



Lexcel - scheme rules

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Introduction

The Lexcel accreditation scheme is available to legal practices in all jurisdictions of the world. To maintain the integrity of the standard and scheme, the Lexcel office has set the criteria for applying for Lexcel.

This guide outlines the eligibility requirements that need to be fulfilled to enable an application to be made to the Lexcel office. If you have any questions regarding the Lexcel scheme rules, please contact the Lexcel office via email: lexcel@lawsociety.org.uk or call: +44 (0)20 7320 5933.

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1. The scheme

i. Overview

The Lexcel scheme is the only legally focused standard available to any size or type of legal practice in the world. Reviews and revisions of the scheme are made on a regular basis to ensure Lexcel remains relevant for the legal profession. Lexcel v5, launched on 31 October 2011, is the current version of the standard.

The standard and scheme are reviewed regularly to ensure Lexcel remains relevant for legal practices. Practices can currently apply to and be assessed against Lexcel v4.1. Lexcel v5 was launched on 31 October 2011. Compliance requirements for Lexcel v5 are as follows:

- 1 January 2012 – optional compliance for all assessments
- 1 July 2012 onwards – mandatory compliance for all assessments

ii. Management

Lexcel is managed by the Lexcel office of the Law Society of England and Wales. The Lexcel office administers and reviews all applications, oversees and manages the assessment process, promotes the scheme and develops the standard, scheme and all associated products.

The Law Society of England and Wales is the only body with authority to award Lexcel accreditation.

iii. Lexcel Panel

The Lexcel Panel has overarching responsibility for the Lexcel standard and regularly provides advice to the Lexcel office on applications and the scheme's processes. The Panel comprises legal professionals from every size and type of practice.

iv. Lexcel assessment bodies and assessors

The Lexcel office maintains licenses with specific assessment bodies. Only licensed assessment bodies and their assessors can conduct Lexcel assessments. For more information see section 5.1.

v. Lexcel consultants

Only consultants trained by the Lexcel office and with Lexcel consultant agreements in place can hold Lexcel Consultant status. For more information see section 4.2.

2. Applicants

i. Legal practices

Lexcel can be applied for by any legal practice in any jurisdiction in the world. Practices whose head office is in England and Wales must be members of the Law Society of England and Wales.

The definition of a legal practice for the purposes of Lexcel is either:



- A law practice in the form of partnerships, limited liability partnerships, sole practices and incorporated law firms
- An in-house legal department, including practices within corporate, public sector and government organisations.

ii. Multi-site practices

Practices with multiple offices can apply by jurisdiction. For example, a law firm with 5 offices across England and Wales must submit one application and be assessed across all 5 offices.

3. Cost of accreditation

There are three main costs of applying for accreditation. These are:

i. Application fees

Application fees are paid to the Law Society when submitting an application form. The fees are set out below:

Private practices	
Sole practitioner	= £60 (£72 including VAT at 20%)
2-4 partners	= £175 (£210 including VAT at 20%)
5-7 partners	= £230 (£276 including VAT at 20%)
8-10 partners	= £300 (£360 including VAT at 20%)
11-15 partners	= £350 (£420 including VAT at 20%)
16-25 partners	= £485 (£582 including VAT at 20%)
26-50 partners	= £580 (£696 including VAT at 20%)
51+ partners	= £865 (£1038 including VAT at 20%)
In-house practices	
1-5 fee earners	= £60 (£72 including VAT at 20%)
6-15 fee earners	= £175 (£210 including VAT at 20%)
16-40 fee earners	= £300 (£360 including VAT at 20%)
41-60 fee earners	= £405 (£486 including VAT at 20%)
61+ fee earners	= £520 (£624 including VAT at 20%)

ii. Assessment costs

The duration of assessments are based on the size and complexity of each practice. This tailored approach supports practices in a proportionate way, resulting in consistent timescales across the range of practices seeking accreditation.



Practices should plan assessment dates no earlier than four weeks from submitting an application form. As assessment bodies serve multiple clients, the Lexcel office recommends contacting the chosen body at least three months prior to an application.

Assessment contracts and fees are managed between the practice and relevant assessment body. Terms and charges can vary so practices are advised to contact at least two assessment bodies. This could help to identify the best assessment body for the practice and obtain a competitive price. Market rates per assessment day are estimated at between £600 to £800.

The following are included in the quotes from all assessment bodies:

- Preparation and planning of the assessment
- The on-site assessment
- Assessment feedback and written report.

