The Law Society

Consultants' Code of Practice

The Law Society code of practice for engaging a consultant

This Code of Practice issued by the Law Society's Practice Development Committee covers the following areas which the Law Society advises should be met by consultants in the course of an assignment with solicitor clients.

Information about Charges

Terms of business should specify:

- Total anticipated fees for the project or for the services.
- Planned consultancy timetable indicating likely number of days for each phase and specifying fee earner level.
- Daily or hourly rate of consultants to be engaged on the project or alternatively the agreed fee for the project.
- Treatment of travelling time.
- Likely expenses and disbursements.
- Payment schedule.

If variations during the assignment are anticipated, this should be made clear and variations should be notified and agreed at the appropriate time.

Terms of Reference for the Project

Written terms of reference should be agreed between the consultant and the client. These should deal with:

- The client's requirements.
- Objectives of the project or service.
- Steps in the project or service.
- General approach and methodology.
- Anticipated outcomes.
- Responsibilities of the client.
- Responsibilities of the consultant.

Consultants should discuss and explain the terms of reference. At the outset, consultants should discuss the task of implementation during or at the end of the project and the effort required of the practice to ensure attainment of the objective.

Method of Consulting

It is important that the solicitor client is told about the style in which consultants intend to undertake the assignment, and the philosophical approach. For example, will the focus be on new or improved systems or will it be on organisational development or human resources?

Methodology should be explained. Arrangements for access to information and contact with staff, partners, and clients should be discussed. To be effective for both consultants and solicitors an indication of the time required from the client practice's partners and staff (including the appointment of a project manager/contact point) is advised.

The consultants should ensure that solicitors are aware of any limitations to the project.

Outcomes

Consultants should make clear what can and what cannot be expected on completion of the assignment with the client practice. Consultants should understand the expectations of the solicitor client for the results of the project which they will undertake.

Consultants should specify the limits of the assignment and where their responsibility for implementation ends.

Individuals assigned to the Project

Choice of consultancy can depend on the identity of individual consultants to be deployed on the project. Consultants should ensure that they name the individuals to be assigned to the project, and provide details of their experience and qualifications together with their CVs.

Financial Assistance

All consultants should ensure that clients are aware of the assistance available under local, regional, or central government or European Community schemes before a contract is made, whether or not the consultancy participates in the scheme. In addition, appropriate recommendations about the use of any scheme should be made as part of the project.

Independence/Statement of Interests

The Law Society considers the independence of consultants to be of the utmost importance. Consultants will disclose to solicitors at the start of each project any personal or financial or other significant circumstances which might influence work for the client in any way not stated or implied in the terms of reference, in particular:

- Any directorship or controlling interest in any business in competition with the client;
- Any financial or other interests in goods or services (including software) recommended or supplied to the client;
- Any personal relationship with any individual in the client's practice;

- The existence but not the name of any other current client of the consultancy or the consultant personally with competing interests.

References

Before the contract is made, the consultant should offer the client the opportunity to contact previous clients (subject to their consent) for a reference. Where possible, at least one referee should be a solicitors' practice or other professional partnership.

Training in or knowledge of the solicitors' profession

Clients are entitled to know of consultants' experience or knowledge of the legal profession. Clients are entitled to assume knowledge on the part of consultants about practice in partnership, current issues facing partnerships, the structure of the legal profession, the services it provides, and the social and economic context in which it works.

Examples of ways in which appropriate knowledge and experience can be demonstrated include:

- Previous assignments undertaken for solicitors or other professional partnerships.
- Participation in relevant conferences or training events.
- Familiarity with relevant publications (for example: PMS kit, Best Practice, Keeping Clients: A Client Care Guide for Solicitors; The Solicitors Guide to Good Management, Fit for the Future).
- Familiarity with background information (for example, the publications of the Society's Research and Policy Planning Unit).

Progress Reports: Provision at Regular Intervals

The frequency and detail of progress reports during the assignment will depend on the length of the assignment and should be laid down in the terms of reference.

Confidentiality

The identity of the client or any information about the client or their business acquired in the course of the consultancy shall not be disclosed except where consent has been obtained from the client or where there is a legal duty to disclose.

Conflict

If a conflict of interest between the consultant and the solicitor arises or becomes apparent, the consultant should advise the solicitor accordingly and the assignment may be terminated.

Completion

On completion or at appropriate stages during the assignment, the consultant should:

- Provide recommendations and an action plan for further activity by the client (including communication with partners and staff about the outcome of the consultancy).

- Review the actual outcomes against the terms of reference and evaluate success.

Disputes

At the start of the assignment, the consultant should give the solicitor client the name of the person to contact in the event that they are dissatisfied with the service provided; and tells them what the procedure will be for resolving the complaint.

In addition, the consultant should give the solicitor client the names and addresses of any professional or trade bodies of which the practice or the individuals assigned to the project are members.

