



Lexcel certifications self-assessment checklist

PRACTICE DETAILS

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CHECKLIST HEADINGS

There are four headings contained in the Checklist form:

Standard

This sets out the reference number of the relevant Practice Management Standard.

Mandatory Requirement

This summarises, very succinctly, what the Standard requires.

How Complied With

This should be completed with a brief description of the relevant procedures and supporting documentation that exists within the practice.

ASSESSMENT CONTACT: *Lexcel Representative*

Document Reference

The practice should use this column to indicate where to find relevant documentation in your practice. If individual documents are referred to, the practice should index them sequentially, for example, document A, document B, etc.

N.B. A practice should make as many copies of the self-assessment checklist as needed, always keeping a blank to be completed when the self-assessment process produces an entirely satisfactory result.

Standard	Mandatory Requirement	How Complied With	Doc. Ref. OM = Office Manual
1 – Structures and Policies			
1.1	Documentation setting out legal framework under which practice operates	<i>Partnership/shareholders' agreement (confidential).</i>	OM1.1
1.2	Business structure reviewed as part of business planning process	<i>Legal status reviewed as part of business planning process.</i>	OM 1.2
1.3	A risk management strategy or framework	<i>Risk management policy</i>	OM 6.7,
1.4	Documented quality policy	<i>Quality Policy</i>	OM 1.3
1.5	A designated individual, with sufficient authority and seniority, with responsibility for the quality system	<i>Quality Partner (plus Quality Assistant with some devolved responsibilities)</i>	OM 1.4
1.6	Annual Review of the operation of the quality system	<i>Manuals and quality system reviewed annually</i>	OM1.5

1.7	Documented procedures on non-discrimination with regard to service provided.	<i>Firm has adopted the Law Society's model anti-discrimination policy</i>	OM 1.6
1.8	Documented procedures on non-discrimination with regard to employees	<i>Firm has adopted the Law Society's model code</i>	OM 1.7
1.9	Documented procedures to ensure compliance with Money Laundering legislation	<i>Money Laundering Reporting Officer (named)</i>	OM 1.8
1.10	Documented procedures for avoidance of involvement in mortgage fraud	<i>(Where relevant for practices undertaking conveyancing work)</i>	OM 1.9
1.11	Documented policy in relation to data protection compliance	<i>Subject access requests referred to Quality Partner</i>	OM 1.10
1.12	Documented policy in relation to health and safety	<i>Health and Safety Policy</i>	OM 1.11
2 – Strategy, the Provision of Services and Marketing			
2.1	Documented marketing and business plan	<i>Business Plan Marketing plan produced as part of business planning process</i>	<i>Business Plan (Process description in OM 2.1 & OM 2.3)</i>
2.2	Documented services plan	<i>Service plan forms part of Business plan and the firm's brochure publicise the services offered to the public.</i>	<i>Business Plan and firm's brochure (Process description in OM 2.2)</i>
2.3	Documented review of business plan at least 6-monthly Documented review of services plan at least annually	<i>Business plan – reviewed at partners' annual strategy and planning meeting, and six months later. Marketing & service plans – reviewed at partners' annual strategy meeting (and six months later).</i>	<i>(Process description in OM 2.4 & OM 2.5)</i>

