



Lexcel England and Wales v6
Overlap with the Specialist Quality Mark (SQM)
Excellence in practice management and client care

Introduction

- This document is to highlight the differences between both Lexcel v6 - England and Wales for legal practices and in-house legal departments against the Specialist Quality Mark (SQM) requirements.

Guidance

- The left hand and centre columns lists the relevant Lexcel Standard where there is an overlap. If a Lexcel requirement is not listed it is because there is no overlap with SQM.
- The left hand column lists the legal practice Standard requirement.
- The centre column lists the in-house legal department Standard requirement
- The right hand column lists the relevant SQM requirement. Colour coding has been used to clarify the requirement:
 - **Amber** indicates that there is some similarity between the Lexcel and SQM requirement but to achieve Lexcel further work is required.
 - **Green** indicates that the Lexcel and SQM requirement is the same.

Questions

- If you are interested in obtaining the Lexcel Standard and want to understand the Lexcel requirements in more detail, please do not hesitate to contact us:
- **Tel:** +44 (0)20 7320 5933 **Email:** llexcel@lawsociety.org.uk

Lexcel England and Wales (v6) - overlaps with the SQM

Lexcel Standard (Legal Practices)	Lexcel Standard (In-house)	SQM Requirement
1.1 Practices must have documentation setting out the: b. management structure which designates the responsibilities of individuals and their accountability	1.1 The department must have documentation setting out the: b. management structure which designates the responsibilities of individuals and their accountability	C1.1, C1.2
1.2 Practices must have a strategic plan , which must include:	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 out the departments' objectives. The plan should include:	A1.1
a. objectives for at least the next 12 months	a. objectives for at least the next 12 months	A1.1
b. the services the practice wishes to offer	b. the identification of resources required to meet the objectives	A1.1
c. the client groups to be served	c. the services the department wishes to offer	A1.1
d. how services will be delivered and marketed	d. the client groups to be served	A1.1
2.1 Practices must document the person who has overall responsibility for financial management.	2.1 The organisation must document the person who has overall responsibility for financial management of the department.	C2.1
2.2 Practices must be able to provide documentary evidence of their financial management procedure , including:	2.2 The department should be able to provide documentary evidence of their financial management procedure , including:	C2.2, C2.4
a. annual budget including income and expenditure	a. annual budget including income and expenditure	C2.2b
b. annual income and expenditure accounts	b. variance analysis conducted at least quarterly of income and expenditure against budgets.	C2.3
c. annual balance sheet	N/A	C2.3
d. annual income and expenditure forecast to be reviewed quarterly	N/A	C2.2b
e. variance analysis conducted at least quarterly of income and expenditure against budgets	N/A	C2.4
3.6 Practices must have:	3.6 The organisation or department must have:	G4.1

Lexcel Standard (Legal Practices)	Lexcel Standard (In-house)	SQM Requirement
a. a register of each plan, policy and procedure that is contained in the Lexcel Standard	a. a register of each plan, policy and procedure that is contained in the Lexcel Standard	G4.1
b. a named person responsible for each policy, plan and procedure that is contained in the Lexcel Standard	b. the named person responsible for each policy, plan and procedure that is contained in the Lexcel Standard	G4.1
c. a procedure for the review of each policy, plan and procedure that is contained in the Lexcel Standard.	c. a procedure for the review of each policy, plan and procedure that is contained in the Lexcel Standard.	G3.2 - requires quality procedures to be reviewed annually.
4.2 Practices must have an equality and diversity policy , which must include:	4.2 The department or the organisation must have an equality and diversity policy , which should include:	D1.3
a. recruitment, selection and progression	a. recruitment, selection and progression	D1.3
4.3 Practices must have a learning and development policy , which must include:	4.3 The department must be encompassed by the organisation's learning and development policy , which should include:	D2.3, D3.4
a. ensuring that all supervisors and managers receive appropriate training	a. ensuring that appropriate training is provided to personnel	D2.3, D3.4
b. a learning and development plan for all personnel .	b. ensuring that all supervisors and managers receive appropriate training	D2.3
4.4 Practices must list the tasks to be undertaken by all personnel within the practice usually in the form of a role profile .	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 .	D1.1, D1.2
4.5 Practices must have procedures to deal effectively with recruitment selection and progression, which must include:	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:	D1.1, D1.4
b. the drafting of the job documentation	b. the drafting of the job documentation	D1.1
d. clear and transparent selection	d. clear and transparent selection	D1.4
f. references and ID checking	f. references and ID checking	D1.4

