

Lexcel 2004 Overlaps with SQM

Lexcel Requirement		Included in SQM (inc. SQM reference)	
1.1		X	No requirement for documentation setting out the legal framework under which the practice operates
1.2		X	Not covered explicitly in the business planning requirements
1.3		G5	This requirement is optional in the SQM
1.4		G3.2	
1.5		G3.1	
1.6		G3.2	
1.7		Met	A3.1 (Provision of services & acceptance of instructions from clients); F5.1(Use of Counsel, experts etc.)
1.8		D3.1	
1.9		X	No requirement for documented procedures to comply with money laundering legislation
1.10		X	No requirement for documented procedures to avoid mortgage fraud
1.11		X	No requirement for documented procedures in relation to data protection
1.12		X	No requirement for documented health & safety procedures
2.1		Partly	A1.1 requires a Business Plan; but no marketing plan
2.2		A1.1	
2.3		A1.2	
3.1		C2.1	
3.2	a	C2.2b	
	b	C2.4	
	c	C2.3	
	d	C2.3	
	e	X	No requirement for cash flow or funds forecast
	f	X	See above
4.1		X	No requirement to document office facilities
4.2		X	No requirement to conduct a documented review of health & safety issues
4.3		X	No requirement to have a business continuity plan
4.4		X	No requirement to have an IT plan
4.5		D4.4	
4.6		G3.2 D4.1	
5.1		X	No requirement for staff plan; but may be covered in the Business Plan
5.2		D1.2	
5.3		Partly	D1.4 requires an open recruitment process, that shortlisted candidates must be able to obtain feedback and that assessment records must be kept; but the requirements at 5.3a-l are more detailed and specific

5.4			NB the SQM requirement only applies to people joining the practice from outside, not to those changing roles within it
	a	D2.1a	
	b	D2.1b	
	c	D2.1f	
	d	X	No requirement to assess initial and future training requirements as part of induction
	e	D2.1d D2.1e	
5.5		Partly	SQM specifies induction must begin within two months of joining a practice. This may or may not be a reasonable period
5.6		X	SQM requirement to provide induction does not apply to people transferring roles within the practice
5.7	a	Partly	D2.2 specifies an annual appraisal; but does not specify that responsibilities should be reviewed
	b	D2.2b	
	c	D2.3	
5.8		Partly	D5.1; but this only covers training for caseworkers
6.1		C1.1	
6.2		D3.1 D3.2	
6.3		Partly	SQM does not cover supervision of support staff Comments below refer to caseworker supervision only
	a		Covered in guidance to D4
	b		As above
	c	Partly D4.1	Allocation of cases is covered; but financial control is not
	d	E1.2d	
6.4	a	D3.1	
	b	D4.1	
6.5		E1.2e	
6.6		E2.1	
	a	E2.5	
	b	E2.4	Note that Lexcel requires any corrective action to be carried out within 28 days. SQM allows the time limit to be determined by the reviewer
	c	E2.6	
6.7			Note the risk management section of the SQM is optional. Assessors will need to establish whether or not the practice has opted to have this area assessed by the LSC
	a	G5.1	
	b	G5.3	
	c	G5.2	
	d	G5.2	
	e	G5.3	
6.8			The risk management requirements in the SQM are less specific than Lexcel. A practice might have procedures which met the SQM standard without including the issues noted below:
	a	X	Considering risk in relation to a new client/matter
	b	X	Assessing the risk profile of all new instructions
	c	F2.3b	
	d	X	Informing the client where an adverse costs order is made
	e	X	Undertaking a concluding risk assessment in all cases
	f	G5.3	