3 – Financial Management			
3.1	Documented responsibility for financial management procedures	<i>Managing Partner</i>	<i>OM 3.1</i>
3.2	Documentary evidence of financial management processes: a) Annual budget b) Quarterly variance of income and expenditure c) Annual profit & loss account d) Annual balance sheet e) Annual cash or funds flow forecast f) Quarterly variance analysis at least of cash flow	<i>Practice is able to supply an accountant's certificate which confirms the existence of these requirements</i>	<i>Accountant's certificate (Financial management procedures detailed in OM3.3 – OM 3.20)</i>
3.3	Process for time recording	<i>Six minute units. The firm's time recording system is directly linked to the accounting system.</i>	<i>OM 3.2 & OM 3.21</i>
4 – Facilities and IT			
4.1	Documented office facilities needed to provide services to clients	<i>Office facilities, services, and equipment needed - and procedures for use of: reception and telephone, post and communications, information technology, photocopying, plus health and safety.</i>	<i>OM 4.1 – 4.31</i>
4.2	Documented review of health and safety issues annually	<i>Conducted by Health and Safety Manager as part of Health and Safety Policy and Procedure</i>	<i>OM 1.11, OM 4.11 – 4.27</i>
4.3	A business continuity plan (optional)	<i>Business Continuity Plan</i>	<i>Summary of contents and review process in OM 4.30</i>
4.4	Documented IT plan covering the current or next 12 months.	<i>IT Plan</i>	<i>OM 4.7 – 4.10</i>
4.5	Documented arrangements for legal research and library facilities	<i>The practice maintains its own library and subscribes to appropriate journals. Internet access to relevant sites.</i>	<i>OM 4.31</i>

4.6	Office Manual available to all and documented procedures in relation to: a) Pages dated/issue number b) Annual review c) Updates & maintaining records	<i>Manual on computer network (read only). Quality Partner (only) authorised to update.</i>	OM 1.0
5 – People Management			
5.1	Documented plan for recruitment, development and welfare of personnel	<i>Personnel Plan, covering resourcing, development and welfare/entitlements</i>	OM 5.1
5.2	Documented skills, knowledge, experience required of, and tasks to be performed by fee-earners and other staff in the practice	<i>Person specifications show skills, knowledge and experience needed. Job descriptions record tasks.</i>	OM 5.2
5.3	Procedures to deal effectively with recruitment into the practice	<i>Recruitment procedures</i>	OM 5.3
5.4	Appropriate induction process	<i>Induction process covering issues contained in the induction training checklist.</i>	OM5.5 Checklists
5.5	Induction to be conducted in a reasonable period of time	<i>New joiners receive initial induction meeting followed by substantive induction training appropriate to the role.</i>	OM 5.5
5.6	Appropriate induction process applicable for personnel transferring roles	<i>Induction process covers relevant aspects when existing personnel transfer roles within the firm.</i>	OM 5.5
5.7	Processes in operation for: a) Annual review of responsibilities, objectives and performance for all partners and staff b) Written appraisal records c) Annual review of training & development needs of all personnel	<i>Objective setting and written performance appraisal system for all staff, including Partners. Training needs identified in appraisals (and as part of regular supervision meetings)</i>	OM 5.6 OM 5.7

5.8	Provision of appropriate training in accordance with practices' training & development policy	<i>Training Partner oversees the firm's training needs and draws up a training plan. The practice subscribes to an external training organisation scheme and provides computer training.</i>	OM 5.7
6- Supervision and Operational Risk Management			
6.1	Documented management structure highlighting responsibilities and accountability	<i>Organisational chart</i>	OM 6.1 (Appendix 6A)
6.2	A named supervisor for each area of work with relevant experience	<i>Conveyancing - HOD and other partner Crime – HOD and other partners</i>	OM 6.1
6.3	Processes to ensure supervision of all staff	<i>Systems of supervision (checks on incoming and outgoing post, monthly department meetings etc) detailed in OM</i>	OM 6.2
6.4	Processes to ensure supervision of legal work	<i>When supervisors are not present telephone contact or other arrangements are made. Work allocation process detailed in OM.</i>	OM 6.3
6.5	Processes in place to ensure all fee earners regularly check their files for inactivity	<i>Ongoing monthly file reviews to maintain progress. In addition, HODs regularly check for inactivity through the monthly matter printouts</i>	OM 6.4
6.6	Procedures for regular independent file reviews	<i>Independent file review procedure</i>	OM 6.6

