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Lexcel England and Wales v6

Self assessment checklist for in-house legal departments

Excellence in practice management and client care

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| **How to use this self assessment checklist** |
| * This self assessment checklist is designed to be used by legal departments working towards Lexcel accreditation, to help identify where gaps exist in meeting requirements in the Standard
* Read the requirement and providie evidence of compliance by completing the following two columns in as much detail as you can:
	+ **Demonstration of compliance** - Briefly describe relevant policies, procedures and supporting documentation already have in place that achieves compliance with the requirement
	+ **Relevant document(s)** - List where to find individual documents (e.g. policies, templates, page paragraphs, etc.) in your department. If individual documents are referred to, please index them sequentially. For example, document A, document B, etc.
* This information will also be used by your assessor to quickly locate and validate your evidence.
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| **Your practice's details** |
| * Please complete the following details:
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| **Organisation name** |       |
| **Full address, incl. postcode** |       |
| **Lexcel contact name** |       |
| **Job title** |       |
| **Telephone** |       |
| **Email** |       |

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| **Questions?** |
| * If, after reading the Standard, Scheme rules and Guidance notes, you have any questions regarding Lexcel, please do not hesitate to contact us:

**Tel:** +44 (0)20 7320 5933 **Email:** lexcel@lawsociety.org.uk |

# 1 - Structure and strategy

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| **Requirement** | 1.1 The department **must** have documentation setting out the: 1. management structure which designates the responsibilities of individuals and their accountability.
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| **Demonstration of compliance** | **Relevant document(s)** |
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| **Requirement** | 1.2 The department or its organisation **must** have a strategic **plan.** Where the department relies upon their organisation’s strategic **plan** this **must** set outthe departments’ objectives. The **plan should** include:1. **objectives** for at least the next 12 months
2. the identification of resources required to meet the **objectives**
3. the services the department wishes to offer
4. the client groups to be served
5. how services will be delivered and marketed
6. a documented risk **evaluation** of **objectives**
7. **procedures** for regular reporting on performance.
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| **Demonstration of compliance** | **Relevant document(s)** |
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| **Requirement** | 1.3 The organisation **must** have a business continuity **plan** that encompasses the department, which **should** include:1. an **evaluation** of potential risks that could lead to business interruption
2. ways to reduce, avoid and/or transfer the risks
3. key people relevant to the implementation of the **plan**
4. a **procedure** to test the **plan** annually, to verify that it would be effective in the event of a business interruption.
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| **Demonstration of compliance** | **Relevant document(s)** |
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| **Requirement** | 1.4 The department **should** have a **policy** in relation to **corporate social responsibility**.  |
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| **Demonstration of compliance** | **Relevant document(s)** |
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# 2 - Financial management

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| **Requirement** | 2.1 The organisation **must** document the person who has overall responsibility for financial management of the department. |
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| **Demonstration of compliance** | **Relevant document(s)** |
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| **Requirement** | 2.2 The department **should** be able to provide documentary evidence of their financial management **procedure**, including:1. annual budget including income and expenditure
2. variance analysis conducted at least quarterly of income and expenditure against budgets.
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| **Demonstration of compliance** | **Relevant document(s)** |
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| **Requirement** | 2.3 The department **should** have a time recording **procedure**. |
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| **Demonstration of compliance** | **Relevant document(s)** |
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| **Requirement** | 2.4 If appropriate, the department **should** have a **procedure** in relation to billing clients which, **should** include:1. the frequency and terms for billing clients
2. credit limits for new and existing clients
3. debt management.
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| **Demonstration of compliance** | **Relevant document(s)** |
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| **Requirement** | 2.5 Departments handling financial transactions, **should** have a **procedure**, which **should** include:a. the transfer of funds b. the management of funds received by the departmentc. **authorisations**. |
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| **Demonstration of compliance** | **Relevant document(s)** |
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# 3 - Information management

