



The Law Society



**Lexcel England and Wales v6
Standard for in-house legal
departments**

*Excellence in legal practice
management and client care*



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About Lexcel

- With ever-increasing competitive forces and client demands, it's vital to manage the quality and delivery of legal services. A quality management system demonstrates commitment and ability to consistently deliver services that meet client expectations and improve overall satisfaction.
- Designed specifically for the legal sector, Lexcel is the Law Society's Standard for excellence in practice management and client care. It provides a flexible, supportive management framework to help in-house legal departments enhance the service it provides to the wider organisation and in some instances external clients. This includes developing consistent operational efficiencies and client service, managing risk effectively, reducing costs and promoting profitability.
- Lexcel defines quality management procedures in seven areas: structure and strategy, financial management, information management, people management, risk management, client care and file and case management.
- Achieving accreditation involves the submission of an application form and subsequent assessment by an independent assessment body. Lexcel accreditation is awarded for three years, with annual re-accreditation and monitoring visits to ensure continued compliance.
- In-house legal departments are required to achieve and maintain the stated requirements in the Standard. The independent assessment process validates that these have been met.
- Lexcel is owned and managed by the Law Society of England and Wales. This includes developing the Standard and associated products, administration and review of all applications, overseeing the assessment process and promoting the scheme. Except where specific franchise agreements are in place, the Law Society of England and Wales is the only body authorised to award Lexcel accreditation.

Who is Lexcel for?

- Legal departments in any jurisdiction in the world can apply for accreditation against the Lexcel Standard, regardless of the size or type of work undertaken. See the **Scheme rules** for further details.
- Two versions of Lexcel are available to reflect the needs of domestic and international markets:
 - **Lexcel England and Wales** - version 6 of the Standard for legal practices in England and Wales.
 - **Lexcel International** - version 5 of the Standard for practices in England and Wales with independent offices overseas and practices in foreign jurisdictions.
- Lexcel England and Wales is divided into two versions to meet the needs of legal practices and in-house legal departments. These entities are defined as:
 - **A law practice** in the form of partnerships, limited liability partnerships, sole practitioners, incorporated law firms and alternative business structures (ABS) authorised and regulated by the Solicitors Regulation Authority (SRA).
 - **An in-house legal department**, including those in corporations, public sector (including ABS'), law centres, not-for-profit and government organisations.
- For ease of reference, the generic term 'department' is used throughout the Standard. This refers to any in-house legal team or legal department that is part of a wider organisation.
- In-house legal departments with multiple offices can apply by jurisdiction. For example, an in-house legal department with five departments across England and Wales must submit one application and be assessed across all five departments. In contrast, one that has two departments in England and Wales and an independent department overseas would need to submit two applications, if they wanted to apply for Lexcel across multiple jurisdictions. It is not mandatory for all in-house legal departments across a range of jurisdictions to apply for Lexcel. Please see the **Scheme rules** for further details.

- Lexcel can be combined with other quality standards including ISO 9001, Investors in People and the Specialist Quality Mark (SQM) and could reduce the time and cost of assessment. A joint assessment may also be possible.
- Lexcel is accepted as a quality standard by the Legal Aid Agency, instead of accreditation against the SQM.
- An annual practice registration fee is payable to the Law Society and a fee is also payable to the independent assessment body.
- The annual in-house department registration fee is divided into five bands, based on the number of admitted and non-admitted legal advisors in the department:
 - 1 legal advisor
 - 2 – 15 legal advisors
 - 16 – 40 legal advisors
 - 41 – 85 legal advisors
 - 86+ legal advisors.

Glossary of terms and guidance

- **Emboldened words** (apart from document headings) in the Lexcel Standard are defined in the **Glossary of Terms**.
- A main requirement is presented in tabular form in the left-hand column. Specific requirements are listed in the right-hand column as sub-clauses.
- Separate **Guidance notes** provide further explanation of requirements and are divided into general and specific guidance based on whether or not the in-house legal department has external or internal clients.
- In-house legal departments have the flexibility to implement procedures that are appropriate to their circumstances in order to meet requirements in the Standard.
- Most in-house legal departments will document all procedures in an office manual, but there is no specific requirement that prevents procedures being documented in a number of different sources.
- Although Lexcel will help in-house legal departments and organisations comply with some aspects of legislation, accreditation does not guarantee compliance with local laws. This remains the responsibility of the organisation.

