

Lexcel, CQS and Quality Standards

Introduction

Quality standards such as Lexcel, the Conveyancing Quality Scheme (CQS), the Specialist Quality Mark (SQM), and to an extent membership of the various Law Society accreditation schemes, have become an integral part of the legal profession. They are increasingly important as a means by which firms can demonstrate, to clients and referrers alike, that they possess a certain level of competence and quality of delivery. The extent to which that is a valid claim may be open to dispute, especially given the low level of auditing that takes place. However, many place reliance on these standards so are worth achieving.

There has been, undoubtedly, a change of emphasis in relation to the obtaining of these standards. Whereas in previous years they were usually sought on an entirely voluntary basis as evidence to clients that the firm was providing a good standard of service, the motivation for obtaining them now is more likely to be the need for the firm to qualify for instructions from various sources. For example, the majority of lenders regard CQS as a requirement for membership of their panels, whilst Lexcel or SQM accreditation is required when undertaking work under an LAA contract. Add to this the increasing challenges of obtaining professional indemnity insurance at a reasonable price, and the pressure to have one or more of these standards in place has never been greater.

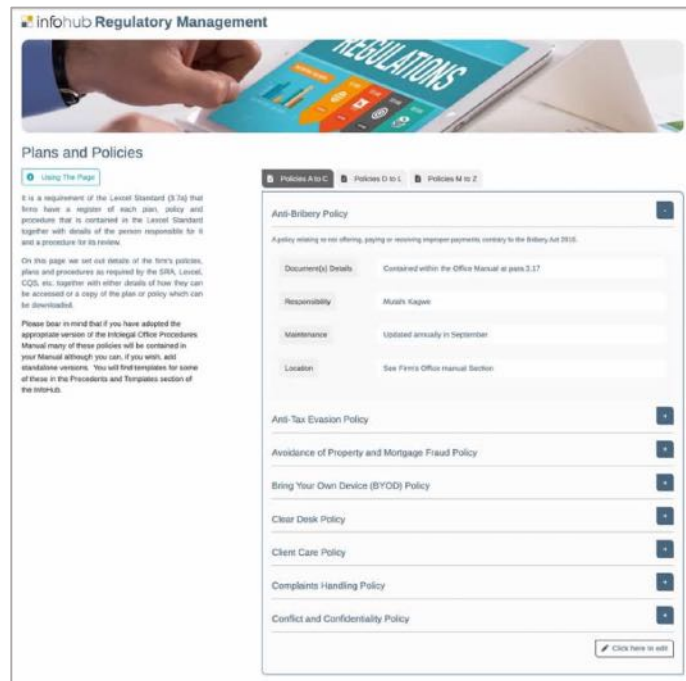
Firms can also benefit in a number of other ways – not least simply from the rigours of having to comply with an external standard. This can include improved ability to manage the firm, an enhanced public image and marketing, to name but three.

Implementing Quality Standards

For those firms who are subscribers to the Infolegal InfoHub, the materials to be found on the InfoHub will prove to be a valuable resource for attaining and retaining all of the quality standards mentioned above.

For example, the Solicitors Office Procedures Manual has been written specifically to address the requirements of Lexcel, CQS, SQM and the Legal Aid Agency's contract for Crime, Family and Civil. There are even tables showing where the various requirements for each of these

has been addressed within the manual. For more information about this please see the section of this website dealing with the [Solicitors Office Procedures Manual](#). In addition, the information management sections of the InfoHub address other aspects of the quality standards, for example the requirement of the Lexcel Standard (3.7a) that firms have a register of each plan, policy and procedure that is contained in the Lexcel Standard together with details of the person responsible for it and a procedure for its review.



However, if firms are to make the most of the acquisition of a quality standard, they should not simply view obtaining it as a goal in isolation from other aspects of practice management. Instead, they should ensure that their systems add to the firm's ability to manage itself efficiently and therefore profitably whilst at the same time meeting all of the requirements of the SRA Standards and Regulations. Often, we find, that firms have put in place the necessary systems to get Lexcel, only to leave them "on the shelf" and not apply them in practise on an ongoing basis.

Lexcel

Although there are some who question the effectiveness of Lexcel or see it simply as a distraction from the more pressing issues of dealing with clients, there can be little doubt that a significant number of those firms that have implemented it have seen benefits in terms of issues such as better client care, improved matter handling and in many cases, profitability.

Unlike many other quality standards such as ISO 9001, Lexcel (which is shortened from "Legal Excellence") was written specifically for the legal profession and so addresses those issues which are of particular relevance to law firms. For that reason, it can help firms to achieve a level of consistency of approach across the whole firm and as a result enable the firm to manage service delivery and thus reduce claims and complaints.

Lexcel was introduced in the 1990s being derived from the Practice Management Standards that had been developed to assist firms to cope with the pressures of a slump in conveyancing work some time beforehand. What now seem to be fairly routine management requirements – the need for a business plan, job descriptions, an appraisal review scheme, controls over

key dates and undertakings, for example – then seemed quite novel and even onerous. Since those earliest days Lexcel has continue to develop, often following on from any new management requirements contained in the developing SRA regulations.

Now in version 6.1 Lexcel covers many (although not all) of the SRA's basic requirements for successful day-to-day practice, but then sets additional higher aspirational standards in other areas. Fundamentally, however, Lexcel remains a voluntary programme under the control of the Law Society as the professional representative body for solicitors rather than part of the regulatory controls as administered by the SRA.