Additional charges are likely to be made in relation to travel expenses and additional assessor time required to complete rectification of non-compliances that may arise at the assessment.

iii. Practice costs

The third cost is associated with any investment in financial or human resources each practice needs to work towards, gain and retain accreditation. This will vary practice by practice but should be considered as it could have an effect on resources. For example, the time required to develop a new policy, or a fee earner's involvement in the onsite assessment.

iv. Consultancy costs

It is not mandatory for a practice to use a consultant to gain or retain accreditation. If the practice decides to use a consultant, the practice should include this cost when assessing the cost of Lexcel to their business. For more information about consultants, please see section 4.2.

4. Preparing for an application

i. Supportive materials

There are a wide range of supportive materials available for practices interested in gaining Lexcel accreditation. These include:

- Free phone and e-mail advice on application and assessment queries
- The standard (FREE)
- Self-assessment checklist (FREE)
- Application form (FREE)
- Details of licensed assessment bodies and consultants (FREE)
- Duration and sampling guide (FREE)
- Risk management guide (FREE)
- Guide for sole practitioners (FREE)
- Guide for in-house legal departments (FREE)



- Subscription to Lexcel update e-newsletter (FREE)
- Lexcel range of toolkits on topics including Client Care, Risk Management, Financial Management and Personnel Management
- Training courses on topics including implementing Lexcel, financial planning, and business continuity planning and testing.

The Lexcel office recommends each practice completes the self-assessment checklist before any application. This will help identify any areas of compliance, non-compliance and areas for improvement or development. For practices applying for the first time, the checklist will give a good gauge as to how near to compliance the practice is. Practice must bear in mind all Lexcel requirements must be embedded when an assessment takes place. For initial applicants, the requirements must be in place at least 3 months prior to the assessment date.

ii. Lexcel consultants

It is not mandatory for a practice wanting to gain or retain Lexcel accreditation to use a consultant. A practice should consider various factors, including extent of compliance (using self-assessment checklist) and the resources available to work towards and gain accreditation within their timescales.

Individuals or organisations holding Lexcel consultant status have undertaken training and have an agreement in place with the Lexcel office. Consultancy services can vary but can include the following:

- Diagnostics
- Drafting documents for the practice
- Providing the practice with templates
- Advising the practice on how to comply with any aspects of Lexcel

If a practice uses a consultant to advise on any aspect of the implementation of the standard, that person or the assessment body they are contracted with, cannot provide the Lexcel assessment for the practice. By using the same consultant or assessment body for both services, there will automatically be a conflict of interest. Where this occurs, the assessment will not be allowed to proceed unless another assessor from a different assessment body is assigned to provide the assessment. Assessments where this has occurred will be deemed invalid.

This conflict also applies to consultancy provided for the complimentary requirements within the following accreditation schemes:

- The Law Society's Conveyancing Quality Scheme (CQS)
- Investors in People (IiP)
- ISO standards
- The Legal Services Commissions Specialist Quality Mark (SQM)

For details of Lexcel consultants by region, please visit:

<http://www.lawsociety.org.uk/productsandservices/lexcel/assessors.page>



5. The application process

i. Timescales for adoption

Feedback from Lexcel accredited practices indicates that on average it takes approximately 6 months from deciding to apply for Lexcel to actually submitting their application form.

ii. Steps to gain accreditation

There are key steps in the Lexcel process which must be adhered to when submitting an application and undertaking assessment. In brief, these are:

1	Ensure the requirements are embedded	All requirements must be in place at least 3 months before the date of assessment
2	Arrange an assessment date	Between 3 months to 4 weeks prior to an assessment
3	Submit a Lexcel application form with all required information	4 week turn around
4	Wait for approval	Practices must not have an assessment without receiving approval to proceed to assessment from the Lexcel office
5	If approval given, undertake an assessment	Duration depends on size of practice
6	Assessor submits assessment report	Within 2 weeks of last on-site day to Lexcel office
7	Complete any corrective action	3 weeks for minor non-compliances, 3 months for major non-compliances
8	Assessor submits corrective action report	Within 2 weeks of non-compliance deadline
9	Lexcel office reviews reports	4 week turn around
10	Lexcel office issues decision	As part of step 9

iii. The application form

Practices must complete a Lexcel application form and send it in to the Lexcel office. All sections of the form must be completed. The data will be used to administer the application and accreditation process, as well as conduct any required checks.

Application forms should be sent in to the Lexcel office no later than 4 weeks prior to an assessment. This typically allows sufficient time for all checks to be completed by the Lexcel office.

