

Lexcel v4.1 Overlaps with ISO 9001:2000

Last updated: August 2010

Lexcel Requirement		Relevant ISO 9001:2000 Requirement	
1.1 – Practices will have documentation setting out:	a) the legal framework	X	No
	b) the management structure which designates the responsibilities of individuals and their accountability	5.5.1	Yes
1.2 – Practices will have a risk management policy which includes:	a) strategic risk	X	No
	b) operational risk	8.5.3	Requirement for risk analysis as part of preventative management.
	c) regulatory risk	5.1	Yes. Top management needs to be aware of the Importance of meeting statutory and regulatory requirements.
1.3 – Practices will have a quality policy, which must include:	a) the role the quality system plays in the overall strategy of the practice	5.1 & 5.3 (a-e)	Yes. Established as part of Quality Management. Requires a policy statement. No, but policy should be capable of continual improvement, and regularly reviewed.
	b) a process for personnel to suggest improvements to the quality system	X	
1.4 – Practices will have a policy on the avoidance of discrimination and the promotion of equality and diversity, which must include:	a) employment and partnership, recruitment and selection, training and conditions of service and promotions within the practice	X	No.
	b) the delivery of service	X	No.
	c) the instruction of counsel and experts in professional dealings	X	No.
1.5 – Practices will have a policy in relation to the health and safety of all		6.3 & 6.4	Yes. Includes product conformity alongside customer & regulatory requirements.

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personnel and visitors to the practice			
1.6 – Practices should have a policy in relation to community and social responsibility		X	No. Note that optional in Lexcel.
2.1 – Practices will develop and maintain a marketing and business plan that includes measurable objectives for the next 12 months		5.2, 5.4, 5.6	Yes.
2.2 – Practices will document the services they wish to offer	a) the client group to be served	5.1, 5.2 & 5.6	Yes.
	b) how services are to be provided	5., 5.2 & 5.6	
	c) the way in which services are designed to meet client needs	5.1, 5.2, 5.5, 5.6, 6.1	
2.3 – Practices will have a business continuity plan		X	No
2.4 - Practices will have an ICT plan, including	a) the application of all ICT facilities within the practice	6.3	Yes.
	b) the role of ICT in facilitating services for clients	6.3	Yes
3.1 – Practices will document responsibility for overall financial management		5.1	Partly. As the availability of resources need to be considered.
3.2 – Practices will be able to provide documentary evidence of their financial management processes, including:	a) annual budget	X	
	b) quarterly variance analysis of income and expenditure	X	
	c) annual profit or loss, or income and expenditure	X	
	d) annual balance sheet	X	
	e) annual cash or funds flow forecast	X	
	f) quarterly variance analysis at least of cash flow	X	

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4.1 – Practices will have an information management policy, including:	a) relevant information assets of both the practice and clients	4.2.1.- 4.2.4	Partly. Only relates to quality records, Lexcel is broader in scope.
	b) the risk to these assets, their likelihood and their impact		
	c) procedures or the protection and security of the assets		
	d) a process for training personnel		
4.2 – Practices must have an email policy, including:	a) the scope of permitted and prohibited use	X	No.
	b) any procedures for monitoring personnel using email	X	
	c) procedures for the proper management and security	X	
	d) procedure for its proper storage and destruction	X	
4.3 – If the practice has a website, the practice must have a website management policy, including:	a) a process for document approval and publishing	X	No.
	b) the scope of permitted and prohibited use	X	
	c) procedures for the proper management of its security and contents	X	
4.4 - If personnel in the practice have internet access the practice must have an internet access policy, including:	a) the scope of permitted and prohibited use	X	No.
	b) any procedures for monitoring personnel accessing the internet	X	
4.5 – Practices will have a process for legal research, including the updating and sharing of legal and professional information		7.1	Yes.
4.6 – Practices will	a) control the office	4.2.3	Yes.