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| **Requirement** | 3.1 The department or the organisation **must** have an information management and security **policy**, which **should** include:1. a **register** of relevant information assets
2. **procedures** for the protection and security of the information assets
3. **procedures** for the retention and disposal of information
4. the use of firewalls
5. **procedures** for the secure configuration of network devices
6. **procedures** to manage user accounts
7. **procedures** to detect and remove **malicious software**
8. a **register** of all software used
9. training for **personnel** on information security
10. a **plan** for the updating and monitoring of software.
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| **Demonstration of compliance** | **Relevant document(s)** |
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| **Requirement** | 3.2 The organisation **must** have an e-mail **policy** that encompasses the department, or the department **must** have its own **policy,** which **should** include:1. the scope of permitted and prohibited use
2. **procedures** for monitoring **personnel** using email
3. **procedures** for the storage and destruction of emails.
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| **Demonstration of compliance** | **Relevant document(s)** |
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| **Requirement** | 3.3 If the department is featured on the organisation’s website, the department **must** be encompassed by the organisations website management **policy**, which **must** include:1. consideration of accessibility requirements for disabled clients.

and **should** include:1. a **procedure** for content approval, publishing and removal
2. the scope of permitted and prohibited content
3. **procedures** for the management of its security.
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| **Demonstration of compliance** | **Relevant document(s)** |
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| **Requirement** | 3.4 The organisation **must** have an Internet access **policy** that encompasses the department, or the department **must** have a **policy** that is particular to their department, this **should** include:1. the scope of permitted and prohibited use
2. **procedures** for monitoring **personnel** accessing the Internet.
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| **Demonstration of compliance** | **Relevant document(s)** |
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| **Requirement** | 3.5 If the department participates in social media, the organisation **must** have a social media **policy** that encompasses the department, or the department **must** have its own **policy**, which **should** include:a. a **procedure** for participating in social media on behalf of the organisationb. the scope of permitted and prohibited content. |
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| **Demonstration of compliance** | **Relevant document(s)** |
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| **Requirement** | 3.6 The **organisation** or department **must** have:1. a **register** of each **plan, policy** and **procedure** that is contained in the Lexcel Standard
2. the named person responsible for each **policy, plan** and **procedure** that is contained in the Lexcel Standard
3. a **procedure** for the review of each **policy, plan** and **procedure** that is contained in the Lexcel Standard.
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| **Demonstration of compliance** | **Relevant document(s)** |
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# 4 - People management

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| **Requirement** | 4.1 The department or the organisation **must** have a health and safety **policy**. |
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| **Demonstration of compliance** | **Relevant document(s)** |
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| **Requirement** | 4.2 The department or the organisation **must** have an equality and diversity **policy**, which **should** include:1. recruitment, selection and progression
2. a **procedure** to deal with complaints and disciplinary issues in breach of the **policy**
3. a **procedure** to monitor diversity and collate equality data
4. training of all **personnel** on compliance with equality and diversity requirements
5. **procedures** for **reasonable adjustments** for **personnel**.
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| **Demonstration of compliance** | **Relevant document(s)** |
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| **Requirement** | 4.3 The department **must** be encompassed by the organisation’s learning and development **policy**, which **should** include: 1. ensuring that appropriate training is provided to **personnel**
2. ensuring that all **supervisors** and managers receive appropriate training
3. a **procedure** to evaluate training
4. a learning and development **plan** for all **personnel**.
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| **Demonstration of compliance** | **Relevant document(s)** |
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| **Requirement** | 4.4 The organisation or department **must** list the tasks to be undertaken by all **personnel** within the department usually in the form of a **role profile**. |
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| **Demonstration of compliance** | **Relevant document(s)** |
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| **Requirement** | 4.5 The department **must be** encompassed by the organisation’s **procedures** to deal effectively with recruitment selection and progression, or have **procedures** particular to the department, which **should** include: 1. the identification of vacancies
2. the drafting of the job documentation
3. methods of attracting candidates
4. clear and transparent selection
5. storage, retention and destruction of records
6. references and ID checking
7. where appropriate, the checking of disciplinary records.
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| **Demonstration of compliance** | **Relevant document(s)** |
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| **Requirement** | 4.6 The department **must** be encompassed by the organisation’s induction arrangements for **personnel**, or have arrangements particular to the department, including those transferring roles within the organisation and **should** cover:1. the management structure and the individual’s responsibilities
2. terms and conditions of employment
3. immediate training requirements
4. key **policies**.
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| **Demonstration of compliance** | **Relevant document(s)** |
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| **Requirement** | 4.7 The department or their organisations **must** havea **procedure** which details the steps to be followed when a member of **personnel** ceases to be an employee, which **should** include:1. the handover of work
2. exit interviews
3. the return of property belonging to the organisation.
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| **Demonstration of compliance** | **Relevant document(s)** |
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| **Requirement** | 4.8 The department **must** be encompassed by the organisation’s performance management **policy** or have a **policy** that is particular to the department,which **should** include:1. the organisation or department’s approach to performance management
2. performance review periods and timescales.
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| **Demonstration of compliance** | **Relevant document(s)** |
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| **Requirement** | 4.9 The department or the organisations **must** have a whistleblowing **policy**. |
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| **Demonstration of compliance** | **Relevant document(s)** |
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| **Requirement** | 4.10 The department or the organisations **must** have a **flexible working policy**. |
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| **Demonstration of compliance** | **Relevant document(s)** |
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# 5 - Risk management