<p>6.7</p>	<p>Procedures in place to:</p> <ul style="list-style-type: none"> a) Designate an overall risk manager b) Establish reporting arrangements in relation to risk c) Maintain lists of work the practice will and will not undertake d) Maintain details of generic risks associated with areas of work e) Manage instructions which may be undertaken even though they have a high risk profile f) Annual review of all risk assessment data 	<p><i>Managing Partner</i> <i>All high-risk assessments brought to attention of HOD</i> <i>Lists of work maintained that the practice will and will not undertake (based on experience of the practice); case management procedures</i> <i>Data from insurance company</i></p> <p><i>Case management procedures</i></p> <p><i>Paper prepared for annual business planning/strategy meeting.</i></p>	<p>OM 6.7 & 6.8</p>
<p>6.8</p>	<p>Operational Risk :</p> <p>Consideration before matter undertaken –</p> <ul style="list-style-type: none"> a) If new client/matter should be accepted in accordance with 8.2 below b) Assess risk profile of all new instructions <p>Consideration during the retainer –</p> <ul style="list-style-type: none"> c) Change to the risk profile d) Inform clients where an adverse costs order is made <p>Consideration at the end of the matter –</p> <ul style="list-style-type: none"> e) Undertake a concluding risk assessment f) Notifying the risk manager in accordance with procedures 	<p><i>Reporting risk procedures</i></p>	<p>OM 6.7 & 6.8</p>
<p>7 – Client Care</p>			

7.1	<p>Documented policy on client care, including:</p> <ul style="list-style-type: none"> a) Practice's commitment to provide services to clients b) Procedures to ensure compliance with Practice Rule 15 and its accompanying code 	<p><i>Policy on client care</i></p>	<p>OM 7.1</p>
7.2	<p>Processes to ensure that clients are informed in writing of the terms of business , including:</p> <ul style="list-style-type: none"> a) Name & status of fee earner and supervisor b) Whom the client should approach in the event of a problem with the service provided c) The basis under which charges will be calculated 	<p><i>Confirmation of instructions procedure</i> <i>Practice uses general client care letter (tailored to the particular instructions received within the departmental precedents) and the standard terms and conditions.</i></p>	<p>OM 7.6</p>
7.3	<p>Documented complaints handling procedure, which:</p> <ul style="list-style-type: none"> a) Is readily available to clients when they may want to use it b) States the practice's definition of a complaint, how to identify and respond to it c) Records and reports all complaints received d) Identifying cause of complaint, offering redress and changing unsatisfactory procedures <p>Annual review of all complaints data as part of review under 6.7f above.</p>	<p>Complaints procedure</p> <p><i>Client Care Partner reviews all complaint records and submits a paper for annual business/strategy review.</i></p>	<p>OM 7.7</p>

7.4	Annual review of the perception of clients about the quality of services provided by the practice.	<i>Client satisfaction survey.</i>	<i>OM 7.8</i>
8 – File and Case Management			
8.1	Documented procedure for handling client enquiries	<i>Client enquiries procedure (covering enquiries by telephone, by correspondence and email, and callers to the office).</i>	<i>OM 8.1</i>
8.2	Documented procedure for accepting new instructions	<i>Acceptance of instructions procedure</i>	<i>OM 8.3 OM 8.4</i>
8.3	Documented arrangements for identifying and acting upon conflicts of interest	<i>Conflicts of interest procedure. Conflict is considered before accepting instructions and then throughout the matter as it progresses.</i>	<i>OM 8.6</i>
8.4	At the outset of the matter the fee earner shall establish and confirm in writing: a) Client's requirements and objectives b) Issues raised and advice given c) Action to be taken and timescales d) Whether it is appropriate for fee earner to deal with the matter or if it should be referred to a colleague e) Method of funding f) Whether action would be merited on a cost benefit analysis	<i>Taking instructions procedure These are all normally confirmed in writing to the client.</i>	<i>OM 8.7</i>
8.5	Compliance with the Solicitors Costs Information and Client Care Code	<i>Fee earner considers if client may be eligible for public funding, costs covered by insurer/third party at first interview. Costs estimate is provided or fixed fee confirmed and updated</i>	