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maintain an office manual or intranet collating information of office practice, which must be available to all staff. Practices will have a process to:	manual or intranet to ensure that only the current version is in use		Yes.
	b) review the manual or intranet at least annually	4.2.3	
	c) update the manual or intranet and record the date of amendments	4.2.3	
5.1 – Practices will have a plan for the recruitment of personnel, including	a) likely recruitment needs	6.1	Yes
5.2 – Practices will have a plan for the training and development of personnel		6.2	Yes
5.3 – Practices will list the tasks to be undertaken by all personnel within the practice and document the skill, knowledge and experience required to fulfil their role satisfactorily, usually in the form of a person specification		6.2	Yes.
5.4 – Practices will have procedures to deal effectively with recruitment & selection, including:	a) the identification of vacancies	6.1	Yes.
	b) the drafting of job documentation	6.2	Yes.
	c) methods of attracting candidates and applicants	6.2	Yes.
	d) selection methods used	X	No.
	e) storage, retention and destruction of records	6.2	
	f) references and ID checking and any use of medical examination	X	No.
	g) checking fee earners' disciplinary records	X	No.
5.5 – Practices will conduct an appropriate induction process for all personnel, including those transferring		X	No.

Lexcel Requirement		Relevant ISO 9001:2000 Requirement	
roles within the practice			
5.7 – Practices must have a training and development policy and will:	a) ensure that appropriate training is provided to personnel within the practice in accordance with its policy	6.2.2.	Yes.
	b) ensure that all supervisors and managers receive appropriate training	6.2.2	Yes.
	c) have a process to evaluate training	6.2.2	Yes.
5.8 – Practices will conduct a documented review of the responsibilities, objectives, performance and training of all personnel at least annually		6.2.1 & 6.2.2	Yes.
6.1 – Practices must designate one overall risk manager for the practice with sufficient seniority to be able to identify and deal with all risk issues which may arise		5.5, 5.6 & 8.5.3	Yes
6.2 – There will be a named supervisor for each area of work undertaken by the practice		5.5.1	Yes
6.3 – Practices must have procedures to manage instructions which may be undertaken even though they have a higher risk profile, including unusual supervisory and reporting requirements or contingency planning		5.5 & 8.5.3	Yes.
6.4 – Practices must maintain lists of work that the practice will and will not undertake, including any steps to be taken when work is declined on the grounds that is fall outside acceptable risk levels. This information must be communicated to all relevant staff and must be updated when changes occur		X	No
6.5 Practices providing services to clients in relation to property transactions will have procedures in relation to the avoidance of involvement in mortgage fraud.		X	No
6.6 Practices must maintain details of the generic risks and causes of claims associated with the area(s) of work that is/are undertaken by the practice. This information must be communicated to all relevant staff.		X	No

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6.7 Practices must document key dates, including	a) the definition of key dates by work type	X	No
	b) key dates recorded on the file and in a back-up system.	X	No
6.8 Practices must have a process to monitor key dates to reduce the risk of key dates being missed.		X	No
6.9 Practices will document how they will ensure that conflicts of interest are identified and acted upon in an appropriate manner.		7.2	Yes
6.10 – Practices will have a process to ensure that all personnel, both permanent and temporary, are actively supervised. Including:	a) checks of incoming and outgoing correspondence, including letters, emails and faxes	6.2.2. & 8.2.3	Yes.
	b) departmental, team and office meetings and communication structures	6.2.2 & 8.2.3.	Yes.
	c) reviews of matter details in order to ensure good financial controls and the appropriate allocation of workloads	6.2.2 & 8.2.3	Yes.
	d) the exercise of devolved powers in publicly funded work	x	n/a
	e) the availability of a supervisor	6.2.2 & 8.2.3.	Yes.
	f) allocation of new work and reallocation of existing work, if necessary	6.2.2 & 8.2.3	Yes.
6.11 – Practices will have processes to ensure that all those doing legal work check their files regularly for inactivity		7.2, 7.3 & 7.5.1	Yes.
6.12 – Practices will have a procedure for regular, independent file reviews, of either the management of the file or its substantive legal content, or both.	a) define file selection criteria	4.2.4, 8.2.4, 8.2.2, 8.5.2	Yes.
	b) define the number and frequency of the reviews	As above.	Yes.
	c) retain a record of the file review on the matter file and centrally	As above.	Yes.
	d) ensure any corrective action	As above.	Yes