7.1	a	X	No requirement to document the practice's commitment to provide services in an appropriate manner
	b	F1.1c F1.1d F1.2c F1.2d F2.3 G1.1	
7.2	a	F1.1c	Partly meets the requirement. The SQM does not require the client to be informed of the name of the person with overall supervision
	b	F1.1c	
	c	F1.2c	
7.3	a	X	No requirement to make the complaints procedure available to clients
	b	G1.2a	
	c	G1.3	
	d	G1.2e	
		G.1.3	Annual review of complaints (part of 6.7f in Lexcel)
7.4		G2.1	
8.1	a	X	No requirement to document how telephone enquiries are handled
	b	F4.1	
	c	X	No requirement to document how correspondence or email enquiries are handled
8.2		X	No requirement to document how decisions whether or not to accept instructions are made, save that these must not be made on discriminatory grounds (A3.1)
8.3		E1.2a	
8.4	a	F1.1a	
	b	F1.1b	
	c	D4.3	
	e	F1.1d	
	f	F1.2c	Any publicly funded file will comply
8.5		F1.2c	
8.6		E1.3 F2.1	
8.7	a	F1.2b	
	b	E1.2c	
	c	X	No requirement for caseworkers to provide timely responses to telephone calls and correspondence
	d	F2.3	
	e	F2.5	
8.8		E1.2d	
8.9	a	E1.1	
	b	E1.2b	
	c	F4.1	
	d	E1.3	
	e	E1.3	
8.10	a	F5.1	
	b	F5.4	
	c	F5.4	
	d	F5.2 F5.3	
	e	F5.3	
	f	F5.5	

	g	F5.3	
	h	X	No requirement to document the payment of fees to Counsel, experts etc.
8.11	a	F3.1a	
	b	F3.1c	
	c	F3.1d	
	d	F3.1d	Partly – no requirement to inform the client if any charges may be made for retrieval of case files
	e	F3.1e	
	f	X	No requirements to archive or destroy files appropriately, Save as covered under client/case confidentiality requirement (F4)

Lexcel assessors must assess ALL Lexcel requirements where SQM does not apply.

Lexcel assessors will also need to check the following in those departments where SQM accreditation DOES apply:

1. Structures and Policies

Assessors should note that the SQM does not have an overarching section setting out the policies which the practice should have. Save where noted below, policies are dealt with as they arise in the table above.

1.1 - Documentation setting out the legal framework under which the practice operates is not part of SQM, so assessors will need to cover this requirement in its entirety.

1.6 – Processes to enable people within the practice to suggest improvements to the quality system are not part of SQM, so assessors will need to cover this requirement in its entirety.

1.9 - Documented procedures to comply with money laundering legislation are not part of SQM, so assessors will need to cover this requirement in its entirety.

1.10 - Documented procedures to avoid mortgage fraud are not part of SQM, so assessors will need to cover this requirement in its entirety.

1.11 - Documented procedures in relation to data protection are not part of SQM, so assessors will need to cover this requirement in its entirety.

1.12 Documented health & safety procedures are not part of SQM, so assessors will need to cover this requirement in its entirety.

2. Strategy, the Provision of Services and Marketing

2.1 Marketing plan

This is not required by SQM so assessors will need to seek evidence such as a marketing plan, minutes of Partners' meetings, analysis of response to marketing efforts.

2.2 Key objectives for 12 months and an outline strategy for a further two years; client groups to be served, and how services are to be provided

Assessors will need to establish that the business plan covers the whole practice and has not been restricted to those areas covered by SQM. Assessors will also need to satisfy themselves that it includes an information technology strategy.

3. Financial Management

3.2e and f - Annual cash flow forecast and quarterly analysis

These are not required by SQM so assessors will need to seek evidence that an annual forecast is produced and cash flow is analysed on a quarterly basis.

3.3 - Time recording

This is not required by SQM so assessors will need to satisfy themselves that there is a documented system in effective operation (as appropriate, for example on a sample basis) throughout the practice.

4. Facilities and IT

4.1 - Office facilities This is not required by SQM so assessors will need to satisfy themselves that there is a documented system in effective operation

4.2 – Health and safety review This is not required by SQM so assessors will need to satisfy themselves that there is a documented system in effective operation

4.3 – Business continuity plan This is not required by SQM so assessors will need to satisfy themselves that there is such a plan.

4.4 – IT plan This is not required by SQM so assessors will need to satisfy themselves that there is such a plan.

4.5 - Legal reference material

Assessors will need to see documented arrangements for updating fee-earners on changes in the law. The LSC will have established that they are operating effectively in areas of the practice covered by SQM as part of their assessment.

4.6 - Office Manual

Assessors will need to see documented procedures for reviewing and updating the Manual, dating pages and recording dates of amendments. The LSC will have established that it is available in areas of the practice covered by SQM as part of their assessment.