<p>8.6</p>	<p>Case strategy always apparent on matter file</p> <p>Separate case plan maintained in complex cases</p>	<p><i>In most cases a case plan will be either a letter to the client or a separate memorandum on file.</i></p> <p><i>A separate case plan is maintained for any public funding matter where the matter is a multi-party action, subject to High Court jurisdiction, or the firm's costs are likely to exceed £25,000.</i></p>	<p>OM 8.12</p>
<p>8.7</p>	<p>Documented procedures to ensure that matters are progressed in an appropriate manner</p> <p>a) Key information recorded on the file</p> <p>b) Key dates on file and back-up system</p> <p>c) Timely response to calls and correspondence</p> <p>d) Cost updates provided at least every six months</p> <p>e) Clients informed of change in matter handling</p>	<p><i>On file summary sheet</i></p> <p><i>Recorded on file summary sheet, in fee-earners and central departmental diary.</i></p> <p><i>Maintaining progress procedure</i></p> <p><i>Costs position reviewed and reported to client at least every 6 months unless otherwise agreed</i></p> <p><i>Maintaining progress procedure</i></p>	<p>OM 8.11</p> <p>OM 8.17</p> <p>OM 8.18</p> <p>OM 8.17</p> <p>OM 8.17</p>
<p>8.8</p>	<p>Documented procedures for giving, monitoring and discharge of undertakings</p>	<p><i>All undertakings must be authorised by a partner.</i></p> <p><i>Discharge of undertakings is monitored.</i></p>	<p>OM 8.19</p>
<p>8.9</p>	<p>Documented procedure to:</p> <p>a) List open & closed matters, identify matters for a single client/linked files and all files for particular funders</p> <p>b) Identify and trace documents. files, deeds, wills or items</p> <p>c) Safeguard confidentiality of matter files and all other client information</p> <p>d) Ensure status of matter and action taken can be easily identified by other staff</p> <p>e) Documents are maintained in an orderly way</p>	<p><i>Computer listing of all matters</i></p> <p><i>Traceability and confidentiality procedure</i></p> <p><i>Traceability and confidentiality procedure</i></p> <p><i>File summary sheets are used</i></p> <p><i>Departmental instructions ensure proper standards of file maintenance</i></p>	<p>OM 8.16</p> <p>OM 8.16</p> <p>OM 8.14</p> <p>OM 8.13</p>

<p>8.10</p>	<p>Documented procedure for the use of barristers, expert witnesses and other advisers, including:</p> <ul style="list-style-type: none"> a) Use of clear non-discriminating selection criteria b) Where appropriate, consultation with client on selection c) Clients to be advised of name & status of person being instructed, timescales, cost and where disbursements are to be paid d) Maintenance of records, including evidence of assessment e) Evaluation of performance f) Giving of instructions g) Checking adequacy of opinions and reports h) Payment of fees 	<p><i>Use of experts and agents procedure.</i></p> <p><i>Three categories:</i></p> <p><i>A: Approved w/o reservation</i></p> <p><i>B: Approved with reservation</i></p> <p><i>C: Not approved for use by the department</i></p> <p><i>Where appropriate, clients consulted on both the decisions to involve experts and the selection of them.</i></p> <p><i>List maintained via departmental supervisor</i></p> <p><i>All recommendations for entry or removal from the list made by submitting evaluation to supervisor.</i></p> <p><i>Always confirmed in writing.</i></p> <p><i>Fee earners always consider suitability and value.</i></p> <p><i>Procedures for privately and publicly funded matters.</i></p>	<p>OM 8.20</p>
<p>8.11</p>	<p>At conclusion of the matter, documented procedures to:</p> <ul style="list-style-type: none"> a) Report to the client on the outcome b) Account to the client for any outstanding money c) Return any original documentation d) Advise the client about storage and retrieval of papers and other items e) Advise the client whether and when to review the matter f) Archive or destroy files in an appropriate manner 	<p><i>These are part of the file closing procedures and recorded on the file summary sheet.</i></p>	<p>OM 8.21- 8.23</p>