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	which is identified in a file review is actioned within 28 days and verified by the reviewer		
	e) ensure the designated supervisor reviews and monitors the data generated by file reviews	As above.	Yes.
	f) conduct a review at least annually of the data generated by file reviews, which will contribute to the review of risk assessment data	As above.	Yes
6.13 – Operational risk will be considered and recorded in all matters before, during and after the processing of instructions:	a) consider if a new client or matter should be accepted by the practice	5.6 7.2, 7.3, 8.3, 8.4, 8.5.3	Yes
	b) assess the risk profile of all new instructions		Some relevance
	c) consider any change to the risk profile from the clients point of view		As above
	d) inform the client in all cases where an adverse costs order is made		As above
	e) Undertake a concluding risk assessment		As above
	f) notify the risk manager		As above
6.14 Practices will analyse at least annually all risk assessment data generated within the practice. This must include	a) any indemnity insurance claims (where applicable)	8.4, 5.2.2 & 8.5.3	Yes
	b) an analysis of client complaints trends	As above	
	c) data generated by file reviews	As above	
	d) the identification of remedial action	As above	
7.1 Practices will have a policy for client care, including	a) how enquiries from potential clients will be dealt with	7.2.3	Yes. Customer related processes (determination and review of customer,

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			statutory and regulatory requirements, customer communication) production and service provision.
	b) ensuring that before taking on a client, the practice has sufficient resources and competence to deal with the matter	X	No
	c) protecting client confidentiality	X	No
	d) the person responsible for the policy	X	No
	e) a procedure for an annual review of the policy, to verify it is in effective operation across the practice.	X	No
7.2 – Practices will communicate the following to clients in writing, unless an alternative form of communication is deemed more appropriate	a) establish the client's requirements and objectives	7.2.1 & 7.2.2	
	b) provide a clear explanation of the issues involved and the options available to the client	7.2.1 & 7.2.2	
	c) explain what the fee-earner will and will not do	X	
	d) agree with the client the next steps to be taken	X	
	e) keep the client informed of progress, as agreed	X	
	f) establish in what timescale that matter will be dealt with	X	
	g) establish the method of funding	X	
	h) consider whether the intended action would be merited on a cost benefit analysis	X	
	i) agree an appropriate level of service	X	

Lexcel Requirement		Relevant ISO 9001:2000 Requirement	
	j) explain your responsibilities and the client's	X	No
	k) the client is given the name and status of the person dealing with their matter	X	
	l) the client is given the name of person responsible for the overall supervision of their matter	X	No
7.3 – Practices must have a record of any standing terms of business with regular clients		X	No
7.4 Practices must give your client the best information possible about the likely overall cost of the matter, both at the outset and when appropriate, as the matter progresses, in particular practices must	a) advise the client of the basis of your charging	X	No
	b) advise the client if the charging rates are to be increased	X	No
	c) advise the client of likely payments which your practice or your client may need to make to others	X	No
	d) discuss with the client how they will pay	X	No
	e) advise the client that there are circumstances where you may be entitled to exercise a lien for unpaid costs	X	No
	f) advise the client of their potential liability for any other party's costs	X	No
7.5 Practices will operate a written complaints handling procedure, including:	a) the definition of what the practice regards as a complaint	7.2.3, 8.2.1, 8.2.3, 8.2.4 & 8.5	Yes. Customer related processes (determination and review of customer, statutory and regulatory requirements, customer communication) production and service provision. Monitoring & measurement (customer satisfaction, internal audit, monitoring and measurement of processes)

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			and products/services).
	b) informing the client at the outset of the matter, that in the event of a problem they are entitled to complain		
	c) to whom the client can complain		
	d) providing the client with a copy of your practice's complaints procedure, if requested		
	e) once a complaint has been made, the person complaining is told in writing: i) how the complaint will be handled; and ii) in what time they will be given an initial and/or substantive response		
	f) recording and reporting centrally all complaints received from clients	As above	
	g) identifying the cause of any problems of which the client has complained offering any appropriate redress, and correcting any unsatisfactory procedures	As above	
	h) the person responsible for the procedure		
	i) a documented review of the procedures at least annually, to verify that they are in effective operation across the practice	As above	
8.1 – Practices will documents how decisions will be made as to whether to accept new instructions from existing clients or instructions		7.2.1 & 7.2.3	Yes.