5. Managing People

5.1 - Assessors will need to see documented recruitment arrangements. The LSC will have established that they are operating effectively in areas of the practice covered by SQM as part of their assessment.

5.4 - Assessors will need to see documented induction arrangements. The LSC will have established that they are operating effectively in areas of the practice covered by SQM as part of their assessment; but only in relation to people joining the practice from outside. They will not have assessed effectiveness in relation to people transferring between roles within the practice.

In addition, the SQM does not have a requirement to assess initial and future training requirements as part of induction, so assessors will need to satisfy that the issue is covered.

5.8 - Assessors will need to see documented arrangements for management training. The LSC will have established that they are operating effectively in areas of the practice covered by SQM as part of their assessment.

The SQM does not cover training for non casework staff, so this requirement will need to be assessed in relation to support staff, even in departments covered by the SQM.

6. Supervision and Operational Risk Management

6.1 – Written description of the management structure

Assessors will need to establish that the management structure covers the whole practice and has not been restricted to those areas covered by SQM.

6.3 - Arrangements for non-casework supervision are not part of SQM, so assessors will need to cover this requirement in its entirety.

6.4 - Assessors will need to see documented arrangements for supervision of legal work. The LSC will have established that they are operating effectively in areas of the practice covered by SQM as part of their assessment.

6.6 File review - Assessors will need to bear in mind the importance of checking the scope of the SQM accreditation as effective operation of file reviews and supervision requirements will only have been verified by the LSC for areas within the scope of SQM.

6.7 and 6.8 - Note the risk management section of the SQM is optional. Assessors will need to establish whether or not the practice has opted to have this area assessed by the LSC. The easiest way to do this may be to ask the practice to provide a copy of its most recent SQM audit report.

If risk management has been included within scope of the audit, the report will record that satisfactory evidence was provided under each element. If this section has not been covered by the LSC audit, assessors will need to cover this requirement in its entirety.

7. Client care

General note: *Assessors will need to bear in mind the importance of checking the scope of SQM accreditation as effective operation of case management requirements will only have been verified by the LSC for areas within the scope of SQM.*

7.2a - Clients informed of the name of the overall supervisor

F1.1c of SQM covers advising the client about the name and status of the person dealing with the matter and whom the client should approach if dissatisfied, so it partly meets 7.2a of Lexcel. The Lexcel requirement relating to the client being informed of the name of the overall supervisor is not included in SQM. However, this is required by Practice Rule 15, with which all solicitors need to comply.

Assessors will need to establish that this information is provided to all clients, whether within the scope of SQM accreditation or not. The most straightforward method of assessing this requirement will usually be to see a 'client care letter' for each area of work, including those covered by SQM. The LSC will have established that the procedure for sending client care letters is operating effectively in areas of the practice covered by SQM as part of their assessment.

7.3a – Complaints procedure The SQM does not require practices to make the complaints procedure available to clients. Assessors will need to satisfy that this is covered in the written complaints handling procedure.

8. File and Case Management

8.1 Dealing with client enquires Documented procedures about how telephone, correspondence or email enquiries are handled are not required by the SQM, so assessors will need to cover this requirement in its entirety.

8.2 Decisions whether or not to accept instructions This requirement is not part of SQM, so assessors will need to cover this requirement in its entirety.

8.4 Outset of the matter - Assessors will need to see documented arrangements for taking and following up instructions. The LSC will have established that they are operating effectively in areas of the practice covered by SQM as part of their assessment.

8.7c - Timely responses to letters and telephone calls

This requirement is not part of SQM, so assessors will need to cover this requirement in its entirety.

8.10 Services from others; procedure for using barristers, expert witnesses etc.

Assessors will need to see documented arrangements for using services from others. The LSC will have established that they are operating effectively in areas of the practice covered by SQM as part of their assessment.

8.10d - Assessors will need to verify the existence of records on barristers and experts used (centrally, by department or office) as this is only one possible option which complies with SQM.

8.10h - Assessors will need to establish that the documented procedure covers payment of fees, as this is not covered by SQM.

8.11f - Assessors will need to see documented arrangements for archiving or destroying files appropriately as this is not covered by SQM.