

Lexcel



The Law Society

## **Lexcel England and Wales v6.1**

### **Scheme rules**

*Excellence in legal practice management and client care*



## Scheme rules - Lexcel England and Wales v6.1

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## 1. Glossary of terms

Where words are emboldened, please note that they are a 'defined term' and the corresponding definition and interpretation unless stated otherwise will mean the following:

Term	Definition
Alternative Business Structure (ABS)	An alternative business structure that is licensed by the <b>SRA</b> pursuant to its Practice Framework Rules 2011.
Core Practice Management Standards (CPMS)	CPMS identify the requirements that are common to each of the Law Society's three entity accreditation schemes, Lexcel, Conveyancing Quality Scheme (CQS) and Wills and Inheritance Quality Scheme (WIQS).
Glossary	The glossary of terms contained within these scheme rules.
Member Practice	Practice or in-house legal department that has attained Lexcel.
Other Relevant Person	A qualified or non-qualified <b>solicitor</b> , who has responsibility within the practice for a functional area, such as Risk Manager, Quality Manager, Head of Marketing or Client Service etc.
Partner(s)	Partner(s) in a partnership, member(s) in a Limited Liability Partnership (LLP), director(s) in a company, sole principal in a Practice.
Practice	<p>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:</p> <ul style="list-style-type: none"> <li>• <b>A law practice</b> in the form of partnerships, LLP, sole practitioners, incorporated law firms and Alternative Business Structures (ABS) authorised and regulated by the Solicitors Regulation Authority (<b>SRA</b>).</li> <li>• <b>An in-house legal department</b>, including those in corporations, public sector (including ABS'), law centres, not-for-profit and government organisations.</li> </ul> <p>For ease of reference, the generic term 'practice' is used throughout the Standard.</p>
Practice Rules	<b>SRA</b> Handbook
Solicitor	A qualified solicitor regulated by the <b>SRA</b> .
Senior Responsible Officer (SRO)	<p>The SRO for Lexcel does not have to be a qualified <b>solicitor</b>. The following are permitted roles that can be nominated as the senior responsible person who is the primary point of contact for the law Society:</p> <ul style="list-style-type: none"> <li>• A manager as defined by the <b>SRA</b> which includes a partner in the partnership, a member in the LLP, or a director in the company.</li> <li>• A practice manager who is duly authorised by the practice to enter into agreements on its behalf.</li> <li>• Compliance Officers for Legal Practice (COLP) or Compliance Officers for Finance and Administration (COFA).</li> </ul>
Serious Regulatory Breach	Any complaint received and being investigated / has been investigated by the <b>SRA</b> irrespective of the outcome.
SRA	Solicitors Regulation Authority.

## 2. About the scheme

### 2.1 - Overview

Designed specifically for the legal sector, Lexcel is the Law Society's standard for excellence in practice management and client care. Lexcel is designed for any **practice**, regardless of the size or type of work undertaken. From private practices in England and Wales and also international markets, to not-for-profit organisations, in-house teams in organisations and local authorities.

The Standard provides a flexible, supportive management framework to help practices and in-house legal departments develop consistent operational efficiencies and client service, manage risk effectively, reduce costs and promote profitability.

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.

**Practices** are required to achieve and maintain the stated requirements in the Standard. The independent assessment process validates that these have been met.

### 2.2 - Scheme ownership, assessors and consultants

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.

The Law Society maintains licenses with three assessment bodies for independent assessment against the Lexcel Standard. Only licensed assessment bodies and their approved assessors can conduct Lexcel assessments. See [legal practices](#) or [in-house legal departments](#) guidance notes for further information about the role of the assessor and confidentiality.

Independent consultants can provide consultancy in connection with any aspect of the Lexcel Standard. However, only those that have completed certified training with the Law Society are awarded the 'Accredited Consultant' status.

It is not mandatory for a practice wanting to gain or retain Lexcel accreditation to use a consultant. A practice should consider various factors, including extent of compliance (using self-assessment checklist) and the resources available to work towards and gain accreditation within their timescales.

If a practice uses a consultant to advise on any aspect of the implementation of the Standard, that person or the assessment body they are contracted with, cannot provide the Lexcel assessment for the practice. By using the same consultant or assessment body for both services, there will automatically be a conflict of interest. Where this occurs, the assessment will not be allowed to proceed unless another assessor from a different assessment body is assigned to provide the assessment. Assessments where this has occurred will be deemed invalid.

