



## Guide to joint working between CWJ and frontline women's services

- CWJ is a small charity providing legal advice free of charge. This is a limited service and advice is based on the issues and information presented to us. CWJ does not have conduct of the case and does not 'take on' a case in the way that a solicitor does in a legal firm. The survivor remains responsible for her matter including meeting any legal deadlines.
- In the majority of cases CWJ will have contact with the frontline support worker and not directly with the survivor. We rely on support workers to provide us with information and pass our advice to the survivor.
- Where advice given by CWJ or lawyers on our panel is passed to the survivor by a support worker, it is not legal advice from the support worker but **from CWJ**. The support worker is just acting as a conduit or 'go-between'.
- The advice given by CWJ is intended for and 'belongs' to the survivor and should be shared with her. Our professional duty is to advise in her best interests.
- If we ask a support worker for further information before we can advise, we won't chase for it and will not advise unless we hear back from them. We will advise on legal deadlines based on whatever information we have (for example we will inform of the 3-month deadline for VRR even if we don't know the date of the NFA decision), and we may send a reminder in some cases, but responsibility for meeting deadlines remains with the survivor.
- Advice given by CWJ in-house lawyers and pro bono advice from lawyers on our panel is covered by CWJ's insurance. If a panel lawyer takes on a case - either as a client of the solicitor's firm or as a barrister on a 'direct access' arrangement - then the responsibility for insurance switches to that solicitor's firm or barrister.
- The advice from CWJ attracts legal professional privilege, which means that it should not be taken or looked at by the police in a criminal investigation. To make it easier to separate them out, communications with CWJ can be recorded by support workers separately from other records, and if police are provided with ISVA records they can be told that records attracting legal professional privilege are not being disclosed. A court will not usually require privileged materials to be disclosed. The privilege belongs to the survivor, so they can choose to waive privilege.
- Survivors should be told that advice from CWJ is available to them, but they are always free to seek legal advice elsewhere, by finding their own solicitor



or alternative legal advice service. Where possible, we can try to signpost them if they wish.

If a support worker provides a client with their interpretation on an issue, for example where they apply a rule to the client's situation, or where the support worker knows the relevant guidance without needing to consult with CWJ, it is recommended that the support worker should:

- Take a non-directive approach – give the client the information but make it clear that you are not telling them what to do, and that responsibility and ownership for the decision-making remains with the survivor. Inform them of options and let them choose what course to take;
- Make it clear that you are not a lawyer and they should bear in mind that you are assisting as a lay person;
- Where you provide information or interpretation signpost them to the source of the information, for example the relevant page in the CPS RASSO guidance, or paragraph in the Criminal Injuries Compensation Scheme guidance. Usually this will be information that is available to the general public and that survivors can access for themselves;
- Only provide information where you feel confident that it is within your own knowledge and expertise, or that of your line manager;
- Beware of using CWJ's advice given for one client to a different client, and of 'cutting and pasting' something from a previous case for a new client. It may not apply, or it may be out of date;
- Tailor your assistance to the individual survivor. For example, some survivors may be comfortable doing their own research and drafting their own letters (and may feel empowered by this), while others may require more direct input, due to lack of confidence, limited literacy, learning disabilities, or other reasons;
- Inform the survivor that the information you are providing is available to them, but they are always free to seek legal advice by finding their own solicitor or alternative legal advice service. Where possible, we can try to signpost them if they wish.

Remember that your role is to act in the **survivor's best interests** so you can and should assist them where you are able, but bearing in mind these parameters.