house lawyers should explore this with employers on a case-by-case basis.

NGO board positions are often advertised in the national press. Several organisations specialise in recruitment, for example:

- Bar in the Community
- Reach Volunteering
- CharityJob
- Trustees Unlimited

The Charity Commission has helpful guidance on [what's involved in sitting on a charity or NGO board](#).

Case study 5: NGO board members

One trustee said of his role:

“I enjoy contributing to my local community through an organisation which, from my board role, I know understands local needs and delivers effective programmes. As a board member, I am involved in matters similar to those faced by many corporates, so taking a board role is also an excellent opportunity to grow one’s commercial awareness.”

Another said of his role chairing the board of a Law Centre:

“It is probably trite – but nonetheless true – to say that gaining an insight into the problems the least well-off face has put most of the stresses of my life into perspective. It is much more important that I hope I am being helpful to this organisation in the vital work that they do.”

Public legal education (PLE)

Although also not within the definition of “pro bono”, there is growing interest in PLE in the UK, both as a component of children’s education and as a resource for people involved in legal disputes who either cannot afford to pay for legal advice or who want to try and resolve the dispute themselves.

In an environment of decreasing access to legal aid and more individuals representing themselves in court, it is even more crucial that citizens understand their rights, responsibilities and what resources are available to them, as a basic part of their education.

Young Citizens inspires young people to take part in society as equal members by helping them to understand the law, politics and democratic life. They run various public legal education programmes including both facilitated and individual volunteering projects in schools.

Firms with UK regional offices may be interested in organisations that do part of their work outside London, such as:

- [LawWorks](#)
- [Support Through Court](#)
- [Governors for Schools](#)
- [Young Citizens](#)

For senior lawyers, LawWorks is also developing a Fellowship Programme, which identifies suitable opportunities for those planning for life after full-time practice.

Case study 6: Legal Experts in Schools

For two years, lawyers from the in-house legal team at Prudential have worked alongside lawyers from one of their panel law firms to deliver Young Citizens’ **Experts in Schools** programme to pupils in a large secondary school in Tower Hamlets.

One of the lawyers involved in the volunteering commented: “It’s a great way to engage with young people on legal and ethical issues which impact on them, deepen their level of knowledge of the law and to encourage their thinking on topical legal issues.”

International pro bono

If your in-house legal team is interested in providing pro bono work for international causes, the following organisations provide a range of services to in-house legal teams and other legal professionals.

- [Advocates for International Development \(A4ID\)](#) – leading international charity that channels legal expertise globally toward the achievement of the UN Sustainable Development Goals

- [iProbono](#) – non-profit online network connecting lawyers and students directly with projects around the world in need of legal assistance
- [International Senior Lawyers Project \(ISLP\)](#) – provides in-country and desk-based projects to promote human rights, equitable and sustainable economic development and the rule of law worldwide, particularly in francophone and sub-saharan African jurisdictions
- [PILnet](#) – runs a range of services to support and promote the rule of law and protection of human rights, including pro bono clearing houses that link lawyers with NGOs and charities
- [TrustLaw](#) – largest pro bono network in the world – its projects include a Global Corporate Pro Bono Initiative dedicated to supporting the growth of corporate pro bono worldwide; and cross-border legal research designed to feed into and support NGOs' advocacy and policy-based campaigns

Trustlaw also provides a [suite of guides, resources, interactive tools and training](#), designed to make it as easy as possible for legal departments and law firms to volunteer their time and expertise.

Wider sector collaboration

In House Pro Bono Group

Launched by a group of in-house practitioners, the [In House Pro Bono Group](#) shares a collective belief that providing pro bono work is a professional responsibility for all lawyers. Supported by a steering committee, the group aims to:

- foster a culture of commitment to pro bono
- promote and improve pro bono service and delivery
- share knowledge, best practice and resources to build and strengthen in-house pro bono practice
- connect in-house lawyers, charities and pro bono professionals through networking and communication
- collaborate to make the best use of its members' unique skill set and training to benefit others

To sign up, email info@inhouseprobono.uk or visit the [website](#).

[Join the group on LinkedIn](#)

GC100

[GC100](#) is the voice of general counsel and company secretaries working in FTSE 100 companies.

GC100 appreciates and supports the significant contribution that pro bono legal services make to the furtherance of a just and equitable society in the UK and around the world

The UK Collaborative Plan for Pro Bono

The [UK Collaborative Plan for Pro Bono](#) is a profession-led initiative for law firms. Each of the participating

law firms has a strong institutional commitment to pro bono and access to justice.

Participating law firms collaborate to:

- improve access to justice through pro bono in the UK
- develop the systems and infrastructure to allow pro bono services to be effectively delivered to address unmet legal need

The plan also incorporates an aspirational target of 25 pro bono hours on average per fee-earner in the UK each year.

Aggregated data is released publicly on an annual basis through an infographic. More detailed, anonymised, data is shared privately within the group. The definition of pro bono used in the plan is the same as that used by TrustLaw in its global TrustLaw Index of Pro Bono.

LawWorks

[LawWorks](#) is a charity committed to enabling access to justice through free legal advice. It believes in the power of pro bono legal advice to help improve the lives of people in need, and works to achieve this in two ways:

- enabling access to justice to individuals in need of advice, who are not eligible for legal aid and are without the means to pay for a lawyer
- brokering legal advice to small not-for-profit organisations to support the continuation and expansion of their services to people in need

LawWorks supports and develops pro bono activity across England and Wales, using its experience and understanding to ensure pro bono efforts are targeted where they can be most effective and have the greatest impact. Its work is informed by the needs of people, developed in collaboration with partner stakeholders, and delivered by a network of committed volunteer lawyers and law students.

A more recent focus for LawWorks has been developing online digital platforms and tools, including the Pro Bono Portal UK (supported by Justice Connect in Australia) and a website called [Free Legal Answers](#).

LawWorks aims to gather and publicise evidence from across its networks about the legal advice requirements of people in need, including the impacts of legal aid reforms, and to advocate for positive change. It uses the evidence gathered to advocate for and influence change to policy and regulation that hinder the provision of free legal advice and assistance to people in need of it.

The In House Pro Bono Group would like to express its gratitude to the **UK Collaborative Plan** for its input in drafting this guide.

GC100 would like to express its gratitude to **Tom Dunn, pro bono director at Clifford Chance LLP** for his input in drafting this guide.

It is the responsibility of individual lawyers and companies to ensure that they are aware of, understand and comply with all legal, regulatory and other requirements relating to the manner in which they may choose to become involved in any pro bono activity.