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## Legal Health Check

### Information for development partners

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#### **Introduction to A4ID**

Advocates for International Development (A4ID) is a non-profit organisation that uses the law and the skills of lawyers towards sustainable development. Through its international pro bono broker service, A4ID facilitates free legal advice and assistance to development organisations from A4ID partner law firms, companies and barristers' chambers. The A4ID Legal Health Check is one of the services A4ID offers to its development partners.

A4ID currently has over 50,000 lawyers in its global network through its partnerships with law firms, corporate legal teams and barristers' chambers. Pro bono legal projects for almost 600 NGOs, social enterprises and developing country governments have had an impact in over 114 countries. A4ID's weekly pro bono opportunities range from small pieces of advice to large multi-jurisdictional projects. It also runs an annual training programme and evening seminars on the intersection of law and international development. A4ID undertakes policy and thought leadership work to further the impact of the legal profession in the eradication of poverty.

#### **Introduction to the A4ID Legal Health Check**

'Health Checks' exist in many contexts, providing a snapshot of the condition of an individual or organisation. A Legal Health Check usually refers to a process by which lawyers undertake an assessment of a client's potential legal needs.

A4ID staff lawyers work with all its development partners to examine and scope their legal needs. The A4ID Legal Health Check is an extension of this process, offering a more in-depth assessment to those organisations willing and able to participate. A team of lawyers from A4ID legal partners undertakes the Legal Health Check on a pro bono basis. The lawyers use a questionnaire developed by A4ID to understand the condition of the organisation. Through analysing the information received in response, and through discussions with the organisation, the lawyers identify which legal issues the organisation needs to address. Their assessment is captured in a written report for the organisation, which the development organisation can then work through over time.

The Legal Health Check is free for A4ID development partners. However, it does require a significant investment of time to properly engage with the lawyers and respond to their questions. Organisations should make sure they are prepared to commit this time and have the staff to do so. A4ID can help you work out whether your organisation is at a good stage to undertake the Legal Health Check and whether you have the capacity to participate. For those who do participate, your input should ultimately pay dividends by preventing issues manifesting into costly and time-intensive problems. Further, it will result in a structured document setting out the ongoing legal needs of your organisation which can be used as a benchmark for the future. In short, getting things right at the outset will help to ensure your organisation is sustainable both in the immediate and longer term.

Charlie Hay, Director of Sustainability at AfriKids UK, said of their experience with the A4ID Legal Health Check:

'The impact of the legal health check with AfriKids UK extends to our operations in Ghana, the process and end product serving as a hallmark of best practice which can be replicated worldwide, something it has been difficult for us to find. This comprehensive, multidisciplinary review provides mutual benefits: a wider impact for the law firm's involvement as well as more widely-informed, practical solutions for the charity to implement than ad hoc pro bono projects are often able to offer. The Legal Health Check enables a dialogue that solves the problem of lawyers not knowing how best they can help charities, and charities not knowing what to ask for!'

Jo Weiss, Head of Social Responsibility at White & Case, the firm which helped A4ID pilot the Legal Health Check, said:

'It's exciting to have a pro bono matter that can potentially involve all of our practice areas, which can be done in any of our offices, and which goes to the core of a charity's legal needs and helps them to proactively address their most important legal issues.'

## How to get involved

A4ID development partners that wish to participate in the legal health check should send the following information to A4ID:

1. The main office you would like to involve in the legal health check – this will usually be the location of the head office or main registration of your organisation. The lawyers will consider your legal needs in relation to the law of the country.
2. Any other offices you would ideally like to have involved (if any) – where possible, A4ID will seek to find a legal partner that can also look at your legal needs in your other main offices. Even if you have other offices, you may still wish to focus your legal health check on one country, as a way to limit the resources you will need for the Legal Health Check.
3. Any law firms or companies that your organisation could not partner with for a Legal Health Check. Most A4ID legal partners are law firms, but we also partner with the internal legal teams from companies where appropriate. Our partner companies are international banks. If you have any concerns about their involvement, please let us know so we can ensure the match is suitable for all partners.

A4ID will then seek to identify a suitable legal partner to undertake the Legal Health Check for you. As the lawyers are undertaking the work pro bono, we cannot guarantee that we will find a team for you. However, if they do take on the work, you should expect them to undertake the work to a high standard. As for any engagement with lawyers through A4ID, we will remain a point of contact for any questions or concerns throughout.