This conflict also applies to consultancy provided for the complimentary requirements within the following accreditation schemes:

- The Law Society's Conveyancing Quality Scheme (CQS)
- The Law Society's Wills and Inheritance Quality Scheme (WIQS)

- Investors in People (IiP)
- ISO standards
- The Legal Aid Agency's Specialist Quality Mark (SQM).

See the Lexcel pages on the Law Society's website for [details of approved Lexcel consultants](#).

### 3. Scheme design and principles

#### 3.1 - Scheme components

Lexcel defines compulsory and optional requirements for quality management procedures in seven areas. Each section of the Standard has a different focus to help **practices** develop and maintain policies and procedures to:

- Address and effectively manage risks in delivering advice
- Achieve practice-wide quality management systems and processes
- Deliver consistent levels of client service

Section	Overview of Requirements
1 - Structure and strategy	<ul style="list-style-type: none"> <li>• Definition of the longer-term strategy and annual objectives</li> <li>• A disaster recovery plan to avoid business interruption</li> </ul>
2 - Financial management	<ul style="list-style-type: none"> <li>• Robust financial management procedures to aid tracking performance against targets</li> </ul>
3 - Information management	<ul style="list-style-type: none"> <li>• Policies to manage information exchange and assets ensuring compliance with data protection legislation.</li> <li>• Central register of all plans, policies and procedures and a named person responsible for their management and updating</li> </ul>
4 - People management	<ul style="list-style-type: none"> <li>• Role profiles and inductions for all personnel</li> <li>• Learning and development plans for all personnel, including performance management</li> <li>• Procedures to manage recruitment, selection and progression</li> <li>• Management of personnel leaving the <b>practice</b></li> </ul>
5 - Risk management	<ul style="list-style-type: none"> <li>• Policies and procedures governing the risks in delivering advice, including accepting and managing new work, supervision, outsourcing, conflict management, adhering to key dates and operational risks</li> <li>• Procedures for regular, independent file reviews and anti-money laundering</li> </ul>
6 - Client care	<ul style="list-style-type: none"> <li>• Communication with clients at matter take on, including terms of business and cost estimates.</li> <li>• Complaints handling procedures and process to monitor / analyse client complaints</li> </ul>
7 - File and case management	<ul style="list-style-type: none"> <li>• Procedures to ensure matters are effectively managed and progressed and closed</li> <li>• Procedures for using third parties</li> </ul>

The requirements of the scheme are based on:

- The practice fulfilling its obligations under the scheme with a commitment to achieving and maintaining the requirements of the Standard, including the management of a legal practice or in-house department, recognising and effectively managing risks in delivering legal services and providing a consistently high standard of client care
- Compliance with the application and assessment process and, including annual maintenance visits.

### 3.2 - Core practice management standards (CPMS)

**Core Practice Management Standards** common to the Law Society's entity accreditations (Lexcel, CQS and WIQS) have been defined. These identify the requirements that are common to each of the three entity schemes and help to assess how much additional preparation is required if **practices** wish to be accredited against more than one scheme. A colour coding is used:

Overlap Status	Requirements
Green	<b>Identical requirement.</b> No further work is required to achieve this requirement if a <b>practice</b> is currently accredited against one of the Law Society's entity accreditation schemes (Lexcel, WIQS, CQS).
Amber	<b>Some differences exist</b> between this requirement for Lexcel, CQS and WIQS. Further work may be required to satisfy specific requirements for each scheme.
Red	<b>There is no overlap</b> between this requirement for Lexcel, CQS and WIQS. Further work will be required to satisfy the specific requirements for each scheme.

See how the **CPMS** requirements for Lexcel compare to those for CQS and WIQS, by [downloading the comparison document](#) from the training, publications and support webpage.

## 4. Eligibility criteria

Legal **practices** in any jurisdiction in the world can apply for accreditation against the Lexcel Standard, regardless of the size or type of work undertaken. **Practices** whose head office is in England and Wales must be authorised and regulated by the **SRA**.

The definition of a legal **practice** for the purposes of Lexcel is either:

- A law **practice** in the form of partnerships, LLP's, 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.