Lexcel Standard (Legal Practices)		Lexcel Standard (In-house)		SQM Requirement
4.6	Practices must conduct an appropriate induction for all personnel , including those transferring roles within the practice and must cover:	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:	D2.1
	a. the management structure and the individual's responsibilities		a. the management structure and the individual's responsibilities	D2.1
4.8	Practices must have a performance management policy , which must include:	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:	D2.2
	a. the practice's approach to performance management		a. the organisation or department's approach to performance management	D2.2
	b. performance review periods and timescales.		b. performance review periods and timescales.	D2.2
5.7	Practices must have a procedure to monitor key dates, which must include:	5.7	The department must have a procedure to monitor key dates, or be encompassed by the organisation's procedure , which must include:	E1.2c
	a. the definition of key dates by work type		a. the definition of key dates by work type for the department	E1.2c
	b. ensuring that key dates are recorded on the file and in a back-up system.		b. ensuring that key dates are recorded on the file and in a back-up system.	E1.2c
5.8	Practices must have a policy on the handling of conflicts, which must include:	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:	E1.2a
	a. the definition of conflicts		a. the definition of conflicts	E1.2a
	b. training for all relevant personnel to identify conflicts		b. training for all relevant personnel to identify conflicts	E1.2a
	c. steps to be followed when a conflict is identified.		c. steps to be followed when a conflict is identified.	E1.2a
5.9	Practices must have a procedure to ensure that all personnel , both permanent and temporary, are actively supervised. Such procedures must include:	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	D4

Lexcel Standard (Legal Practices)	Lexcel Standard (In-house)	SQM Requirement
	include:	
a. checks on incoming and outgoing correspondence where appropriate	a. checks on incoming and outgoing correspondence, where appropriate	D4
b. departmental, team and office meetings and communication structures	b. departmental, team and office meetings and communication structures, where appropriate	D4
c. reviews of matter details in order to ensure good financial controls and the appropriate allocation of workloads	c. reviews of matter details in order to ensure good financial controls and the appropriate allocation of workloads, where appropriate	D4.1
e. the availability of a supervisor	e. the availability of a supervisor	D3.1
f. allocation of new work and reallocation of existing work, if necessary.	f. allocation of new work and reallocation of existing work, if necessary.	D4.1, D4.3
5.10 Practices must have a procedure to ensure that all those doing legal work check their files regularly for inactivity.	5.10 The department must have a procedure to ensure that all those doing legal work check their files regularly for inactivity.	E1.2e
5.11 Practices 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, practices must :	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 :	E2.1
a. define and explain file selection criteria	a. define and explain file selection criteria	E2.1a, E2.1b
b. define and explain the number and frequency of reviews	b. define and explain the number and frequency of reviews	E2.1a
c. retain a record of the file review on the matter file and centrally	c. retain a record of the file review on the matter file and centrally	E2.4, E2.5
d. ensure any corrective action, which is identified in a file review, is acted upon within 28 days and verified	d. ensure any corrective action, which is identified in a file review, is acted upon within 28 days and verified	E2.1, E2.4
e. ensure that the designated supervisor reviews and monitors the data generated by file reviews	e. ensure that the designated supervisor reviews and monitors the data generated by file reviews	E2.2
f. conduct a review at least annually of the data generated by file reviews.	f. conduct a review at least annually of the data generated by file reviews.	E2.6

Lexcel Standard (Legal Practices)	Lexcel Standard (In-house)	SQM Requirement
<p>5.12 During the retainer the fee earner must:</p> <ul style="list-style-type: none"> c. consider any change to the risk profile of the matter and report and advise on such circumstances without delay, informing the supervisor if appropriate d. inform the client in all cases where an adverse costs order is made against the practice in relation to the matter in question. 	<p>5.12 During the retainer the legal advisor must:</p> <ul style="list-style-type: none"> c. consider any change to the risk profile of the matter and report and advise on such circumstances without delay, informing the supervisor if appropriate d. inform the client in all cases where an adverse costs order is made against the organisation in relation to the matter in question. 	F2.3b
<p>5.16 Practices will analyse at least annually all risk assessment data generated within the practice. This must include:</p> <ul style="list-style-type: none"> b. an analysis of client complaints trends 	<p>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:</p> <ul style="list-style-type: none"> b. an analysis of client complaints trends 	G1.3
<ul style="list-style-type: none"> e. data generated by file reviews 	N/A	E2.6
<p>6.1 Practices must have a policy for client care, including:</p> <ul style="list-style-type: none"> c protecting client confidentiality 	<p>6.1 The department must have a policy for client care, which should include:</p> <ul style="list-style-type: none"> c protecting client confidentiality 	F4.1
<ul style="list-style-type: none"> f. the provision of reasonable adjustments for disabled clients. 	<ul style="list-style-type: none"> f. the provision of reasonable adjustments for disabled clients. 	A3.1
<p>6.2 Practices must communicate the following to clients in writing, unless an alternative form of communication is deemed more appropriate:</p>	<p>6.2 The department must communicate the following to clients in writing, unless an alternative form of communication is deemed more appropriate:</p>	F1.1
<ul style="list-style-type: none"> a. where appropriate, establish the client's requirements and objectives 	<ul style="list-style-type: none"> a. where appropriate, establish the client's requirements and objectives 	F1.1a
<ul style="list-style-type: none"> b. provide a clear explanation of the issues involved and the options available to the client 	<ul style="list-style-type: none"> b. provide a clear explanation of the issues involved and the options available to the client 	F1.1b
<ul style="list-style-type: none"> g. establish the method of funding 	<ul style="list-style-type: none"> g. where appropriate, establish the method of funding 	F1.1d