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

Glossary of terms	
Term	Definition
Authorisations	Organisations need to consider whether authorisation procedures need to be in place whereby different personnel are given permission to approve expenditure to pre-defined levels.
Corporate social responsibility (CSR)	For the purposes of Lexcel, CSR is defined as the commitment of an organisation or department to operate in an ethical manner and contribute in a positive way to society. This is an optional requirement for departments, although organisations tendering for the provision of legal services to other organisations may be required to have a CSR policy in place.
Evaluation	To make a judgement.
External client(s)	Clients that are not part of the organisation.
Flexible working	Flexible working practices have become increasingly relevant to the legal sector as part of recruitment and retention. Some examples of flexible working are part time working, annualised hours, compressed hours and remote working.
Malicious software (malware)	Software that is used to disrupt computer operation, gather sensitive data or gain access to private computer systems.
Must	A mandatory requirement.
Objective(s)	Any objectives agreed and set out need to be measurable. They will require some form of quantification or have indicators of progress to measure performance.
Personnel	All employed staff and locums.
Plan(s)	A ' plan ' is a documented outline of where an organisation or department desires to be in the future and describes how it intends to arrive at that destination. A plan can be described as a map which supports an organisation or a department to arrive at their desired destination in the future. In general, the Lexcel Standard permits organisations or the department to develop plans in the manner and detail that the organisation or department considers appropriate, assuming a basic level of adequacy. All plans must have a named person who is responsible for the plan . They must also be reviewed at least annually.
Policy / policies	A ' policy ' is a documented general approach taken within the organisation or department to the issue in question. A policy defines why a particular approach is adopted by the organisation or department. All policies must have a named person who is responsible for the policy . They must also be reviewed at least annually.
Procedure(s)	A ' procedure ' is a written description of how an activity will occur within the department or organisation. A procedure describes the steps that personnel are required to follow in order to complete an activity. At an assessment, a procedure can only be said to be complied with if the assessor can observe that the procedure contained in the organisation's documentation is in effective operation. All procedures must have a named person who is responsible for the procedure . They must also be reviewed at least annually.

Glossary of terms (continued)

Term	Definition
Reasonable adjustments	The duty to make reasonable adjustments is a legal responsibility under anti-discrimination legislation. The requirement is intended to make sure that disabled people do not face difficulties in employment, education or when using services. A reasonable adjustment is a reasonable step taken to prevent a disabled person suffering a substantial disadvantage compared with people who are not disabled.
Register	Multiple records that are held in hard copy or electronic format.
Risk register	A risk register is a record of the risks facing the organisation or department. There is no fixed format for the risk register prescribed by Lexcel. It should indicate who has responsibility for a particular risk and any measures taken by the organisation or department to mitigate or reduce the risk.
Role profile	A description of the role undertaken by an individual including the key purpose of the role, summary of responsibilities and the skills and experience required of the individual.
Should	An optional requirement. In some cases, organisations or departments may be required to explain why they have chosen not to implement a requirement by their Lexcel assessor.
Strategic plan	A strategic plan is a plan that defines the organisation's goals and the activities required to achieve those goals.
Supervisor(s)	A person(s) who is (are) of sufficient seniority and in a position of sufficient responsibility with the appropriate skills and experience to guide and assist others.

