**XX Law School Clinic**

**PARTICIPANT CONTRACT**

**This contract is between you, (a participant) in the XX Law School Clinic and the York Law School (XXLS) Clinic of the University of XX (UoXX). It sets out your primary obligations to the XXLS Clinic and our commitment to you. You will find further details of the procedures you must follow during your work at the XXLS Clinic in the XXLS Clinic Handbook.**

1. **GENERAL PRINCIPLES**

The XXLS Clinic undertakes a range of pro bono activities. All activities carried out in the name of the XXLS Clinic will be insured against usual risks and this includes professional indemnity cover.

Participants in the XXLS Clinic undertake a designated induction and training programme and must enter into this contract as a pre-requisite to participation in the XXLS Clinic.

All of the XXLS Clinic activities are supervised by professionally qualified personnel and the XXLS Clinic is managed by a Director who meets current Solicitor Regulation Authority (SRA) supervisory requirements.

The Clinic activities take place at such times and in such places as shall be notified, following consultation where possible with participants.

The activities are designed to provide a legal service that meets expected professional standards and complies with regulatory requirements. The activities provide participants with a sound and structured educational experience. In the event that any of the activities do not serve this educational aim the XXLS Clinic reserves the right, subject to professional obligations, to withdraw from the activity in question. However, if professional obligations conflict with educational aims then our professional duty will prevail.

Every participant will, so far as is possible, receive detailed feedback on all aspects of his or her contribution to the XXLS Clinic. Some participants will be assessed on their performance in the XXLS Clinic others will participate on a pro bono basis. The operational rules will be the same for both.

Upon successful completion of the allocated time in the XXLS Clinic participants will be awarded a Certificate of Participation.

1. **ORGANISATIONAL MATTERS**

In order to serve the professional and educational aims of the XXLS Clinic all participants must comply with the following:

* 1. attend punctually for any scheduled XXLS Clinic session
  2. if unable to attend, inform XXLS Clinic staff according to the

procedures set out in the XXLS Clinic Handbook

* 1. dress in a manner appropriate to working in a Solicitor's office at any time when meeting clients face-to-face
  2. work involving contact with clients is to be undertaken only at times when a member of XXLS Clinic staff is available, unless prior authorisation is given
  3. no advice of any kind can be given without first getting approval from a XXLS Clinic solicitor. Advice may only be given in writing. You must never give oral advice
  4. no correspondence of any nature can be sent out without the a member of the XXLS Clinic staff’s counter signature. Advice letters must be counter-signed by a XXLS Clinic solicitor
  5. you must tell clients that the XXLS Clinic is supervised by a qualified solicitor with a practising certificate
  6. there must always be at least two participants in attendance during any face-to- face client contact
  7. all casework where a client’s personal details or the nature of the case affecting the client could be identified must be carried out either in the XXLS Clinic office or in other premises approved by XXLS Clinic staff
  8. to preserve the confidentiality of the XXLS Clinic’s cases, you must not receive personal visitors or personal telephone calls on premises being used by XXLS Clinic
  9. no documentation relating to a case, whether in hard or electronic copy shall be kept in any place other than the XXLS Clinic office or other place approved by XXLS Clinic staff. For example no documentation relating to a client’s case may be kept on a participant’s own computer or mobile devices
  10. in order to enable you to enable you to actively reflect on your experience and so that you can share your experiences with other participants you must attend a weekly firm’s meeting and a weekly meeting with all Clinic participants and XXLS Clinic staff. This is an essential part of your participation in the XXLS Clinic and will ensure that you and other participants get the most out of the experience
  11. all participants must provide a copy of their up to date study timetable, contact address and telephone number to XXLS Clinic staff. This is because XXLS Clinic staff may need to contact you and therefore must know where you are and how to do so.

1. **PROFESSIONAL AND ETHICAL MATTERS**

In order that we meet the professional standards set by the SRA and our other obligations as ethical lawyers we must observe the following:

