HR CONSULTANCY LAUNCH PROGRAMME · DRAW YOUR SCOPE LINE

Scope-line one-pager

The line between the HR work you can do and the reserved legal work you cannot, with the two traps called out. A signpost, not legal advice.

01 The six reserved legal activities

Only these are reserved under the Legal Services Act 2007. Everything else in HR is unreserved and open to you.

- [ ] Rights of audience in the courts.
- [ ] The conduct of litigation.
- [ ] Reserved instrument activities.
- [ ] Probate activities.
- [ ] Notarial activities.
- [ ] The administration of oaths.

02 I can do this

All unreserved, so open to a non-lawyer HR consultant.

- [ ] Give HR and employment-law advice.
- [ ] Draft contracts, handbooks and policies.
- [ ] Run disciplinary, grievance and redundancy processes.
- [ ] Represent a party at the Employment Tribunal, which permits lay representation.

03 I must refer this out

These cross into reserved activity or beyond your cover.

- [ ] Conduct litigation in the courts: issuing or managing County Court or High Court proceedings.
- [ ] Exercise rights of audience in the courts.
- [ ] Hold yourself out as a solicitor, which is an offence.

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04 Two traps to know

Both catch new consultants who assume their advice works like a lawyer's.

- [ ] Legal professional privilege does not attach to advice from a non-lawyer. An employer's communications with you may be disclosable in litigation.
- [ ] You cannot be an employee's relevant independent adviser on a settlement agreement. That needs an insured solicitor or qualified adviser, and you should not advise both sides.

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