1 Structure and strategy

1.1 The department must have documentation setting out the:	a. management structure which designates the responsibilities of individuals and their accountability.
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:	<ul style="list-style-type: none"> a. objectives for at least the next 12 months b. the identification of resources required to meet the objectives c. the services the department wishes to offer d. the client groups to be served e. how services will be delivered and marketed f. a documented risk evaluation of objectives g. procedures for regular reporting on performance.
1.3 The organisation must have a business continuity plan that encompasses the department, which should include:	<ul style="list-style-type: none"> a. an evaluation of potential risks that could lead to business interruption b. ways to reduce, avoid and/or transfer the risks c. key people relevant to the implementation of the plan d. a procedure to test the plan annually, to verify that it would be effective in the event of a business interruption.
1.4 The department should have a policy in relation to corporate social responsibility .	

2 Financial management

2.1 The organisation must document the person who has overall responsibility for financial management of the department.	
2.2 The department should be able to provide documentary evidence of their financial management procedure , including:	<ul style="list-style-type: none"> a. annual budget including income and expenditure b. variance analysis conducted at least quarterly of income and expenditure against budgets.
2.3 The department should have a time recording procedure .	
2.4 If appropriate, the department should have a procedure in relation to billing clients which, should include:	<ul style="list-style-type: none"> a. the frequency and terms for billing clients b. credit limits for new and existing clients c. debt management.
2.5 Departments handling financial transactions, should have a procedure , which should include:	<ul style="list-style-type: none"> a. the transfer of funds b. the management of funds received by the department c. authorisations.

3 Information management

<p>3.1 The department or the organisation must have an information management and security policy, which should include:</p>	<ul style="list-style-type: none"> a. a register of relevant information assets b. procedures for the protection and security of the information assets c. procedures for the retention and disposal of information d. the use of firewalls e. procedures for the secure configuration of network devices f. procedures to manage user accounts g. procedures to detect and remove malicious software h. a register of all software used i. training for personnel on information security j. a plan for the updating and monitoring of software.
<p>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:</p>	<ul style="list-style-type: none"> a. the scope of permitted and prohibited use b. procedures for monitoring personnel using e-mail c. procedures for the storage and destruction of emails.
<p>3.3 If the department is featured on the organisation's website, the department must be encompassed by the organisation's website management policy, which must include:</p>	<ul style="list-style-type: none"> a. consideration of accessibility requirements for disabled clients. <p>And should include:</p> <ul style="list-style-type: none"> b. a procedure for content approval, publishing and removal c. the scope of permitted and prohibited content d. procedures for the management of its security.
<p>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:</p>	<ul style="list-style-type: none"> a. the scope of permitted and prohibited use b. procedures for monitoring personnel accessing the internet.
<p>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:</p>	<ul style="list-style-type: none"> a. a procedure for participating in social media on behalf of the organisation b. the scope of permitted and prohibited content.
<p>3.6 The organisation or department must have:</p>	<ul style="list-style-type: none"> a. a register of each plan, policy 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 c. a procedure for the review of each policy, plan and procedure that is contained in the Lexcel Standard.

4 People management

<p>4.1 The department or the organisation must have a health and safety policy.</p>	
<p>4.2 The department or the organisation must have an equality and diversity policy, which should include:</p>	<ul style="list-style-type: none"> a. recruitment, selection and progression b. a procedure to deal with complaints and disciplinary issues in breach of the policy c. a procedure to monitor diversity and collate equality data d. training of all personnel on compliance with equality and diversity requirements e. procedures for reasonable adjustments for personnel.
<p>4.3 The department must be encompassed by the organisation’s learning and development policy, which should include:</p>	<ul style="list-style-type: none"> a. ensuring that appropriate training is provided to personnel b. ensuring that all supervisors and managers receive appropriate training c. a procedure to evaluate training d. a learning and development plan for all personnel.
<p>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.</p>	
<p>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:</p>	<ul style="list-style-type: none"> a. the identification of vacancies b. the drafting of the job documentation c. methods of attracting candidates d. clear and transparent selection e. storage, retention and destruction of records f. references and ID checking g. where appropriate, the checking of disciplinary records.
<p>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:</p>	<ul style="list-style-type: none"> a. the management structure and the individual’s responsibilities b. terms and conditions of employment c. immediate training requirements d. key policies.
<p>4.7 The department or their organisations must have a procedure which details the steps to be followed when a member of personnel ceases to be an employee, which should include:</p>	<ul style="list-style-type: none"> a. the handover of work b. exit interviews c. the return of property belonging to the organisation.
<p>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:</p>	<ul style="list-style-type: none"> a. the organisation or department’s approach to performance management b. performance review periods and timescales.