* 1. Everyone working within the XXLS Clinic must be familiar with the rules regulating the work of solicitors in particular the Principles and Code of Conduct contained in the SRA Handbook, October 2011 (as amended). A copy of the relevant Code and guidance to it is available in the XXLS Clinic office and on the SRA website: [www.sra.org.uk](http://www.sra.org.uk).
  2. We are unable to take or continue any action on behalf of a client against UoY, its governors, employees, or current students, any former client or in any other circumstance where a conflict of interest has arisen or might arise. In such cases and where possible, the client will be referred elsewhere, after the reason for our inability to act – conflict of interest – has been explained
  3. Participant(s) must ensure that at all times their conduct is in accordance with the profession’s regulatory framework and the XXLS Clinic Equal Opportunities Policy. This applies to all conduct – conduct of the case, conduct when dealing with clients, XXLS Clinic staff and third parties and conduct between participants
  4. A breach of professional conduct may result in the offending participant being removed from the XXLS Clinic
  5. Participants must ensure that their files are managed in accordance with the XXLS Clinic protocols. A failure to do so may be treated as a breach of required professional standards. It may also mean that the file will be taken over by other participants or XXLS Clinic staff and no Certificate of Participation in the XXLS Clinic will be issued to the offending participant XXLS Clinic staff will advise how relevant protocols can be met and the operational rules are set out in the XXLS Clinic Handbook
  6. No decision to remove a participant from the XXLS Clinic programme will be made without the participant being given the opportunity to explain his or her behaviour. The Director will then discuss the matter with XXLS Clinic staff before making a decision. If a participant is removed from the XXLS Clinic a right of appeal will lie to the XXLS Head of School who will conduct the appeal as he or she shall think fit subject to rules of natural justice
  7. For reasons of confidentiality you must not discuss or disclose to any persons other than other participants, or XXLS Clinic staff, matters confidential to the XXLS Clinic and its clients
  8. For reasons of confidentiality, files must not normally be removed from the XXLS Clinic office or other authorised premises. If it is necessary to take a file from the XXLS Clinic office or other authorised premises you must first obtain permission to do so from XXLS Clinic staff and the file must be signed out and returned as soon as the purpose for its removal has been met
  9. Your duty not to discuss or disclose to any unauthorised person matters confidential to the XXLS Clinic or any other matters which may come to your knowledge through your clinical work, continues **after** you have ceased to participate in the XXLS Clinic
  10. In order to comply with professional rules and procedures and principles of good practice, all advice given and work done by participants must be carried out under the overall supervision of a solicitor with a practising certificate
  11. It is a breach of these rules to do any of the following without XXLS Clinic staff authority:-
* see or contact a client
* send out any material of any sort, whether on headed or un-headed paper, in connection with any matter the XXLS Clinic is actually or potentially handling, or has handled
* agree to take any other step for a client
  1. In order to comply with professional rules, **all** correspondence, incoming and outgoing must be seen and checked by XXLS Clinic staff. A XXLS Clinic solicitor must approve and counter-sign all advice letters
  2. The decision as to whether the client can be offered advice will only be undertaken with the agreement of XXLS Clinic staff, after consultation with you.
  3. No individual participant may continue to deal with a case if it appears that he or she may have any personal involvement or vested interest in the client's problem. If any such involvement is identified, the student must consult a member of the XXLS Clinic staff before discussing the matter further with the client.

1. **PAYMENT IN MONEY OR KIND**

Due to the nature of the XXLS Clinic’s work and structure there are restrictions imposed on payments for and to the XXLS Clinic. These are:

* 1. We do not charge clients for our services

4.2 We do not handle client’s money and no payment of any kind should be taken from or for a client

* 1. The offer of any gift by a client or any other person in connection with XXLS Clinic work may be permissible but must be referred to a XXLS Clinic solicitor for approval.

1. **ASSISTANCE UNDER THE ACCESS TO JUSTICE ACT 1999**

Even, though, mainly for for resource reasons, we do not normally represent clients beyond initial advice and even if we do not currently use public funding for legal services we are professionally obliged to:

* 1. Inform all clients of the possibility of assistance under the Act (known as “Legal Aid”)
  2. Give clients a copy of the *Information for Clients* leaflet which contains reference to the Legal Aid scheme

1. **CLIENT CARE**

There are strict obligations on us in terms of ensuring requisite standards of client care. To comply with these we must ensure the following:

* 1. All clients advised by the XXLS Clinic are given a copy of the *Information for Clients* leaflet*.* This should be given to the client at the commencement of the first interview. The contents of this should be explained clearly to the client.
  2. Clients may only be given advice in writing and only after proper consideration and research and with the approval of a XXLS Clinic solicitor.
  3. No casework can be undertaken unless the client has signed the *Information for Clients* leaflet.
  4. It is essential that you complete work in accordance with the timescales set out in the Handbook or agreed with XXLS Clinic staff. You must let XXLS Clinic staff know immediately if this is not going to be possible.
  5. 6.5 Where an appointment for a client is made, participants willbe expected tokeep that appointment. In the event of a participant not being able to keep an appointment, for example due to illness, he or she must inform XXLS Clinic staff in accordance with the procedure laid down in the Handbook.

The above rules and requirements are there for good reason. We now ask you to sign this contract to indicate your agreement and commitment. We hope that you enjoy the experience of working in the XXLS Clinic. You should find that if you follow the procedures your learning will be greatly enhanced and you will make a very valuable and much appreciated contribution to unmet legal need.

Please read the following and, if you agree to be bound by it, sign the form where indicated.

Thank you for your interest and anticipated involvement.

**Declaration:**

I have read, understand and accept the terms of this contract and undertake to respect the confidentiality of the XXLS Clinic and its clients at all times. I acknowledge that I may be removed from the XXLS Clinic if I fail to attend a meeting with a client or any firm or case management meeting without good reason or if I breach the rules of professional conduct. I undertake to read the XXLS Clinic Handbook and abide by its procedures.

**Signed by participant** ……………………………………………

**Name of participant** ……………………………………………

**Date** ……………………………………………

**Signed by XXLS Clinic Director** ……………………………………………

**Name of Director**  XX

**Date** ……………………………………………