### 4.1 - Accreditation against Lexcel England and Wales or Lexcel International

**Practices** with multiple offices should apply by jurisdiction. It is not mandatory for all independent offices across multiple jurisdictions to be accredited against the Lexcel Standard. The table below outlines some typical scenarios to help guide whether to accredit against Lexcel England and Wales or Lexcel International. For further guidance, please contact the accreditation office:

**Tel:** 020 7320 5933

**Email:** [lexcel@lawsociety.org.uk](mailto:lexcel@lawsociety.org.uk)

Scenario	Lexcel Version Assessed Against
A <b>practice</b> with a head office in England or Wales and four branch offices in England and/or Wales.	Submit one application for assessment of the head office and four branches against Lexcel England and Wales (v6.1).
A <b>practice</b> with a head office and branch in England and Wales (one of which is a head office) and an independent office overseas.	Submit two applications: <ol style="list-style-type: none"> <li>1. One for the assessment of the head office and branch against Lexcel England and Wales (v6.1).</li> <li>2. One for the assessment of the independent office overseas against Lexcel International (v5.1).</li> </ol>
A <b>practice</b> with a head office overseas (e.g. Ireland) and a branch office in England and Wales.	Submit two applications: <ol style="list-style-type: none"> <li>1. One for the assessment of the overseas office against Lexcel International (v5.1).</li> <li>2. One for the assessment of the branch office against Lexcel England and Wales (v6.1).</li> </ol>
A <b>practice</b> with a head office in England or Wales and a branch in Scotland, duly authorised to advise on Scottish law matters only.	<p><u>Accreditation in England and Wales only</u></p> <p>Submit one application for the assessment of the head office against Lexcel England and Wales. The Scottish branch is not obliged to apply for Lexcel accreditation.</p> <p><u>Accreditation in England and Wales and Scotland</u></p> <p>Submit two applications:</p> <ol style="list-style-type: none"> <li>1. One for the assessment of the head office against Lexcel England and Wales (v6.1).</li> <li>2. One for the assessment of the Scottish office against Lexcel International (v5.1).</li> </ol>

## 5. Cost of accreditation

Initial assessment and re-accreditation against Lexcel England and Wales v6.1 includes an application and assessment fee.

### Application fee

The Practice shall pay the Law Society an application fee as set out in the fee schedule. Pricing can be found on our website at: [www.lawsociety.org.uk/Lexcel-Fees](http://www.lawsociety.org.uk/Lexcel-Fees).

We do not require you to pay when submitting your application. We will contact you to confirm the amount payable once we have checked and start processing your application. Payment can be made by credit or debit card or by bank transfer (BACS).

### Annual assessment fee

An annual assessment fee is payable direct to the independent assessment body you have selected.

## 6. Scheme requirements and processes

### 6.1 - The application process

**Practices** must complete a Lexcel application form and send to the accreditation office. All sections of the form must be completed. The information will be used to administer the application and accreditation process, as well as conduct any required checks.

Application forms should be sent in to the accreditation office between six weeks and 3 months prior to the date of the assessment. This typically allows sufficient time for all checks to be completed by the accreditation office. Each application form must be complete and signed off by the Lexcel **SRO**.

The accreditation office will issue one of two decisions following the review of each application form:

- **Approval to proceed** - this means a **practice** can undertake their assessment.
- **Refuse Lexcel** - revoke Lexcel accreditation (for accredited practices)  
- reject application (for initial applications)

The practice is not authorised to proceed to assessment. An applicant is able to refer their application to the Accreditation Appeal Panel.

See [legal practices](#) or [in-house legal departments](#) guidance notes for further information about the process and preparing an application.

### 6.2 - The assessment

Once approval to proceed has been given by the accreditation office, assessments are conducted by independent licensed assessment bodies. See [legal practices](#) or [in-house legal departments](#) guidance notes for further information about the on-site assessment.

### 6.3 - Assessment outcomes

It is the responsibility of the assessor to evaluate the evidence available and reach a conclusion about the recommendation they wish to make. It is good practice to discuss the recommendation with the **practice** but ultimately it is the assessor's decision.

The assessor must inform the **practice** of their recommended outcome of the assessment during the closing meeting and before they leave the **practice**. The assessor must manage the **practice's** expectations effectively via clear communication of his/her recommendations. Assessors must not make any guarantees to the **practice** regarding their accreditation status.

The four outcomes that the assessor can recommend are:

Assessment Outcome	Description
<b>Assessment is premature</b> (initial applications only)	The <b>practice</b> has little evidence to support that they meet Lexcel's requirements and corrective action will require more than three months work. The <b>practice</b> will need to re-apply ensuring no assessment is booked within 6 months of the last day of their initial assessment.

Assessment Outcome	Description
<b>Non-compliance: Major</b>	The <b>practice</b> cannot produce evidence to demonstrate that it meets a requirement of the Lexcel Standard and corrective action will take between 21 days and three months to rectify, or it is deemed necessary for the assessor to re-visit the <b>practice</b> as documentary evidence will be inadequate to demonstrate compliance.
<b>Non-compliance: Minor</b>	The <b>practice</b> cannot produce evidence to demonstrate that it meets a requirement of the Lexcel Standard and corrective action can be undertaken within 21 days by providing the assessor with documentary evidence.
<b>Award or renew accreditation</b>	The <b>practice</b> has produced evidence to confirm it meets all the requirements in the Lexcel Standard.