4 People management (continued)

4.9	The department or the organisations must have a whistleblowing policy .	
4.10	The department or the organisations must have a flexible working policy .	

5 Risk management

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:	<ul style="list-style-type: none"> a. a compliance plan, if relevant b. a risk register c. defined risk management roles and responsibilities d. arrangements for communicating risk information.
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:	<ul style="list-style-type: none"> a. details of all outsourced activities including providers b. procedures to check the quality of outsourced work c. procedures to ensure providers have taken appropriate precautions to ensure information will be protected.
5.3	There must be a named supervisor for each area of work undertaken by the department.	
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.	
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.	
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 .	
5.7	The department must have a procedure to monitor key dates, or be encompassed by the organisation's procedure , which must include:	<ul style="list-style-type: none"> a. the definition of key dates by work type for the department b. ensuring that key dates are recorded on the file and in a back-up system.

5 Risk management (continued)

<p>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:</p>	<ul style="list-style-type: none"> a. the definition of conflicts b. training for all relevant personnel to identify conflicts c. steps to be followed when a conflict is identified.
<p>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:</p>	<ul style="list-style-type: none"> a. checks on incoming and outgoing correspondence, where appropriate b. departmental, team and office meetings and communication structures, where appropriate c. reviews of matter details in order to ensure good financial controls and the appropriate allocation of workloads, where appropriate d. the exercise of devolved powers in publicly funded work, where appropriate e. the availability of a supervisor f. allocation of new work and reallocation of existing work, if necessary.
<p>5.10 The department must have a procedure to ensure that all those doing legal work check their files regularly for inactivity.</p>	
<p>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:</p>	<ul style="list-style-type: none"> a. define and explain file selection criteria b. define and explain the number and frequency of reviews c. retain a record of the file review on the matter file and centrally d. ensure any corrective action, which is identified in a file review, is acted upon within 28 days and verified e. ensure that the designated supervisor reviews and monitors the data generated by file reviews f. conduct a review at least annually of the data generated by file reviews.
<p>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:</p>	<ul style="list-style-type: none"> a. consider if a new client and/or matter is accepted by the department, in accordance with section 6.1 and 6.7 below b. 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. <p>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. <p>At the end of the matter the legal advisor must:</p> <ul style="list-style-type: none"> e. undertake a concluding risk assessment by considering if the client’s objectives have been achieved f. notify the supervisor of all such circumstances in accordance with documented procedures in section 5.4 above.

5 Risk management (continued)

<p>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:</p>	<ul style="list-style-type: none"> a. the appointment of a nominated officer usually referred to as a Money Laundering Reporting Officer (MLRO) b. a procedure for making disclosures within the organisation and by the MLRO to the authorities c. a procedure for checking the identity of the department's clients, if appropriate d. a plan for the training of personnel e. procedures for the proper maintenance of records.
<p>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.</p>	
<p>5.15 The department must be included in the organisation's 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"> a. any indemnity insurance claims (where applicable) b. an analysis of client complaints trends c. data generated by file reviews d. any breaches that have been notified to the SRA e. situations where the department acted where a conflict existed (where applicable) f. the identification of remedial action.