Usually, the legal partner identified will have lawyers based in the same location as your main office or registration. If this is not possible, we will consider if we can offer you a limited Legal Health Check by lawyers from another jurisdiction similar to that where you are based. For large organisations, multiple health checks on an office or national basis may be required, using different teams of lawyers (from the same or different legal partners).

### The Process

After matching an appropriate development partner and legal partner, the following five stage process will take place:

#### Stage 1: Initial Consultation

The lawyers will arrange to speak with you by phone (probably for 30-45 minutes) to discuss the key features of your organisation and gain a better understanding of what you do. The discussion will cover the work and nature of the organisation, its size and complexity, where it works and any other important characteristics. The scope of the Legal Health Check will also be confirmed at this stage. You will be asked to locate relevant documents or other evidence.

#### Stage 2: Questionnaire

Following the initial consultation, the lawyers will send you a long questionnaire to complete. A4ID has developed a standard form questionnaire for the lawyers to use as a basis, but they may include additional questions based on what they find out during the initial consultation. The questionnaire asks for relevant supporting evidence where appropriate. The idea at this stage is to get as full a picture of your organisation as possible. This is the most time-intensive part of the process for you. It is likely you will need people overseeing your operations and legal matters involved.

#### Stage 3: Preliminary Analysis

On receipt of the completed questionnaire, the lawyers will review the answers to make an initial assessment of the legal strengths and weaknesses of your organisation. They may need to ask you for further documents.

#### Stage 4: In-depth Fact-finding

The lawyers will arrange a longer in-person meeting (or, if not possible, phone call) with you to go through the questionnaire more fully, allowing time for them to ask questions and better understand your organisation's needs. This is likely to take 1-3 hours depending on the size and complexity of the organisation (possibly longer for large organisations and multijurisdictional legal health checks). This meeting will take place at your office if possible, and you should ensure that all relevant people are available to contribute to that meeting or call, and that all relevant documentation has been provided. A quick examination of some documents may take place at the meeting itself if the lawyers feel they are required to understand your needs, but ideally you will already have provided them with the questionnaire. After this meeting the lawyers should feel fully equipped to assess your organisation's legal condition.

#### Stage 5: Report

To complete the Legal Health Check, the legal partner will prepare a written report which will be sent to you and A4ID. This report will be based on a template provided by A4ID but its content will be the responsibility of the legal partner. The report should clearly identify any specific legal issues that need to be addressed, ranked in order of urgency and importance, explaining why each issue needs addressing and highlighting relevant deadlines.

In addition to underlining discrete issues of importance, the legal partner should provide some general considerations for your organisation. This will not involve providing specific advice but will help you to know what basic questions your board or management might consider thinking about.

In its conclusion, the report should highlight areas for your organisation that appear particularly strong or weak from a legal perspective. It should give a brief summary as to the legal 'health' of the organisation which can be easily and quickly digested.

Assuming you are happy to keep working with the legal partner that has undertaken the Legal Health Check, it will be given the opportunity to take on any of the legal matters identified and provide pro bono advice to you on them. For any remaining matters, A4ID can help you to seek pro bono legal support according to a timeframe that is manageable for your organisation.

It is likely the whole process will take a minimum of 3 months, possibly significantly longer depending on how quickly you are able to respond to the questionnaire and how complex your organisation is.

### **What type of legal issues will be explored?**

The Legal Health Check will involve exploring in depth the everyday functioning of the organisation and any related legal issues. Examples of the kinds of topics covered and questions asked by a standard Legal Health Check are as follows:

- General organisational characteristics
- Structure and governance
- Employment contracts and policies, including health, safety and security
- Contracts and partnership agreements
- Property issues
- Assets
- Liabilities and Funding
- Tax issues
- Intellectual property
- Use of the law in programmes or advocacy work
- Disputes and dispute resolution
- Risk management
- Compliance issues – e.g. anti-corruption, bribery
- Specific industry regulations
- Systems for monitoring legal issues

Please note: The Legal Health Check does not purport to identify every legal need your organisation has. The lawyers will seek to identify the main gaps and issues which you should consider addressing. Neither A4ID nor the lawyers will be responsible for any failure to identify or alert you to any particular legal need of your organisation.

Please also be aware that most A4ID legal partners are not familiar with charity/non-profit laws and regulations, and therefore are unlikely to be able to identify detailed legal needs as they relate to, for example, the Charity Commission of England and Wales.

### **For more information**

To express interest in the Legal Health Check or further information, please contact Elisabeth Baraka, Head of Partnerships and Legal Services, at [elisabeth.baraka@a4id.org](mailto:elisabeth.baraka@a4id.org) or +44 (0)20 7006 4392.