Note: even one instance of a **practice** not producing evidence of compliance against a requirement of the Lexcel Standard must give rise to a non-compliance. For example, there is one file where the client was not informed of the status of the fee earner.

#### 6.4 - Assessment reports

The assessor must complete the assessment report for all Lexcel assessments. At initial and full re-assessments the Lexcel assessor must give feedback to the **practice** in relation to all sections of the Standard.

At Annual Maintenance Visit 1 (AMV1) and Annual Maintenance Visit 2 (AMV2) assessments, the assessor must provide feedback in relation to sections 5, 6 and 7 as well as the other areas covered out of sections 1 to 5. For example, if the assessor is conducting an AMV and has addressed the requirements in sections 2 and 5, the assessor must complete section 2, 5, 6 and 7 on the assessment report.

Please note: The accreditation office must receive the assessment report within 10 working days of the last on-site date.

**Documenting non-compliance** - When an assessor raises a non-compliance, they must state the Lexcel requirement and the evidence that is lacking. In addition, if it relates to a file the matter number of the file must be stated. For example, 6.2 – there is no evidence of a cost estimate being given to the client on matter MWD/007.

**Corrective action reports** - A corrective action report must be completed if minor or major non-compliances have been raised. If the **practice** addresses the minor non-compliances before the assessor has completed the assessment, the assessor may include this information in the assessment report. Assessors must clearly state the evidence they have witnessed to close the non-compliance on the assessment report, below where the non-compliances have been raised.

Assessors must agree with the **practice** the type and level of detail required for the corrective action to be deemed acceptable. For example, if there was no evidence of an initial risk assessment taking place, the assessor should ascertain whether the fee earner understands what is required or simply omitted to complete the risk evaluation form.

If documentary evidence alone is not sufficient to evaluate that a major non-compliance has been rectified, a re-visit may be necessary. This is for the assessor to decide but clear

communication between the assessor, assessment body and client is essential. If a re-visit is necessary then the assessor will limit the assessment to the areas of non-compliance found at the original assessment.

Note: The accreditation office must receive the corrective action report within 10 working days of the minor or major non-compliance deadline.

### 6.5 - Final decision of accreditation

The accreditation office will review the assessment report and corrective action report (if applicable) within four weeks of receipt. There are occasions when the accreditation office may contact assessors or **practices** to clarify information contained in the report and request assessment notes before a decision is made whether or not to award/re-award a **practice**.

One of two final decisions on an application will be given:

- **Award of Lexcel accreditation** – the **practice** is sent confirmation of accreditation as well as an award pack, if appropriate.
- **Refusal of Lexcel accreditation** – the **practice** is not awarded Lexcel. The accreditation office will contact the **practice** directly to confirm the decision and next actions.

Only the accreditation office can award/re-award **practices**. The **practice's** assessment body will be informed of the award/re-award when the **practice** is notified.

### 6.6 - Duration of accreditation

Accreditation will commence on the date notified by the Law Society and will continue for an initial period of one year. Accreditation requires **practices** to apply for, and be assessed on an annual basis.

### 6.7 - New offices

Any new office opened by a Lexcel accredited practice in England and Wales, must start to implement the requirements in the Standard immediately.

Before the new office has opened, the practice should contact the accreditation office who will advise as to what information they require. The new office must undertake an initial assessment within six months of opening, in order to demonstrate compliance with the Standard.

### 6.8 - Mergers or de-mergers

Lexcel accredited practices that are considering a merger, should complete the Lexcel Merger Notification form. New offices that have opened as a result of a merger must undertake an initial assessment within four months. Any change to the legal entity may result in the withdrawal of accreditation. Practices must inform the accreditation office of any demerger or re-structure as soon as possible, but before the demerger or re-structure is complete, as re-application to the Scheme may be required.

Failure to notify changes in respect of new offices, merger or de-merger may result in the loss of accreditation. See [merger notification form](#).

## 7. Enforcement and governance process

The Lexcel Panel has oversight of the content and design of the Standard, reporting to Membership Board.

A separate Accreditation Appeals Panel is responsible for deciding appeals lodged by **practices** against a decision by the Law Society's accreditation office to reject or revoke accreditation to this scheme. Decisions made by the Accreditation Appeal Panel are final.

### 7.1 - Annual assessment cycle

**Practices** must have an initial assessment when they first apply for Lexcel accreditation. After being awarded, **practices** will then enter the three year assessment cycle –AMV1, AMV2 then a full re-assessment.