Each application form must be signed off by the most senior person in the practice. For example, managing partner or legal director.



iv. Supporting documentation

A key objective of the application process is to ensure the integrity of the standard and scheme is maintained. We do, therefore, require practices to disclose any information which may impact on the excellent reputation of Lexcel. Any non-disclosure or mis-representation may result in an automatic suspension of an application, renewal or award of accreditation.

Practices applying for Lexcel must submit:

- Details of any complaint or conduct matter that has arisen at the practice. This must include information such as regulator investigations or visits, complaints from a client that were dealt with internally or referred to the relevant complaint body.
- Professional indemnity insurance details, including claims and notifications, from the practice's broker or insurer. This must be up-to-date information and cover all claims and/or notifications arising up to the date of a practice submitting their application.
- Adverse publicity information which may bring the accreditation scheme or the Law Society's brands into disrepute.
- Staff list including names, job titles, department, location and date of joining.

The Lexcel office reviews all applications thoroughly. Practices must wait to receive written confirmation from the Lexcel office that we have approved the application so that the assessment can proceed. If the Lexcel office has additional questions or issues with an application, these must be resolved prior to an assessment taking place. By failing to wait for receipt of the proceed letter, practices put at risk the valuable time and money invested in the assessment and may result in the practice not being awarded with Lexcel.

Each conduct or disciplinary matters disclosed by the practice will be reviewed and checked. Where precedents exist in terms of conduct or disciplinary matters, the Lexcel office must support these, but having one claim for example, does not automatically mean an application will be declined.

Please note: Checks are completed on all initial applicants irrespective of whether disclosure has been made. A random sample of 20% of re-accreditation applications who state there are no matters will also be checked. This is to help quality assurance and the accuracy of the data being provided.

v. Data protection notice

The Lexcel office will scan all hard copy application forms and supporting documentation into PDF format. All scanned application forms will be saved into the practice's electronic folder for use and reference. Once scanned in, the hard copy of your application will be destroyed via the Law Society's secure confidential document destruction provider. This complies with our legal obligation under the Data Protection Act 1998 not to keep records containing personal data for any longer than is necessary to conduct our business.

vi. Approval to proceed to assessment

The Lexcel office will issue one of three decisions following the review of each application form:

- **Approval to proceed** – this means a practice can undertake their assessment
- **Refuse Lexcel** – an applicant is able to refer their application to the Lexcel Panel
- **Suspend application** – a factor is affecting the practice's application which requires them to await an outcome prior to a decision being issued. e.g. outcome of an SRA investigation.



6. Lexcel assessment bodies and assessors

i. Assessment bodies and assessors

Assessments are conducted by independent licensed assessment bodies. Lexcel assessors are employed by licensed assessment bodies. Assessors are trained on the standard and scheme by the Lexcel office.

Assessment bodies are not allowed to provide consultancy and assessment services to the same practice. They can provide consultancy or an assessment only.

For details of the Lexcel assessment bodies, please visit:

<http://www.lawsociety.org.uk/productsandservices/lexcel/assessors.page>

ii. Confidentiality

It is a priority for the Law Society to ensure that each assessment is conducted in a confidential manner. We have, therefore, robust confidentiality criteria in all assessment body licence agreements to protect both confidentiality of the practice and clients of the practice. Each assessment body in turn has contracts with each of its assessors and clients. Assessors are all bound to ensure that the assessment is conducted in a confidential manner as set out in the Lexcel assessment body licence agreement.

Assessors may be asked to sign a confidentiality agreement with the client directly. This is for the assessor and client to arrange and agree on.

Assessors are responsible for adequately preparing for an assessment. The assessor must check in advance of the on-site assessment whether or not they have permission to access client files directly or via the fee earner. In some circumstances practices may not be able to allow inspection of some or all matter files. This may be because the client has refused to give consent or the practice may exercise their professional judgement. For example, in cases involving highly sensitive material.

If the practice cannot allow access to case files, the fee earner with conduct of the matter will have to answer specific questions on file management so the assessor can obtain satisfactory evidence that the Lexcel requirements are being met. It is likely that alternative methods will take longer to assess, and will increase the cost of any assessment.

The practice may not be able to show the assessor a client's letter of refusal to allow disclosure as the letter will contain the client's name and it would breach client confidentiality to reveal it.

The practice may decline to show the assessor sensitive data, in particular, financial information. In this situation, the practice must produce a signed letter from an accountant that confirms all the specific requirements are being met by the practice.

