**Family BarLink: the CFC Pro Bono Duty Scheme**

Q&A for Participants

1. Thank you for volunteering.
2. In addition to this note, please make sure that you read:
   1. The Protocol;
   2. The leaflet provided to litigants in person referred to the scheme; and
   3. The concluding letter given to litigants in person assisted by the Scheme at the conclusion of a day’s assistance.
3. These are all available at <https://www.probonodutyschemes.org.uk/london-family-court-duty-scheme-rota/documents>.

**What does the scheme do?**

1. The aim of the scheme is to provide pro-bono assistance to litigants in person (“LIPs”) appearing in matters heard at the Central Family Court (“CFC”).
2. The scheme aims to operate every Thursday, dependant on volunteer availability. It is envisaged that one barrister working through the scheme will be physically present at the CFC (“the on-duty barrister”), whilst other barristers working with the scheme will be available to assist with further work remotely and/or in person. The on-duty barrister present at the CFC will link available volunteers with appropriate cases, and also take on any direct work they are able to if time permits.
3. LIPs are able to access the Scheme via referral from the Judge hearing their case. LIPs referred to the Scheme will be provided with a leaflet (also available at https://www.probonodutyschemes.org.uk/london-family-court-duty-scheme-rota/documents) directing them to attend the room that will be allocated for the Scheme’s use to “check in” with the on-duty barrister. That barrister will be responsible for having an initial discussion with LIPs referred to the scheme, and allocating them a barrister working with the scheme remotely/in person to provide them with assistance (provided enough barristers working with the scheme on that day are available, and there are no professional conduct reasons preventing them from acting).
4. The scheme envisages that the barrister allocated to the LIP will provide them with free legal advice and may also represent them at the relevant hearing before the Judge who referred them to the Scheme that day.
5. Referral to the scheme by a Judge relates only to the hearing allocated to the Judge on that day. Any further assistance beyond that hearing falls outside the scope of the Scheme.

**What should I do on Thursdays on which I am working with the Scheme?**

1. If you are the on-duty barrister, you must be at the room allocated for the Scheme’s use at the CFC at **9am** on the relevant day. Please make yourself known to the Usher when you arrive. You are expected to remain at the CFC until at least **5pm** on that day.
2. If you are an on-call barrister, you must ensure that there is nothing else in your diary during the volunteer slot that you have signed up for (i.e. 9am-2pm for morning/AM slots, and 2-5pm for afternoon/PM slots) that will impede your ability to assist an LIP referred to the scheme at short notice (such as a hearing or a conference). The on-duty barrister will be in touch with you when/if they have allocated you to an LIP to provide assistance.

**What if I find that I am no longer available on a day for which I have volunteered to work with the Scheme?**

1. You should withdraw only in exceptional circumstances, and you are responsible for providing the scheme with a replacement volunteer barrister to take your place for that day.

**What assistance would I be expected to offer to litigants allocated to me?**

1. You should always try, if appropriate, to provide the litigant with legal advice. It is understood that you will not have much time to read into the case, but you should try to offer such immediate advice to the litigant as is possible in the circumstances.
2. The scheme also envisages that you may appear for the litigant on that day’s hearing if you are requested to do so and are able to do so.
3. At the end of the day, you should (so far as possible) advise the litigant on what to do next. This may include directing them as to how to obtain further assistance going forwards, e.g. by applying for future representation via Advocate.
4. At the end of the day you must also complete the concluding letter which will summarise what happened and what needs to happen. One copy of the concluding letter should be given to the LIP you assisted – in hardcopy but also if possible via email. Please also send a copy of the letter to the scheme’s email account for record-keeping purposes ([familybarlink@weareadvocate.org.uk](mailto:familybarlink@weareadvocate.org.uk)).
5. After you have given the LIP the concluding letter and have sent a copy to the Scheme’s email address, your involvement in the case under the licensed access provided by Advocate is at an end.

**Would I be obliged to provide assistance to any litigant allocated to me?**

1. You must always take into account your professional obligations and your competence when deciding what assistance you are able to offer, and it is your responsibility to satisfy yourself it is appropriate to act.
2. You are free to decline to provide assistance, and to decide the scope of any assistance you do provide.
3. Although the decision will be at the discretion of the relevant Judge, you are also free to make reasonable requests (for example, that the matter be moved further down the Judge’s list in order to give you sufficient time to consider the case).
4. In a complex case you may conclude that the merits and suitability of seeking an adjournment will need to be considered.

**What if there are several points but I consider one to be a hopeless point or one that I consider may not properly be advanced?**

1. You should inform the LIP that you are prepared to make only part (rather than all) of the argument. You should explain why.
2. If they insist that the point is advanced, you should say that they will have to advance that point themselves, and you should ask the court to hear both you and the LIP, on the basis that you will make part of the argument and the LIP will make the remainder of the argument.
3. You should inform the LIP that they will not (usually) be asked to comment on or add to any arguments that you have presented to the court.

**Can I act without an instructing solicitor? What about insurance?**

1. Self-employed participants must have insurance cover under the Bar Mutual Insurance scheme. They will volunteer under the licensed access auspices of Advocate.
2. If you are an employed barrister and would like to volunteer please make this known to the scheme administrators, as different regulatory rules apply.

**What about GDPR?**

1. The leaflet given to litigants to read contains a data protection notice. The notice states that the barrister allocated to assist them will have a privacy notice on their chambers’ website. If this is not the case you should tell the litigant where they can find your privacy notice.

**Any other queries?**

1. If you have any other queries not covered by the information in this document, please contact familybarlink@weareadvocate.org.uk and we will endeavour to assist you.
2. Thank you very much for your willingness to volunteer your time and expertise to the scheme. It is crucial, now more than ever, that LIPs get the support they need to navigate what are extremely stressful court proceedings. Your pro bono contributions directly support access to justice and effective administration.