Lexcel Standard (Legal Practices)	Lexcel Standard (In-house)	SQM Requirement
k. provide the client with the name and status of the person dealing with their matter	k. provide the client with the name and status of the person dealing with their matter	F1.1c
l. provide the client with the name and status of the person responsible for the overall supervision of their matter.	l. where appropriate, the client is given the name and status of the person responsible for the overall supervision of their matter.	F1.1c
6.5 Practices must operate a written complaints handling procedure , including:	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:	G1.1, G1.2, G1.3
a. the definition of what the practice regards as a complaint	a. the definition of what the organisation regards as a complaint	G1.2
b. informing the client at the outset of the matter, that in the event of a problem they are entitled to complain	b. informing the client at the outset of the matter, that in the event of a problem they are entitled to complain	G1.1
c. the name of the person with overall responsibility for complaints	c. the name of the person with overall responsibility for complaints	G1.3
d. providing the client with a copy of your practice's complaints procedure , if requested	d. providing the client with a copy of the organisation's or department's complaints procedure , if requested	G1.1
e. once a complaint has been made, the person complaining is informed in writing: (i) how the complaint will be handled; and (ii) in what time they will be given an initial and/or substantive response	e. once a complaint has been made, the person complaining is informed in writing: (i) how the complaint will be handled; and (ii) in what time they will be given an initial and/or substantive response	G1.1
f. recording and reporting centrally all complaints received from clients	f. recording and reporting centrally all complaints received from clients	G1.3
g. identifying the cause of any problems of which the client has complained, offering any appropriate redress, and correcting any unsatisfactory procedures .	g. identifying the cause of any problems of which the client has complained, offering any appropriate redress, and correcting any unsatisfactory procedures .	G1.2
6.6 Practices must have a procedure to monitor client satisfaction across all areas of the practice.	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.	G2.1

Lexcel Standard (Legal Practices)	Lexcel Standard (In-house)	SQM Requirement
7.1 Practices 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.	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.	E1.3, F2.1
7.2 Practices must document procedures for the giving, monitoring and discharge of undertakings.	7.2 The department must document procedures for the giving, monitoring and discharge of undertakings.	E1.2d
7.3 Practices must 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	7.3 The department must be encompassed by the organisation's procedure or have a procedure particular to the department to: a. list open and closed matters	E1.1
b. ensure that they are able to identify and trace any documents, files, deeds, wills or any other items relating to the matter	b. ensure that they are able to identify and trace any documents, files, deeds, wills or any other items relating to the matter	E1.2b
c. safeguard the confidentiality of matter files and all other client information	c. safeguard the confidentiality of matter files and all other client information	F4.1
d. ensure that the status of the matter and the action taken can be easily checked by other members of the practice	d. ensure that the status of the matter and the action taken can be easily checked by other members of the department	E1.3
e. ensure that documents are stored on the matter file(s) in an orderly way.	e. ensure that documents are stored on the matter file(s) in an orderly way.	E1.2b
7.5 Practices must have a documented procedure for using barristers, expert witnesses and other external advisers who are involved in the delivery of legal services, which must include provision for the following:	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:	F5.1, F5.2, F5.3, F5.4, F5.5
a. use of clear selection criteria in line with the equality and diversity policy	a. use of clear selection criteria in line with the equality and diversity policy	F5.1
b. where appropriate, consult with the client in relation to the selection of an advocate or other professional	b. where appropriate, consult with the client in relation to selection of advocate or other professional	F5.4

Lexcel Standard (Legal Practices)	Lexcel Standard (In-house)	SQM Requirement
c. advising the client 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	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	F5.4
d. maintenance of records (centrally, by department or office) on barristers and experts used, including evidence of assessment against the criteria	d. maintenance of records on barristers and experts used, including evidence of assessment against the criteria	F5.2
e. evaluation of performance, for the information of other members of the practice	e. evaluation of performance, for the information of other members of the department or organisation	F5.3
f. giving clear instructions	f. giving clear instructions	F5.5
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)	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)	F5.3
7.6 Practices must have procedures to ensure that, at the end of the matter, the practice:	7.6 The department must have procedures to ensure that, at the end of the matter, the department:	F3.1.a, F3.1.c, F3.1.d, F3.1.e, F4
a. 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 practice will do	a. 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	F3.1a
b. accounts to the client for any outstanding money	b. where appropriate, accounts to the client for any outstanding money	F3.1c
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)	c. returns to the client any original documents or other property belonging to the client, if required	F3.1d

Lexcel Standard (Legal Practices)	Lexcel Standard (In-house)	SQM Requirement
<p>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</p>	<p>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</p>	<p>F3.1b, F3.1d</p>
<p>e. advises the client whether it is appropriate to review the matter in future and, if so, when and why</p>	<p>e. advises the client whether it is appropriate to review the matter in future and, if so, when and why</p>	<p>F3.1e</p>