Any practice concerned about the confidentiality of information provided to or viewed by the Lexcel office or an assessment body should contact the relevant organisation to discuss the issue.

iii. The role of the assessor

Assessors are all bound to ensure that the assessment is conducted in a confidential and independent manner as described in the assessment body licence agreement. Each assessor must be contracted with a licensed assessment body, have relevant experience and undertaken all preparatory requirements as laid out by the Lexcel office to maintain assessor status. Assessors that have been employed by the practice as consultants are not eligible to conduct assessments for the practice.



Assessors must confine themselves to the requirements of the standard when conducting a Lexcel assessment. Assessors must not assess procedures which fall outside of the Lexcel standard. For example, compliance with the Code of Conduct 2007 or Money Laundering Regulations 2007.

The Lexcel standard is applicable to all types and sizes of legal practices in all jurisdictions. Assessors should be able to appreciate how the standard applies to and is complied with by different types of practices. The Lexcel office provides guides for assessors conducting assessments for in-house practices and sole practitioners to help identify areas of difference. Assessors must not impose requirements or non-compliances based on the type of practice.

We acknowledge that assessors need flexibility to exercise their professional judgement in the context of each assessment. Consistency in approach and quality of Lexcel assessments is extremely important. The Lexcel office undertakes various quality assurance activities to review performance and compliance across all assessors. Any issues or anomalies arising from the assessment process, by any assessor, will be investigated by the Lexcel office.

Assessors must support compliance with the Lexcel assessment body licence agreement. In particular, this requires assessors to support compliance with:

- Complaint information
- Client feedback
- Application timescales
- 30 day assessment notice
- Approval to proceed requirement
- Duration guidelines
- Assessment and corrective action report deadlines

iv. Assessor observation

All Lexcel assessors must comply with requirements and follow guidance provided by the Lexcel office. The Lexcel office shadows all new assessors before they can be a lead assessor for Lexcel. In addition, the Lexcel office shadows assessors on a targeted and random basis. This will include shadowing assessors with minimal notice. For example, informing the practice and assessor no later than two days before an assessment. These shadowing activities are intended to ensure we are actively looking at the quality and consistency of assessments. They are not a reflection on the practice in any way.

7. Assessment timescales

i. Factors affecting durations

The duration and sample guidelines apply to the practice as a whole. The total number of fee earners and support staff must be added across all branch offices.

The main factors affecting the length of the assessment are the number of:

- staff
- practice areas



- other quality standards held (e.g. Investors in People or ISO9001)

ii. Duration and sample guidelines

Lexcel assessments must follow the Lexcel duration and sample guidelines. Only the Lexcel office can approve any changes to the duration and/or samples of an assessment. Approval must be sought by the practice and gained from the Lexcel office prior to an assessment. If approval is not obtained, additional assessment time may need to be conducted or refunds made to the client.

The Lexcel duration and sample tables to calculate timings are available via the Lexcel website at: www.lawsociety.org.uk/lexcel or by emailing the Lexcel office at: lexcel@lawsociety.org.uk

iii. Preparation and report writing time

Preparing for an assessment is an important element of the assessment process. Assessors should allow a total of between 0.5 and 1 day preparation and report writing time for initial, annual maintenance visits (AMVs) and full re-assessments.

Preparation should include reviewing the office manual, previous assessment reports (if applicable), selecting the interview and file samples, and drafting the assessment plan.

iv. Travel time

The Lexcel guidelines do not reflect travel time to and from the on-site assessment. If the practice has multiple offices the assessment body and practice should agree how much time will be allocated to the assessor for travel and the associated cost. Assessors must not include travel time as part of the onsite assessment duration in the Lexcel assessment report.

v. Offices and work areas

All offices and work areas must be included in all initial, AMVs and full re-assessments. It is compulsory for all offices to be visited by the assessor. Interviews and file samples must also cover each office.

In very exceptional circumstances, it may be possible to conduct telephone interviews and view documentation and files remotely, rather than attending an office. This request must be submitted to the Lexcel office for review prior to any agreement with the client. The Lexcel office will approve, decline or amend the request.

8. Types of assessment

i. Annual assessment cycle

Practices must have an initial assessment when they first apply for Lexcel accreditation. After being awarded, practices will then enter the three year assessment cycle – Annual Maintenance Visit 1(AMV1), Annual Maintenance Visit 2 (AMV2) then a full re-assessment.



ii. Re-accreditation assessments

Practices are allowed to have their assessments in the month before or after their anniversary. e.g. If the practice was awarded in June, then their AMV 1 may take place in May, June or July.

If the practice needs to move their assessment outside of their 3 month window, the practice must submit a request (via e-mail or letter) to the Lexcel office in advance of the assessment. Assessment bodies, assessors and consultants are not allowed to grant extensions. If assessors conduct the assessment outside of the 3 month window without permission from the Lexcel office, the report may be deemed invalid.

iii. Initial assessments

All offices and practice areas must be included in the assessment. It is also mandatory that the assessor checks that all requirements of the Lexcel standard are being complied with.

