

Legal Representation & Advice Policy



1. Purpose

- 1.1.** This policy sets out how the Eldonian Community Trust (“the Charity”) engages with legal professionals, appoints legal representatives, and ensures that legal matters are handled responsibly, transparently, and in the best interests of the Charity.

2. Scope

- 2.1.** This policy applies to all legal advice or representation sought on behalf of the Charity, including but not limited to:

- 2.1.1.** Charity governance
- 2.1.2.** Regulatory compliance
- 2.1.3.** Contracts and agreements
- 2.1.4.** Housing-related support for beneficiaries
- 2.1.5.** Safeguarding or disciplinary matters
- 2.1.6.** Public or reputational risk

3. Authority to Appoint Legal Representatives and Engage in Legal Proceedings

- 3.1.** The Secretary of the Charity has the delegated authority to appoint legal representatives, including solicitors or barristers, where the advice or representation is provided on a pro bono basis and does not incur any financial cost to the Charity.
- 3.2.** If any legal service is expected to incur a cost, the Secretary must obtain prior approval from the Chair, or in their absence, the Vice Chair, before any appointment is made.
- 3.3.** The Charity will not enter into any legal proceedings—including those defined as ‘charity proceedings’ under the Charities Act 2011—without first obtaining the required prior written authority of the Charity Commission, where such permission is legally necessary.
- 3.4.** Any proposed litigation, formal regulatory challenge, or claim involving external courts or tribunals must be referred to the full Board of Trustees for discussion and minuted approval, the Secretary must obtain prior written approval from the Chair, or in their absence, the Vice Chair, before any appointment is made.
- 3.5.** Where legal services may incur cost or binding obligations, the appointment must be supported by a formal decision of the Board of Trustees.

4. Nature of Legal Support

4.1. Legal representation may include:

4.1.1. Advice provided on a voluntary or goodwill basis

4.1.2. Letters drafted on behalf of the Charity

4.1.3. Representation in correspondence or regulatory proceedings

4.1.4. Advice to beneficiaries via clinics or outreach (subject to legal disclaimer)

4.2. Any legal support provided to individual beneficiaries must be clearly separated from advice to the Charity and must not expose the Charity to liability.

5. Record-Keeping and Transparency

5.1. All legal appointments must be logged in a Legal Services Register maintained by the Secretary.

5.2. Any formal engagement letter or terms of service must be retained.

5.3. The Secretary will provide a quarterly report to the Board summarising legal matters underway.

6. Review and Oversight

6.1. This policy was approved by the Board of Trustees on Friday 9th May 2025 and will be reviewed annually by the Secretary and Chair, or more frequently if required. It should be read alongside the Charity's Financial Controls Policy and Conflict of Interest Policy.