Lexcel

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Lexcel v4 Overlaps with ISO 9001:2000

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Lexcel Requirement		Relevant ISO 9001:2000 Requirement	
1.1 – Practices will have documentation setting out:	a) the legal framework	X	No.
	b) their business structure	5.4.1	Yes. Policy statements defining the objectives of the organisation.
1.2 – Practices will have a risk management policy which includes:	a) strategic risk	X	
	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.
	b) a process for personnel to suggest improvements to the quality system	X	No, but policy should be capable of continual improvement, and regularly reviewed.
1.4 – Practices will have a policy on the avoidance of discrimination and the promotion of equality and diversity, to 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 to ensure compliance with anti-money laundering legislation, to include:	a) the appointment of a Nominated Officer usually referred to as a Money Laundering Reporting Officer (MLRO)	X	No.
	b) a process for	X	

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	making disclosures within the practice and by the MLRO to the authorities		
	c) identification checking	X	
	d) training of personnel	X	
	e) the proper maintenance of records	X	
1.6 – Practices providing services to clients in relation to property transactions will have documented procedures in relation to the avoidance of involvement in mortgage fraud		X	No.
1.7 – Practices will have a policy in relation to the health and safety of all personnel and visitors to the practice		6.3 & 6.4	Yes. Includes product conformity alongside customer & regulatory requirements.
1.8 – 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		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 – A documented review of 2.1 and 2.2 will be conducted at least every 6 months		5.1,& 5.6	Yes.
3.1 – Practices will document responsibility for		5.1	Partly. As the availability of resources need to be considered.

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overall financial management			
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	
4A.1 - 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.
4A.2 – Practices will have a policy in relation to data protection compliance issues, which must include:	a) ensuring registration with the Information Commissioner	X	No.
	b) training of personnel	X	No.
4A.3 – 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		
4A.4 – 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	

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	d) procedure for its proper storage and destruction	X	
4A.5 – 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	
4A.6 - 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	
4B.1 – Practices will document the office facilities needed to provide a service, including:	a) the use of premises and equipment, including security and safety issues	6.3 & 6.4	Yes.
	b) arrangements for clients to visit the office	6.3 & 6.4	
	c) communication arrangements	6.3 & 6.4	
	d) procedures for the handling of financial transactions	6.3 & 6.4	
4B.2 – Practices will have a process for legal research, including the updating and sharing of legal and professional information		7.1	Yes.
4B.3 – Practices will maintain an office manual or intranet collating information of office practice, which must be available to all staff. Practices will have a process to:	a) control the office manual or intranet to ensure that only the current version is in use	4.2.3	Yes.
	b) review the manual or intranet at least annually	4.2.3	Yes.
	c) update the manual or intranet and record	4.2.3	Yes.

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	the date of amendments		
5.1 – Practices will have a plan for:	a) the recruitment of personnel, including likely recruitment needs	6.1	Yes.
	b) the training and development of personnel	6.2.	Yes.
5.2 – 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		6.2	Yes.
5.3 – 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.
5.4 – Practices will conduct an appropriate induction process for all personnel, including those transferring roles within the practice		X	No.
5.5 – Practices must	a) ensure that	6.2.2.	Yes.

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have a training and development policy and will:	appropriate training is provided to personnel within the practice in accordance with its policy		
	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.
5.6 – 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 will have a written description of their management structure which designates the responsibilities of individuals and their accountability		5.5.1	Yes.
6.2 – There will be a named supervisor for each area of work undertaken by the practice and they must have appropriate experience of the work supervised and be competent to guide others		5.5.1	Yes
6.3 – Practices will have a process to ensure that all personnel, both permanent and temporary, are actively supervised. Including:		X	No.
	a) checks of incoming and outgoing correspondence,	6.2.2. & 8.2.3	Yes.

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	including letters, emails and faxes		
	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.
6.4 – 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.
6.5 – 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 which is identified in a file review is actioned within 28 days and verified by the reviewer	As above.	Yes
	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	As above.	Yes

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	data generated by file reviews, which will contribute to the review of risk assessment data		
6.6 – Practices will ensure that procedures are in place to:	a) designate an overall risk manager	5.5, 5.6 & 8.5.3	Yes.
	b) establish appropriate reporting arrangements to ensure risk issues are appreciated and addressed	5.5 & 8.5.3	
	c) maintain lists of work the practice will and will not undertake	x	
	d) maintain details of generic risks and causes of claims associated with the areas of work	x	
	e) manage instructions with a high risk profile	x	
6.7 – Practices will analyse at least annually all risk assessment data generated in the practice:	a) any indemnity claims	8.4, 8.5.2 & 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.	
6.8 – 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, 83, 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	.	As above.