Practices submitting an initial application must ensure the Lexcel requirements have been embedded for at least 3 months at the time of their assessment. This is to ensure that there is sufficient evidence for the assessor to evaluate if all the requirements are correctly understood and embedded within the practice.

iv. Annual Maintenance Visits (AMV) Year 1 & 2

During AMVs the assessor must include all offices and practice areas in the assessment. All requirements in sections 6, 7 and 8 of the Lexcel standard must be assessed. In addition, any areas where non-compliances were found at the previous assessment must be reviewed.

For AMV1s, the assessor may tailor how they assess sections 1 to 5 of standard to help the practice get the most benefit from the assessment. For example: if the practice has a very sound 3 year business plan, the assessor may choose not to assess those sections of the Lexcel standard and focus on the areas that the practice was less strong on. For AMV2s, the assessor will need to assess any requirements from sections 1 to 5 that were not assessed during the AMV1.

The onsite duration for an AMV1 or AMV2 is approximately half that of an initial assessment.

v. Full re-assessment

On the third anniversary of the practice's initial award, a full re-assessment is required. This needs to take place in the month that they were initially awarded or the previous or following month. E.g. If the practice was awarded in June, then their AMV 1 may take place in May, June or July.

During the full re-assessment the assessor must include all offices and practice areas in the assessment. All the requirements of the standard must be assessed.

The duration for a full re-assessment is the same as an initial assessment.

vi. Joint assessments and passporting arrangements

There is a degree of synergy between Lexcel and IIP, ISO9001:2008 and the SQM. Practices who want multiple accreditation awards should consider undertaking simultaneous assessments. This typically reduces the overall duration of an assessment and, thus, reduces expenditure.

Practices can alternatively passport into Lexcel, particularly if they have undertaken another accreditation assessment within the past 6 months.

The overlaps and passporting grids can be found on the Lexcel website at: www.lawsociety.org.uk/lexcel



9. Preparing for an assessment

i. Planning essentials

Practices and assessors must check that a Lexcel application form has been submitted to the Lexcel office between 3 months and 4 weeks prior to an assessment. This ensures up-to-date information is reviewed as part of the application process. Assessors must also check that the application has been processed, reviewed and approved (via an Approval to Proceed letter/e-mail) by the Lexcel office prior to an assessment starting.

Note: without the approval to proceed to assessment from the Lexcel office, any subsequent assessment, report and recommendation may be deemed invalid. Assessment bodies, assessors and consultants cannot approve a Lexcel application.

ii. Documentation review

The Lexcel self-assessment checklist must be completed for all initial assessments. Completed checklists must be sent to the assessor prior to an initial assessment, ideally at least 2 weeks before. This will help create awareness of overall compliance, file locations and may be an indicator of the assessment being premature.

Assessors are expected to conduct a thorough review of the office procedure manual (OPM) in advance of arriving on-site to conduct the assessment. By reviewing the documentation the assessor should be in a position to note documentary non-compliances and areas of concern. This will form the start of an audit trail once the assessor arrives on-site. This can help assessors in finding non-compliances while on-site. Practices must send this to their assessor before the assessment, ideally at least 2 weeks in advance.

Please note: in the worst case scenario, the self-assessment checklist and OPM can indicate if an assessment is premature. If an assessor believes an assessment is premature, they must contact the relevant assessment body immediately to organise a postponement.

When seeking clarification or documentation, the onus is on the practice to produce evidence requested by the assessor. The assessor will then consider the evidence to ensure it satisfies Lexcel's requirements.

If the assessment is an AMV or full re-assessment, the previous year's assessment report must be reviewed. This will enable the assessor to check that any non-compliances raised at the previous assessment have received due attention to ensure the corrective action has bedded down appropriately over the last 12 months. It will also give the assessor the opportunity to review whether the practice has taken up any of the suggested areas for improvement that were found at the previous assessment.

iii. Assessment plan

The assessor must formulate a clear plan of the assessment and communicate it to the practice. The plan must include the following:

- Confirmation of assessment date(s), time(s) and location(s)
- Assessor(s) and assessment body name
- Time and duration of the opening meeting with suggestions of staff to attend
- Timings for documentary reviews
- Schedule for file reviews
- List of staff to be interviewed and schedule for the interviews
- Time for assessor to summarise assessment outcome/write report



- Time of the closing meeting with suggestions of staff to attend
- Time for breaks to review interview material
- Comfort break requirements

The assessor should ensure that the duration and sample sizes are correct and in accordance with the Lexcel assessment duration guidelines. Any deviation must be approved by the Lexcel office before the assessor arrives on site.