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from clients who have not instructed the practice before			
8.2 – Practices will ensure that the strategy for the matter is always apparent on the matter file and that in complex cases a project plan is developed		7.2, 7.3 & 7.5.1	Yes
8.3 Practices will have documented procedures to ensure that matters are progressed in an appropriate manner. In particular:	a) key information must be recorded on the file	7.3	Yes
	b) a timely response is made to telephone calls and correspondence from the client and others	5.3	Yes
	c) continuing cost information is provided	X	Yes
	d) clients are informed in writing if the person with conduct of their matter changes, or there is a change of person to whom any problem with service should be addressed	X	Yes
8.4 Practices will document procedures for the giving, monitoring and discharge of undertakings		X	No
8.5 Practices will have a procedure to:	a) list open and closed matters, identify all matters for a single client and linked files where relevant and all files for a particular funder	5.4.1, 5.4.2, 7.3.1 & 8.5.1	Yes. Improvement (continual improvement, corrective action, preventative action)
	b) ensure that they are able to identify and trace any documents, files, deeds, wills or any other items relating to the matter	4.2.3(c) & 4.2.3(f)	Yes
	c) safeguard the confidentiality of matter files and all other client information	4.2.3, 4.2.4 & 8.2.2	Yes
	d) ensure that the status of the matter and the action taken	4.2.3, 4.2.4 & 8.2.2	Yes

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	can be easily checked by other members of the practice		
	e) ensure that documents are stored on the matter file(s) in an orderly way	4.2.3, 4.2.4 & 8.2.2	Yes
8.6 - Practices will have a documented procedure for using barristers, expert witnesses and other external advisers who are involved in the delivery of legal services, which will include provision for the following	a) use of clear selection criteria	7.4 & 8.2.4	Yes
	b) where appropriate, consult with the client in relation to selection of advocate or other professional	7.4 & 8.2.4	Yes
	c) advising the clients of the name and status of the person being instructed, how long she/he might take to respond and, where disbursements are to be paid by the client, the cost involved	7.4 & 8.2.4	Yes
	d) maintenance of records (centrally, by department or office) on barristers and experts used, including evidence of assessment against the criteria	7.4 & 8.2.4	Yes
	e) evaluation of performance, for the information of other members of the practice	7.4 & 8.2.4	Yes
	f) giving clear instructions	7.4 & 8.2.4	Yes
	g) checking of opinions and reports received to ensure they adequately provide the information sought (and, in litigation matters, comply with the rules of court and any court orders)	7.4 & 8.2.4	Yes
	h) payment of fees	7.4 & 8.2.4	Yes

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8.7 - Practices will have documented procedures to ensure that, at the end of the matter, the practice	a) reports to the client on the outcome and explains any further action that the client is required to take in the matter and what (if anything) the practice will do	7.5.4, 7.5.3, 7.5.4 & 8.5.3	Yes
	b) accounts to the client for any outstanding money	7.5.4 & 8.5.3	Yes
	c) returns to the client any original documents or other property belonging to the client if required (save for items which are by agreement to be stored by the practice)	4.2.4 7.5.4 & 8.5.3	Yes
	d) if appropriate, advises the client about arrangements for storage and retrieval of papers and other items retained (in so far as this has not already been dealt with, for example in terms of business) and any charges to be made in this regard	7.5.4 & 8.5.3	Yes
	e) advises the client whether they should review the matter in future and, if so, when and why	7.5.4 & 8.5.3	Yes
	f) archives and destroys files in an appropriate manner	4.2.4 & 7.5.4	Yes