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| **Requirement** | 5.1 The department **must** be encompassed by the organisation’s risk management **policy**, or have a **policy** that is particular to the department, which **should** include:1. a compliance **plan**, if relevant
2. a **risk register**
3. defined risk management roles and responsibilities
4. arrangements for communicating risk information.
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| **Demonstration of compliance** | **Relevant document(s)** |
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| **Requirement** | 5.2 The department **must** be encompassed by the organisation’s outsourced activities **policy** or have a **policy** that is particular to the department, which **should** include:1. details of all outsourced activities including providers
2. **procedures** to check the quality of outsourced work
3. **procedures** to ensure providers have taken appropriate precautions to ensure information will be protected.
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| **Demonstration of compliance** | **Relevant document(s)** |
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| **Requirement** | 5.3 There **must** be a named **supervisor** for each area of work undertaken by the department. |
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| **Demonstration of compliance** | **Relevant document(s)** |
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| **Requirement** | 5.4 The department **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. |
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| **Demonstration of compliance** | **Relevant document(s)** |
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| **Requirement** | 5.5 The department **should** maintain lists of work that it will and will not undertake. This information **should** be communicated to all relevant **personnel** and **should** be updated when changes occur. |
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| **Demonstration of compliance** | **Relevant document(s)** |
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| **Requirement** | 5.6 If the department acts or advises **external clients**, they **must** maintain details of the generic risks and causes of claims associated with the area(s) of work undertaken by the department. This information **must** be communicated to all relevant **personnel**. |
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| **Demonstration of compliance** | **Relevant document(s)** |
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| **Requirement** | 5.7 The department **must** have a **procedure** to monitor key dates, or be encompassed by the organisation’s **procedure**, which **must** include:1. the definition of key dates by work type for the department
2. ensuring that key dates are recorded on the file and in a back-up system.
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| **Demonstration of compliance** | **Relevant document(s)** |
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| **Requirement** | 5.8 The department **must** be encompassed by the organisation’s **policy** on the handling of conflicts, or have a **policy** that is particular to the department, which **should** include:1. the definition of conflicts
2. training for all relevant **personnel** to identify conflicts
3. steps to be followed when a conflict is identified.
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| **Demonstration of compliance** | **Relevant document(s)** |
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| **Requirement** | 5.9 The department **must** be encompassed by the organisation’s **procedure** to ensure that all **personnel**, both permanent and temporary, are actively supervised, or have **procedures** that are particular to their department. Such **procedures must** include:1. checks on incoming and outgoing correspondence, where appropriate
2. departmental, team and office meetings and communication structures, where appropriate
3. reviews of matter details in order to ensure good financial controls and the appropriate allocation of workloads, where appropriate
4. the exercise of devolved powers in publicly funded work, where appropriate
5. the availability of a **supervisor**
6. allocation of new work and reallocation of existing work, if necessary.
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| **Demonstration of compliance** | **Relevant document(s)** |
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| **Requirement** | 5.10 The department **must** have a **procedure** to ensure that all those doing legal work check their files regularly for inactivity. |
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| **Demonstration of compliance** | **Relevant document(s)** |
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| **Requirement** | 5.11 The department **must** have a **procedure** for regular, independent file reviews of either the management of the file or its substantive legal content, or both. In relation to file reviews, the department **must**:1. define and explain file selection criteria
2. define and explain the number and frequency of reviews
3. retain a record of the file review on the matter file and centrally
4. ensure any corrective action, which is identified in a file review, is acted upon within 28 days and verified
5. ensure that the designated **supervisor** reviews and monitors the data generated by file reviews
6. conduct a review at least annually of the data generated by file reviews.
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| **Demonstration of compliance** | **Relevant document(s)** |
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| **Requirement** | 5.12 Operational risk **must** be considered and recorded in all matters before, during and after the processing of instructions. Before the matter is undertaken the legal advisor **must**:1. consider if a new client and/or matter is accepted by the department, in accordance with section 6.1 and 6.7 below
2. assess the risk profile of all new instructions and notify the **supervisor,** in accordance with **procedures** under 5.4, of any unusual or high risk considerations in order that appropriate action may be taken.