It is compulsory for every office and practice area to be included in each assessment. The assessor must go onsite at each office. There are circumstances when it may be impractical to physically visit each office. If the practice and assessor believe there may be a good reason for conducting telephone interviews and reviewing documentation remotely, then they must contact the Lexcel office for approval prior to the assessment. It may be possible to agree to vary the standard approach in advance of the assessment.

If there are concerns that the duration guidelines do not allow sufficient time to interview a sample of staff from each practice area, the assessor must contact the Lexcel office prior to the assessment to discuss the issue. The Lexcel office will consider then issue a decision on the request.

iv. File selection

The practice should only be made aware of the files that will be reviewed at the opening meeting. At an initial assessment the assessor should ascertain the date the practice became Lexcel compliant and select files from this date forward.

The assessor should request a matter list for the personnel that they have selected to interview and select the majority of their file sample from these lists. The assessor should take steps to ensure that if the fee earner has a range of work that the sample includes a file from that range. For example, if the person focuses on contentious and non-contentious employment work then the assessor should see a file from both disciplines.

Within the file sample there should also be a selection of files that demonstrate the practices ability to deal with high risk matters, complaints and undertakings. These files should be selected on-site following the review of the risk management, complaints handling and undertaking information.

v. Closed matters

The assessor should check with the practice whether or not closed matters are held at the practice's premises or off-site. If the files are held off site then the assessor should inform the practice of the closed files they wish to audit to ensure that they are available at the assessment. Assessors only need to review the closing elements of the Lexcel requirements when they audit the closed files.

vi. Electronic files

If a practice has electronic matter files then the assessor should be given access to the files, either directly or via the fee earner if confidentiality is an issue. It is not necessary for the practice to have paper files for Lexcel purposes but electronic files must meet all the Lexcel requirements.



10. On-site assessment

i. Opening Meeting

The assessor should invite the practice's key management personnel to the opening meeting. It is undesirable to conduct the opening meeting with the Lexcel contact alone as it is important that the practice appreciates that all staff have a responsibility to ensuring compliance with Lexcel and that full compliance can't be left to one person. The opening meeting is an opportunity to explain the methods and intentions of the assessment process.

Staff to request in a private practice could include:

- Managing or senior partner
- Lexcel champions or team leaders
- Partner in charge of risk or compliance
- Complaints partner
- Practice director or manager
- Professional Indemnity Insurance coordinator

Staff to request for an in-house department opening meeting:

- Head of legal or legal director
- Practice director or manager
- Lexcel champions or team leaders
- Person(s) with responsibility for risk, compliance and complaints

In addition to the above, assessor should ask if any management level representatives from within the parent organisation (external to legal) wish to attend.

ii. Format and expectations

Assessors must ensure that the practice fully understands the assessment plan and all possible outcomes. As the vast majority of practices have non-compliances, this helps to manage the practice's expectations from the outset.

It is the assessor's responsibility to direct the meeting in a timely manner. Assessors should ensure there is a clear understanding of what will happen and be required during the assessment. The meeting should also encourage questions and interaction with the practice's personnel as this is an ideal time to enable any uncertainties to be raised then answered or resolved before the assessment starts.

During the meeting, the assessor should inform the practice which files they have selected to audit. This will enable the practice to obtain the files for the assessment in sufficient time

iii. Documentation

▪ Files

The assessor should assess the files in advance of interviewing the fee earner. This will allow the assessor to focus their questions during the interview and reduce the interruption and cost to the practice.

For example, if the client care letters are fully compliant when the file reviews are undertaken, there is little value in asking the fee earner about the information they give to clients at the outset of matters.



Assessors should undertake the file reviews without the fee earner whenever possible as one of the tests of a well managed file is that the information is readily available. If the fee earner has to be present to explain where information is to be found, the assessor will need to question whether the file is well managed file and therefore compliant.

Assessors should only review the files with the fee earner if client confidentiality is an issue as set out in section 8.

The assessor should use the Lexcel case and file checklist provided by the Lexcel office as this will ensure all the relevant requirements are included in the file assessment. Completion of this form is not mandatory but assessors must produce and keep a clear record of the information assessed.

Assessors can be asked to produce notes from an assessment by the Lexcel office. Failure to produce information relating to file reviews may invalidate the assessment report which can have negative impacts on an assessor, assessment body or their client. Please note: assessors do not need to submit these notes with each assessment report unless requested by the Lexcel office.

