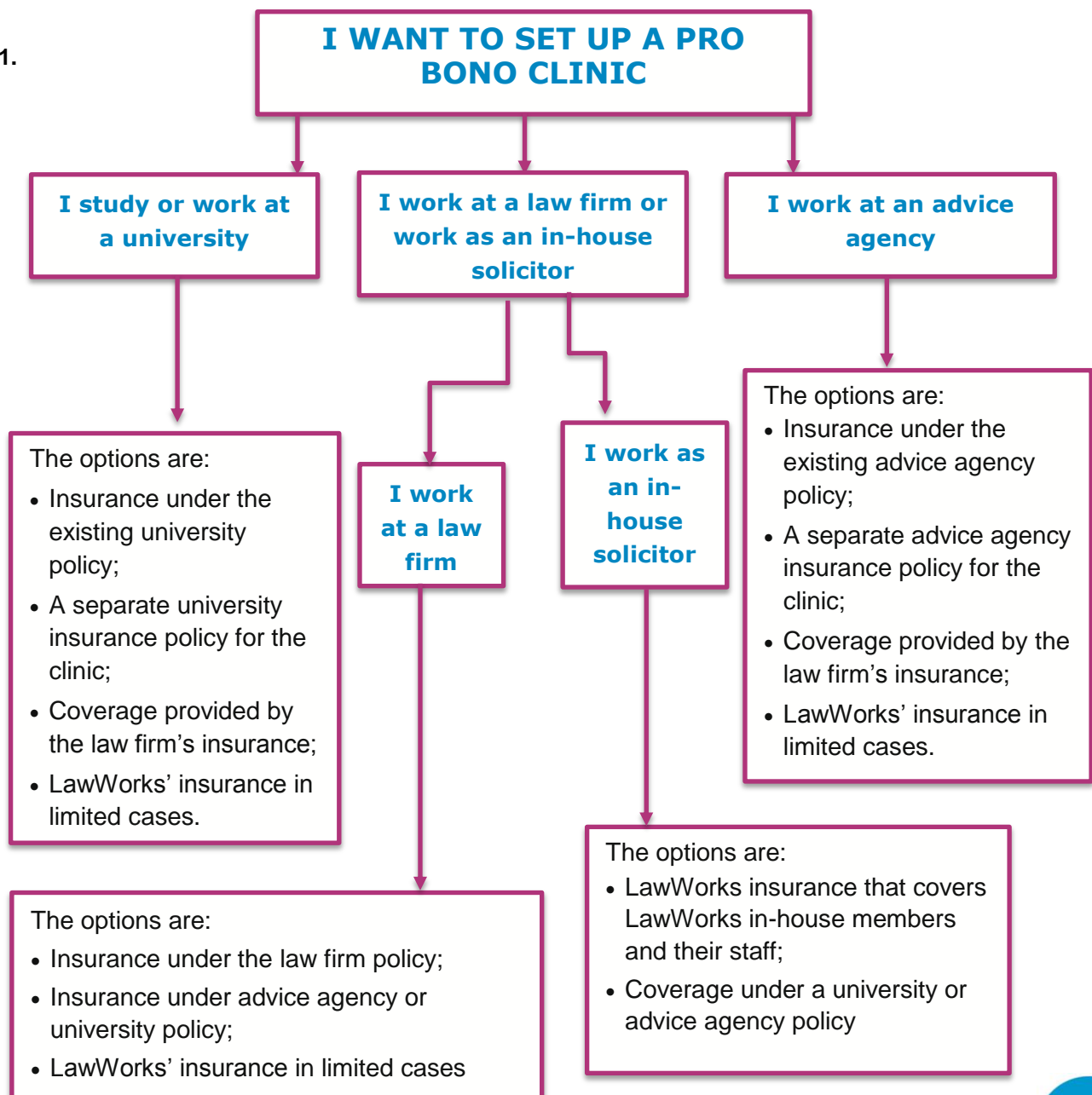


Arranging insurance is an important requirement for any law clinic to consider. Under SRA rules, solicitors need to have in place insurance which meets all of the necessary regulatory requirements unless there is a waiver in place. This factsheet sets out some key considerations on insurance.

Depending on what type of clinic you decide to run and what structure it follows, there will be different insurance options which are open to you. Please see the diagram below.

Figure 1.



Professional Indemnity Insurance

All solicitors providing advice will need to be covered by 'qualifying' professional indemnity insurance unless a waiver from these requirements has been given by the SRA. Qualifying insurance is cover that complies with the SRA's indemnity insurance rules. Law Firms should have such insurance in place for their day to day practice and may be able to arrange for it to cover their pro bono activities also.

LawWorks has obtained a waiver from the requirement to have 'qualifying' insurance for clinics participating in the Clinics Network. Further details of the waiver including the conditions that apply are set out below. The SRA professional indemnity insurance rules are published online at:

www.sra.org.uk/solicitors/handbook/indemnityins/

LawWorks SRA Waiver

Any Clinic which is part of the LawWorks Clinics Network does not need to follow the Solicitors Indemnity Insurance Rules (SIIR) and instead only needs to have "reasonably equivalent" insurance.

The waiver is issued by the SRA. It covers all clinics registered with the LawWorks network subject to the conditions set out in the waiver.

Also waived are certain of the other outcomes set out in the SRA code of conduct relating to written prior notification to clients of a

complaint procedure; complaint handling and advice as to the overall costs of a client's matter. It does, however, impose conditions related to each of these subjects.

All solicitor volunteers must be provided with a copy of the waiver.

The waiver is available at:

<https://www.lawworks.org.uk/solicitors-and-volunteers/resources/sra-professional-indemnity-insurance-rules-waiver>

Arranging Coverage

As can be seen in figure 1 above most clinics can be covered by one of the following three routes:

- 1) Insurance under an existing university policy (where a law school is involved in the delivery of the clinic), or a separate insurance policy covering the work of the university clinic only.
- 2) Insurance under an existing advice agency policy (where an advice agency is involved in the delivery of the clinic), or a separate insurance policy covering the work of the advice agency's clinic only.
- 3) Coverage provided by the law firm(s). This would mean solicitors write the advice from themselves on law firm headed paper.

LawWorks Insurance Policy

LawWorks does hold an insurance policy for some of the pro bono activities that are undertaken under our auspices. Whilst the policy is not generally used for clinic work it may be made available to clinics in exceptional circumstances, for example, to cover an in-house member team who would not ordinarily have an existing PI policy in place.

Coverage of clinics is not automatic and must be agreed by LawWorks. Prior to approaching LawWorks to discuss this possibility, clinics should investigate alternative options for coverage as shown in figure 1 above.

Insurance Advice

LawWorks is unable to provide insurance advice or recommend the services of any particular insurance provider. To find an insurance broker near you, please refer to the website of the British Institute of Insurance Brokers (BIBA):

www.biba.org.uk/consumerhome.aspx

Other Insurances

Apart from professional indemnity cover, it is also important to ensure that other relevant insurances such as public liability cover are in place.

The **LawWorks Clinics Team** provides consultancy and advice to help establish and support free legal advice sessions carried out by volunteer lawyers and students.

Contact us at: clinics@lawworks.org.uk