### 7.2 - Initial assessment

All offices and practice areas must be included in the assessment. It is also mandatory that the assessor checks that all requirements of the Lexcel Standard are being complied with.

**Practices** submitting an initial application must ensure the Lexcel requirements have been embedded for at least three months at the time of their assessment. This is to ensure that there is sufficient evidence for the assessor to evaluate if all the requirements are correctly understood and embedded within the **practice**.

### 7.3 - Re-accreditation assessments

Re-accreditation needs to take place in the same month as the initial accreditation or one month either side. For example, if the **practice** was awarded in June, then their AMV1 may take place in May, June or July.

If the **practice** needs to move their assessment outside of their three month window, the **practice** must submit a request (via e-mail or letter) to the accreditation office in advance of the assessment.

Assessment bodies, assessors and consultants are not allowed to grant extensions. If assessors conduct the assessment outside of the three month window without permission from the accreditation office, the report may be deemed invalid.

### 7.4 - Annual maintenance visits

During AMVs the assessor must include all offices and practice areas in the assessment. All requirements in sections 5, 6, and 7 of the Lexcel Standard must be assessed. In addition, any areas where non-compliances were found at the previous assessment must be reviewed.

For AMV1s, the assessor may tailor how they assess sections 1 to 4 of Standard to help the **practice** get the most benefit from the assessment. For example, if the **practice** has a very sound three year business plan, the assessor may choose not to assess those sections of the Lexcel Standard and focus on the areas that the **practice** was less strong on. For AMV2s, the assessor will need to assess any requirements from sections 1 to 4 that were not assessed during the AMV1.

The onsite duration for an AMV1 or AMV2 is approximately half that of an initial assessment.

### 7.5 - Full re-assessment

On the third anniversary of the **practice's** initial award, a full re-assessment is required. This needs to take place in the same month as the initial accreditation or one month either side. For example, if the **practice** was awarded in June, then their AMV1 may take place in May, June or July.

During the full re-assessment the assessor must include all offices and practice areas in the assessment. All the requirements of the Standard must be assessed.

The duration for a full re-assessment is the same as an initial assessment.

### 7.6 - Joint assessments

There is a degree of synergy between Lexcel and IIP, ISO9001:2008, ISO27001:2005 and the SQM. **Practices** that want multiple accreditation awards should consider undertaking simultaneous assessments. This typically reduces the overall duration of an assessment and, thus, reduces expenditure.

Overlaps of Lexcel with other quality standards can be downloaded from the [training, publications and support webpage](#).

### 7.7 - Termination

The Law Society reserves the right to terminate accreditation at any time for any reasonable reason. The **practice** shall not be entitled to be reimbursed for any sums paid in respect of the application fee. Reasonable reasons shall include (but not be limited to):

- Any breach of this Agreement by the **practice** which are not remedied (if capable of remedy) within 14 days of being required by written notice to do so.
- The **practice** does or omits to do something which, in the reasonable opinion of the Law Society, could be detrimental to the reputation and integrity of the Lexcel scheme and its brand.

The **practice** shall be entitled to terminate its membership at any time by notifying the Law Society of its intention in writing. In such circumstances, the **practice** shall not be entitled to be reimbursed for any fees paid by the **practice** to the Law Society in relation to the Scheme.

### 7.8 - Right to appeal

**Practice's** have the right to appeal decisions made by the accreditation office and/or assessor's recommendations.

## 8. Use of Lexcel logo and intellectual property rights

Lexcel accreditation permits accredited **practices** to use the Lexcel logo solely in connection with its **practice** on all marketing/promotional material, signage, stationary and website, provided that:

- The logo is used in the form stipulated by the Law Society and in accordance with the Law Society's branding policy.
- All use is in keeping with and maintains the integrity of the Lexcel and Law Society brands.

- The **practice** shall not use the Lexcel logo in any way that that would bring Lexcel and its brand or the Law Society into disrepute or undermine their reputation.

The use of the Lexcel logo by the **practice** is exclusive to its accreditation. They can only be used for the duration of the **practice's** accreditation.

At all times, all elements of the Lexcel brand, including the website and Lexcel name and logo and all associated goodwill and derivatives, are the property of the Law Society. Nothing in the grant of the accreditation shall be construed as transferring any ownership interest in such property to the **Member Practice**.

The **Member Practice** shall not during the period of their membership seek to or actually register, use or adopt any domain name, company name, trade name, trademark, logo or the like relating to Lexcel, its brand or similar derivative.