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	assessment		
	f) notify the risk manager	As above.	
7.1 Practices will have a documented policy for client care		7.2.2 & 7.2.3	Yes. Customer related processes (determination & review of customer, statutory and regulatory requirements, customer communication) production & service provision.
7.2 – Practices will have processes to ensure compliance with rule 2 of the Solicitor's Code of Conduct		X	Partly, but not as specific as Lexcel.
7.3 – Practices must have a record of any standing terms of business with regular clients		X	
7.4 – Practices will operate a written complaints handling procedure in compliance with Rule 2, which:	a) defines what the practice regards as a complaint and sets out how to identify and respond to complaints	7.2.3, 8.2.1, 8.2.3, 8.2.4 & 8.5	Yes. Customer related processes (determination & review of customer, statutory and regulatory requirements, customer communication) production & service provision. Monitoring & measurement (customer satisfaction, internal audit, monitoring and measurement of processes and products/services).
	b) records and reports centrally all complaints received from clients	As above.	
	c) Identifies the cause of any problem and offers appropriate redress	As above.	
	d) practices will conduct at least an annual review of complaints data	As above.	
7.5 – Practices will have a process to monitor client satisfaction		5.6,8.2.1, & 8.5.1	
8.1 – Practices will document how client enquiries in relation to possible instructions are handled, including:	a) telephone enquiries	7.2.3	Yes.
	b) clients who enquire in person in the reception area, including confidentiality	As above.	
	c) enquiries by	As above.	

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	correspondence and email		
8.2 – Practices will document how decisions will be made as to whether to accept new instructions from existing and new clients		7.2.1 & 7.2.3	Yes.
8.3 – Practices will document their arrangements to ensure that conflicts of interest are identified and acted upon		7.2	Yes.
8.4 – At the outset of the matter the fee earner will:	a) establish as full an understanding as possible of the client's requirements and objectives	7.2.1 & 7.2.2	
	b) provide a clear explanation of the issues raised and advice given	As above.	
	c) explain what the fee earner will do and in what timescales	X	
	d) establish the method for funding	X	
	e) cost benefit analysis	X	
8.5 – 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. Planning, inputs, outputs, review.
8.6 – Practices will have documented procedures to ensure that matters are progressed in an appropriate manner:	a) key information must be recorded on the file	7.3	Yes
	b) key dates must be defined and recorded on the file and in a back-up system	X	No
	c) there must be a process to monitor	X	

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	key dates		
	d) timely response is made to phone calls and correspondence	5.3	Yes
	e) continuing information on cost provided	X	No
	f) clients informed in writing if the person with conduct of their matter changes or a change of person to whom any problem with service should be addressed	As above.	
8.7 – Practices will document procedures for the giving, monitoring and discharge of undertakings		X	No
8.8 - Practices will have a documented procedure to:	a) list open and closed files, identify files for a single client, funder or linked file	5.41, 5.4.2, 7.3.1 & 8.5.1	Yes. Improvement (continual improvement, corrective action, preventative action.
	b) ensure all documents, files, deeds, wills or other items are identifiable and traceable	4.2.3 (c) & 4.2.3 (f)	Yes.
	c) safeguard the confidentiality or matter files and all other client information	4.2.3, 4.2.4 & 8.2.2	Yes.
	d) ensure the status of the matter and action taken can be easily checked by others	4.2.3, 4.2.4 & 8.2.2	Yes.
	e) ensure documents are stored on the matter file in an orderly way.	4.2.3, 4.2.4 & 8.2.2	Yes.
8.9 – Practices will have a documented procedure for using barristers, expert witnesses and other external advisers	a) use of clear selection criteria	7.4 & 8.2.4	Yes
	b) where appropriate consultation with the client in relation to selection	7.4 & 8.2.4	Yes.
	c) clients to be	7.4 & 8.2.4	Yes.

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	advised of the name and status of person being instructed		
	d) maintenance of records on experts used	7.4 & 8.2.4	Yes.
	e) evaluation of performance	7.4 & 8.2.4	Yes.
	f) giving clear instructions	7.4 & 8.2.4	Yes.
	g) checking opinions to ensure adequate information sought	7.4 & 8.2.4	Yes.
	h) payment of fees	7.4 & 8.2.4	Yes.
8.10 – Practices will have documented procedures to ensure that, at the end of the matter, the practice will:	a) report to the client on the outcome and any further action	7.5.1, 7.5.3., 7.5.4, 8.5.3	Yes.
	b) account to the client for any outstanding money	7.5.4, 8.5.3	Yes.
	c) return any original documents or property belonging to the client	4.2.4,7.5.4 & 8.5.3	Yes.
	d) advise clients about arrangements for storage and retrieval of papers	7.5.4. & 8.5.3	Yes.
	e) advise the client whether they should review the matter in the future	7.5.4.& 8.5.3	Yes.
	f) archive and destroy files in an appropriate manner	4.2.4 & 7.5.4.	Yes.

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