During the retainer the legal advisor **must**:1. consider any change to the **risk profile** of the matter and report and advise on such circumstances without delay, informing the **supervisor** if appropriate
2. inform the client in all cases where an adverse costs order is made against the organisation in relation to the matter in question.

At the end of the matter the legal advisor **must**:1. undertake a concluding risk assessment by considering if the client’s **objectives** have been achieved
2. notify the **supervisor** of all such circumstances in accordance with documented **procedures** in section 5.4 above.
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| **Demonstration of compliance** | **Relevant document(s)** |
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| **Requirement** | 5.13 If anti-money laundering legislation applies to the organisation, the department **must** be encompassed by the organisation’s anti-money laundering **policy** or have a **policy** that is particular to the department, which **must** include:1. the appointment of a nominated officer usually referred to as a Money Laundering Reporting Officer (MLRO)
2. a **procedure** for making disclosures within the organisation and by the MLRO to the authorities
3. a **procedure** for checking the identity of the department’s clients, if appropriate
4. a **plan** for the training of **personnel**
5. **procedures** for the proper maintenance of records.
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| **Demonstration of compliance** | **Relevant document(s)** |
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| **Requirement** | 5.14 The department **must** be encompassed by the organisation’s **policy** setting out the **procedures** to prevent bribery in accordance with current legislation or have a **policy** particular to the department. |
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| **Demonstration of compliance** | **Relevant document(s)** |
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| **Requirement** | 5.15 The department **must** be included in the organisations analysis of risk assessment data that is generated or undertake an analysis of risk data particular to their department. This **should** include:1. any indemnity insurance claims (where applicable)
2. an analysis of client complaints trends
3. data generated by file reviews
4. any breaches that have been notified to the SRA
5. situations where the department acted where a conflict existed (where applicable)
6. the identification of remedial action.
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| **Demonstration of compliance** | **Relevant document(s)** |
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# 6 - Client care