6 Client care

<p>6.1 The department must have a policy for client care, which should include:</p>	<ul style="list-style-type: none"> a. how enquiries from potential clients will be dealt with b. ensuring that before taking on a client, the department has sufficient resources and competence to deal with the matter c. protecting client confidentiality d. a timely response is made to telephone calls and correspondence from the client and others e. a procedure for referring clients to third parties f. the provision of reasonable adjustments for disabled clients.
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6 Client care (continued)

<p>6.2 The department must communicate the following to clients in writing, unless an alternative form of communication is deemed more appropriate:</p>	<ul style="list-style-type: none"> a. where appropriate, establish the client’s requirements and objectives b. provide a clear explanation of the issues involved and the options available to the client c. explain what the legal advisor will and will not do d. agree with the client the next steps to be taken e. keep the client informed of progress, as agreed f. establish in what timescale that matter will be dealt with g. where appropriate, establish the method of funding h. where appropriate, consider whether the intended action would be merited on a cost benefit analysis i. agree an appropriate level of service j. explain the department’s responsibilities and the client’s k. provide the client with the name and status of the person dealing with their matter l. where appropriate, the client is given the name and status of the person responsible for the overall supervision of their matter.
<p>6.3 Where appropriate, the department should have a service level or similar agreements with their client departments.</p>	
<p>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:</p>	<ul style="list-style-type: none"> a. advise the client of the basis of the department’s charging b. advise the client where the organisation will receive a financial benefit as a result of accepting instructions c. advise the client if the charging rates are to be increased d. advise the client of likely payments which the department or the client may need to make to others e. discuss with the client how they will pay f. advise the client that there are circumstances where the department may be entitled to exercise a lien for unpaid costs g. advise the client of their potential liability for any other party’s costs.

6 Client care (continued)

<p>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:</p>	<ul style="list-style-type: none"> a. the definition of what the organisation regards as a complaint b. informing the client at the outset of the matter, that in the event of a problem they are entitled to complain c. the name of the person with overall responsibility for complaints d. providing the client with a copy of the organisation's or department's complaints procedure, if requested e. once a complaint has been made, the person complaining is informed in writing: <ul style="list-style-type: none"> i. how the complaint will be handled; and ii. in what time they will be given an initial and/or substantive response f. recording and reporting centrally all complaints received from clients g. identifying the cause of any problems of which the client has complained, offering any appropriate redress, and correcting any unsatisfactory procedures.
<p>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.</p>	
<p>6.7 Where appropriate, the department must have a procedure to accept or decline instructions, which should include:</p>	<ul style="list-style-type: none"> a. how decisions are made to accept instructions from new and existing clients b. how decisions are made to stop acting for an existing client c. how decisions are made to decline instructions.

7 File and case management

<p>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.</p>	
<p>7.2 The department must document procedures for the giving, monitoring and discharge of undertakings.</p>	
<p>7.3 The department must be encompassed by the organisation's procedure or have a procedure particular to the department to:</p>	<ul style="list-style-type: none"> a. list open and closed matters b. ensure that they are able to identify and trace any documents, files, deeds, wills or any other items relating to the matter c. safeguard the confidentiality of matter files and all other client information d. ensure that the status of the matter and the action taken can be easily checked by other members of the department e. ensure that documents are stored on the matter file(s) in an orderly way.

7 File and case management (continued)

<p>7.4 The department will have procedures to ensure that matters are progressed in an appropriate manner. In particular:</p>	<ul style="list-style-type: none"> a. key information must be recorded on the file b. a timely response is made to telephone calls and correspondence from the client and others c. where appropriate, continuing cost information is provided d. 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.
<p>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:</p>	<ul style="list-style-type: none"> a. use of clear selection criteria in line with the equality and diversity policy b. where appropriate, consult with the client in relation to selection of advocate or other professional 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 d. maintenance of records on barristers and experts used, including evidence of assessment against the criteria e. evaluation of performance, for the information of other members of the department or organisation f. giving clear instructions 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) h. payment of fees.
<p>7.6 The department must have procedures to ensure that, at the end of the matter, the department:</p>	<ul style="list-style-type: none"> 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 b. where appropriate, accounts to the client for any outstanding money c. returns to the client any original documents or other property belonging to the client, if required 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 e. advises the client whether it is appropriate to review the matter in future and, if so, when and why f. archives and destroys files in an appropriate manner.



The Law Society

Lexcel
Legal Practice Quality Mark

Excellence in legal practice management
and client care

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