- **Central records, plans and annual reviews**

The assessor should check that there is documentation to verify that the annual reviews have taken place of all policies. Assessors must seek evidence that plans exist and have been reviewed. Central records will also need to be verified.

iv. Interviews

- **Structure**

The main purpose of interviews is to evaluate how the documented procedures, plans, processes and policies are implemented within the practice. Personnel from all levels, practice areas and offices must be included in the interview sample. Assessors should include a supervisor and their supervisee in the interviews (interviewed separately). This will help to check whether their understanding of supervision is similar. Assessors should also interview at least one new member of staff, where possible, as this will help evaluate the induction process and help assess accessibility of key documentation.

Only one person should be interviewed at a time to ensure confidentiality is protected. Individual interviews will promote a more relaxed environment and a free flow of information as the interviewee will be less concerned about a colleague's perception of their answers.

- **Format**

Assessors must inform all interviewees of the purpose of the interview and the fact that it's confidential. Comments in interviews must not be repeated unless they effect the practice's compliance with a Lexcel requirement. In this case, the assessor will need to inform the Lexcel contact at the practice. e.g. If a question about the appraisal system results in finding out the individual hasn't had any form of review of their performance for the last 2 years, an assessor will need to raise this. On the other hand, if the interviewee remarks that they think the appraisal system is a waste of time, this will be included in the feedback provided by the assessor without attributing the comment to any individual.

The interviewee should also be informed of any non-compliances that the assessor has found which relate to them. e.g. if some of the interviewees files contain non-compliances, the assessor should make the interviewee aware of this. This will educate the interviewee of their responsibility in assisting the practice in complying with Lexcel and make them aware that the Lexcel contact will be following up on corrective action.



The assessor should encourage interviewees to ask questions about the Lexcel process. This can help create a more relaxed environment and support more open discussions. In some cases, it may also help demonstrate a practice's compliance with Lexcel.

▪ **Interview questions**

It is vital for assessors to ask a consistent set of question across the practice to evaluate compliance against the standard. This will enable an overall review to be completed against similar, if not identical, questions.

The Lexcel office has devised example interview questions for use by Lexcel assessors. Assessors can be asked to produce notes from an assessment by the Lexcel office. Failure to produce information relating to interviews may invalidate the assessment report which can have negative impacts on an assessor, assessment body or their client.

v. Audit trails

Audit trails may arise as a result of documentary reviews or interviews that the assessor undertakes. Assessors are expected to follow audit trails to their conclusion in order to substantiate that each requirement of the standard has been met.

11. Outcome of assessment

It is the responsibility of the assessor to evaluate the evidence available and reach a conclusion about the recommendation they wish to make. It is good practice to discuss the recommendation with the practice but ultimately it is the assessor's decision.

The assessor must inform the practice of their recommended outcome of the assessment during the closing meeting and before they leave the practice. The assessor must manage the practice's expectations effectively via clear communication of his/her recommendations. Assessors must not make any guarantees to the practice regarding their accreditation status.

The four outcomes that the assessor can recommend are as follows:

- **Assessment is premature (initial applications only)** - the practice has little evidence to support that they meet Lexcel's requirements and corrective action will require more than 6 months work. The practice will need to re-apply ensuring no assessment is booked within 6 months of the last day of their initial assessment.
- **Major non-compliance** - the practice cannot produce evidence to demonstrate that it meets a requirement of the Lexcel standard and corrective action will take between 21 days and 3 months to rectify, or it is deemed necessary for the assessor to re-visit the practice as documentary evidence will be inadequate to demonstrate compliance.
- **Minor non-compliances** - the practice cannot produce evidence to demonstrate that it meets a requirement of the Lexcel standard and corrective action can be undertaken within 21 days by providing the assessor with documentary evidence.
- **Award or renew accreditation** - the practice has produced evidence to confirm it meets all the requirements in the Lexcel standard.

Note: even one instance of a practice not producing evidence of compliance against a requirement of the Lexcel standard must give rise to a non-compliance. e.g. there is one file where the client was not informed of the status of the fee earner.



12. Corrective action

i. Documentary evidence

The corrective action the practice takes must address the cause of the non-compliance arising. Assessors must agree with the practice the type and level of detail required for the corrective action to be deemed acceptable. e.g. if there was no evidence of an initial risk assessment taking place, the assessor should ascertain whether the fee earner understands what is required or simply omitted to complete the risk evaluation form.

ii. Re-visit

If documentary evidence alone is not sufficient to evaluate that a major non-compliance has been rectified, a re-visit may be necessary. This is for the assessor to decide but clear communication between the assessor, assessment body and client is essential. If a re-visit is necessary then the assessor will limit the assessment to the areas of non-compliance found at the original assessment.