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| **Requirement** | 6.1 The department **must** have a **policy** for client care, which **should** include:1. how enquiries from potential clients will be dealt with
2. ensuring that before taking on a client, the department has sufficient resources and competence to deal with the matter
3. protecting client confidentiality
4. a timely response is made to telephone calls and correspondence from the client and others
5. a **procedure** for referring clients to third parties
6. the provision of **reasonable adjustments** for disabled clients.
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| **Demonstration of compliance** | **Relevant document(s)** |
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| **Requirement** | 6.2 The department **must** communicate the following to clients in writing, unless an alternative form of communication is deemed more appropriate:1. where appropriate, establish the client’s requirements and objectives
2. provide a clear explanation of the issues involved and the options available to the client
3. explain what the legal advisor will and will not do
4. agree with the client the next steps to be taken
5. keep the client informed of progress, as agreed
6. establish in what timescale that matter will be dealt with
7. where appropriate, establish the method of funding
8. where appropriate, consider whether the intended action would be merited on a cost benefit analysis
9. agree an appropriate level of service
10. explain the department’s responsibilities and the client’s
11. provide the client with the name and status of the person dealing with their matter
12. where appropriate, the client is given the name and status of the person responsible for the overall supervision of their matter.
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| **Demonstration of compliance** | **Relevant document(s)** |
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| **Requirement** | 6.3 Where appropriate, the department **should** have a service level or similar agreements with their client departments. |
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| **Demonstration of compliance** | **Relevant document(s)** |
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| **Requirement** | 6.4 Where appropriate, the department **must** give clients 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 the department **should**:1. advise the client of the basis of the department's charging
2. advise the client where the organisation will receive a financial benefit as a result of accepting instructions
3. advise the client if the charging rates are to be increased
4. advise the client of likely payments which the department or the client may need to make to others
5. discuss with the client how they will pay
6. advise the client that there are circumstances where the department may be entitled to exercise a lien for unpaid costs
7. advise the client of their potential liability for any other party’s costs.
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| **Demonstration of compliance** | **Relevant document(s)** |
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| **Requirement** | 6.5 The department **must** be encompassed by the organisation’s complaints handling **procedure** or have a **procedure** particular to the department, which **should** include:1. the definition of what the organisation regards as a complaint
2. informing the client at the outset of the matter, that in the event of a problem they are entitled to complain
3. the name of the person with overall responsibility for complaints
4. providing the client with a copy of the organisation’s or department’s complaints **procedure**, if requested
5. once a complaint has been made, the person complaining is informed in writing:
	1. how the complaint will be handled; and
	2. in what time they will be given an initial and/or substantive response
6. recording and reporting centrally all complaints received from clients
7. identifying the cause of any problems of which the client has complained, offering any appropriate redress, and correcting any unsatisfactory **procedures**.
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| **Demonstration of compliance** | **Relevant document(s)** |
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| **Requirement** | 6.6 The department **must** be encompassed by the organisation’s **procedure** to monitor client satisfaction or have a **procedure** that is particular to the department. |
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| **Demonstration of compliance** | **Relevant document(s)** |
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| **Requirement** | 6.7 Where appropriate, the department **must** have a **procedure** to accept or decline instructions, which **should** include:1. how decisions are made to accept instructions from new and existing clients
2. how decisions are made to stop acting for an existing client
3. how decisions are made to decline instructions.
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| **Demonstration of compliance** | **Relevant document(s)** |
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# 7 - File and case management

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| **Requirement** | 7.1 The department **must** ensure that the strategy for a matter is always apparent on the matter file and that in complex cases a project plan is developed. |
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| **Demonstration of compliance** | **Relevant document(s)** |
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| **Requirement** | 7.2 The department **must** document **procedures** for the giving, monitoring and discharge of undertakings. |
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| **Demonstration of compliance** | **Relevant document(s)** |
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| **Requirement** | 7.3 The department **must** be encompassed by the organisation’s **procedure** or have a **procedure** particular to the department to:1. list open and closed matters
2. ensure that they are able to identify and trace any documents, files, deeds, wills or any other items relating to the matter
3. safeguard the confidentiality of matter files and all other client information
4. ensure that the status of the matter and the action taken can be easily checked by other members of the department
5. ensure that documents are stored on the matter file(s) in an orderly way.
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| **Demonstration of compliance** | **Relevant document(s)** |
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| **Requirement** | 7.4 The department will have **procedures** to ensure that matters are progressed in an appropriate manner. In particular:1. key information **must** be recorded on the file
2. a timely response is made to telephone calls and correspondence from the client and others
3. where appropriate, continuing cost information is provided
4. 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 may be addressed.
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| **Demonstration of compliance** | **Relevant document(s)** |
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| **Requirement** | 7.5 The department **must** be encompassed by the organisation’s documented **procedure** for using barristers, expert witnesses and other external advisers who are involved in the delivery of legal services, or have a **procedure** particular to the department, which **should** include provision for the following:1. use of clear selection criteria in line with the equality and diversity **policy**
2. where appropriate, consult with the client in relation to selection of advocate or other professional
3. 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
4. maintenance of records on barristers and experts used, including evidence of assessment against the criteria
5. **evaluation** of performance, for the information of other members of the department or organisation
6. giving clear instructions
7. 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)
8. payment of fees.
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| **Demonstration of compliance** | **Relevant document(s)** |
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| **Requirement** | 7.6 The department **must** have **procedures** to ensure that, at the end of the matter, the department:1. if required, 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 department will do
2. where appropriate, accounts to the client for any outstanding money
3. returns to the client any original documents or other property belonging to the client, if required
4. 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
5. advises the client whether it is appropriate to review the matter in future and, if so, when and why
6. archives and destroys files in an appropriate manner.
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| **Demonstration of compliance** | **Relevant document(s)** |
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