13. Reports

i. Assessment Reports

The assessor must complete the assessment report for all Lexcel assessments. At initial and full re-assessments the Lexcel assessor must give feedback to the practice in relation to all sections of the standard. At AMV1 & 2 assessments the assessor must provide feedback in relation to sections 6, 7 & 8 as well as the other areas covered out of sections 1 to 5. E.g. If the assessor is conducting an AMV and have addressed the requirements in section 2 and 5, the assessor must complete section 2, 5, 6, 7 and 8 on the assessment report.

The Lexcel office must receive the assessment report within 10 working days of the last on-site date.

ii. Documenting non-compliances

When an assessor raises a non-compliance, they must state the Lexcel requirement and the evidence that is lacking. In addition, if it relates to a file the matter number of the file must be stated. e.g. 7.2 – there is no evidence of a cost estimate being given to the client on matter MWD/007.

iii. Corrective action reports

A corrective action report must be completed if minor or major non-compliances have been raised. If the practice addresses the minor non-compliances before the assessor has completed the assessment, the assessor may include this information in the assessment report. Assessors must clearly state the evidence they have witnessed to close the non-compliance on the assessment report, below where the non-compliances have been raised.

Note: The Lexcel office must receive the corrective action report from an assessor within 10 days of the minor or major non-compliance deadline.



14. Final decision on accreditation application

The Lexcel office will review the assessment report and corrective action report (if applicable) within 4 weeks of receipt. There are occasions when the Lexcel office may contact assessors or practices to clarify information contained in the report and request assessment notes before a decision is made whether or not to award/re-award a practice.

One of two final decisions on an application will be given:

- **Award of Lexcel accreditation** – practice is sent confirmation of accreditation and an award pack.
- **Refuse Lexcel** – practice is not awarded Lexcel. The Lexcel office will contact the practice directly to confirm the decision and next actions.

Only the Lexcel office can award/re-award practices. The practice's assessment body will be informed of the award/re-award when the practice is notified.

15. Duration of accreditation

Accreditation will commence on the date notified by the Law Society and will continue for an initial period of one year. Thereafter, accreditation requires practices to apply for and be assessed on an annual basis.

16. Termination

The Law Society reserves the right to terminate or suspend accreditation at any time for any reasonable reason. The Practice shall not be entitled to be reimbursed for any sums paid in respect of the application fee. Reasonable reasons shall include (but not be limited to):

- (a) any breach of this Agreement by the Practice which are not remedied (if capable of remedy) within 14 days of being required by written notice to do so;
- (b) the Practice do or omit to do something which, in the reasonable opinion of the Law Society, could be detrimental to the reputation and integrity of the Lexcel scheme and its brand.

The Practice shall be entitled to terminate its membership at any time by notifying the Law Society of its intention in writing. In such circumstances, the Practice shall not be entitled to be reimbursed for any fees paid by the Practice to the Law Society in relation to the Scheme.

17. Accreditation and use of Lexcel Logo

Lexcel accreditation permits accredited practices to use the Lexcel logo solely in connection with its practice on all marketing/promotional material, signage, stationary and website, provided that:

- (a) The logo is used in the form stipulated by the Law Society and in accordance with the Law Society's branding policy;
- (b) All use is in keeping with and maintains the integrity of the Lexcel and Law Society brands.

The practice shall not use the Lexcel logo in any way that that would bring Lexcel and its brand or the Law Society into disrepute or undermine their reputation.

The use of the Lexcel logo by the practice is exclusive to its accreditation. They can only be used for the duration of the practice's accreditation.



18. Appeals

Practice's have the right to appeal decisions made by the Lexcel office and/or assessors recommendations. Please see the Lexcel website for details.

19. Useful links

- Lexcel website: <http://www.lawsociety.org.uk/lexcel>
- The Law Society homepage: <http://www.lawsociety.org.uk>
- The Law Society's Practice Note website:
<http://www.lawsociety.org.uk/productsandservices/practicenotes.page>
- The Law Society's free practice advice service:
<http://www.lawsociety.org.uk/productsandservices/services/practiceadvice.law>
- The Law Society's bookshop: <http://www.lawsocietyshop.org.uk>
- The Law Society's risk and compliance service website:
<http://www.lawsociety.org.uk/productsandservices/specialinterest/riskandcompliance.page>