Implementing Lexcel has other advantages too. Many indemnity insurers take a positive view of those firms who have attained the Lexcel standard and this in turn can lead to a reduction in your professional indemnity insurance premiums. Furthermore, for those firms who tender for work in either the private or public sector, it can be seen as a way of differentiating the firm in terms of its attention to detail and quality of service. Similarly, those who operate in-house or in local authority legal departments can use Lexcel as an indicator of competence and best value.

How Can Infolegal Help with Lexcel?

Infolegal can assist your firm with its implementation, maintenance or re-evaluation of its Lexcel accreditation.

Infolegal has a long and distinguished track record in the Lexcel programme, with director Matthew Moore having provided the Law Society's training in the programme for its assessors and approved consultants for many years. Together with Infolegal Associate Vicky Ling, Matt wrote the Lexcel Office Procedures Manuals and Assessment Guides that have now been replaced by a series of shorter booklets on different aspects of the scheme.

With the Law Society no longer providing a potentially compliant manual for firms, the Infolegal Office Procedures Manuals represents an excellent alternative to firms devising their own manuals from scratch. Available in versions for sole practitioners, sole principals and multi-owner firms, the Infolegal Manual provides a comprehensive template publication designed to address all the Lexcel requirements. Infolegal subscribers can download the appropriate template Manual for their firm as part of their Infolegal subscription and where necessary adapt it to their needs.

Firms have the option of using the template Manual to create their own Lexcel compliant office manual or, alternatively, Infolegal can assist them in this important compliance task and, if required, provide follow-on consultancy services to tailor the Manual to the particular circumstances of their firm.

In addition to the precedents contained in the Manual that firms will need to form the basis of their Lexcel programme, Infolegal also provides through the InfoHub an explanatory Factsheet on the Lexcel programme which provides a background to the standard and provides numerous practical pointers on how to approach and succeed in your accreditation programme. In addition, there is a range of other guidance notes and factsheets on some of the trickier elements of the programme, such as the need for anti-money laundering policies and procedures, compliant data protection controls, and much more besides. All are available to Infolegal subscribers at no further cost.

Infolegal can also assist with the areas of compulsory training set out in the Lexcel standard. InfoHub subscribers have access to all the online training modules which can be made available throughout the firm to ensure that everyone has the opportunity to be trained in:

- Equality and diversity,
- Conflicts and confidentiality,
- Data protection, and
- Anti-money laundering controls.

Other training modules cover issues including financial crime, accounts, client care, financial services, and risk management, to name but a few of the courses available.

The need to have undertaken across the board training in the four key areas referred to above is an important aspect of the Lexcel programme and will be checked by your assessor to see whether you have met all the obligations that will apply to you when they visit your firm.

For many in law firms and legal departments, Lexcel is seen as a means by which accredited compliance with the SRA Standards and Regulations can be demonstrated. This, it is suggested, is not enough. Lexcel can only ever operate as a framework to allow firms to develop systems and procedures appropriate to their specific needs. For this reason, Lexcel implementation must be seen as a strategic business decision and not a bolt-on extra. Unless firms are willing to take a fresh look at their processes and work out how they can be improved for the benefit of everyone, then there is probably not a great deal of purpose in pursuing Lexcel.

Inevitably, the strategic route will be a more difficult one to take and will require more of those within a firm than if it were to adopt a purely tick-box approach. However, in the longer term it will prove to be a worthwhile approach to take since the benefits of Lexcel will be embedded within the firm's strategic plan for the future, rather than bolted on to its existing processes.

Unlike many Lexcel consultants, Infolegal does not simply come into a firm and provide it with a “bolt-on” service designed simply to get it through the Lexcel process. Instead, it looks at what the firm needs to do as an integral part of its wider compliance remit and will help the firm not only to achieve Lexcel accreditation but also to ensure that it can retain that accreditation by keeping the firm up to date with relevant developments and ensuring that all personnel are aware of what is required of them.

Thus, for example, the Infolegal Office Procedures Manual has been written from the outset to be Lexcel compliant and is constantly updated to ensure that it addresses all of the new provisions incorporated into Lexcel. In addition, the factsheets and training courses can be used to ensure that staff are kept up to date with changes in the law and regulation of practice as is required by Lexcel.

For those firms who require assistance with the implementation or maintenance of Lexcel we can provide consultancy, tailored advice and in-house training services specifically designed to address the precise requirements of your business as well as the option for the DIY approach using the materials on the InfoHub.

The Conveyancing Quality Scheme (CQS)

Launched in 2010, the Conveyancing Quality Scheme (CQS) was introduced by the Law Society to promote the reputation of solicitor-conveyancing firms in the face of competition from other providers (most notably the licensed conveyancers) and to promote the integrity, expertise, and competence of solicitor conveyancers not just to clients but also to insurers, lenders and other third parties.

The requirements for CQS accreditation were updated and made more demanding in 2019. However, although on-site inspections have often been referred to by the Society and were perhaps delayed by the Coronavirus controls of late, they yet to be widely undertaken and applications for accreditation to the Scheme are still handled on a self-certification basis. That may well be subject to change going forward.

As those providing residential conveyancing services will be aware, the CQS has become something of a “must-have” for all firms involved in mainstream conveyancing services. The more detailed “protocol framework” that now sets out the main features of CQS compliance are based on a detailed analysis of the key steps to be taken when acting for sellers and buyers.

How Infolegal Can Help with CQS Accreditation

Infolegal can assist firms with CQS accreditation and ensuring that they remain compliant in several ways.

For those who are subscribers to the Infolegal InfoHub, they will find that many of the detailed requirements are addressed in the CQS sections of the Infolegal Office Procedures Manuals – which is available in versions for sole practitioners, sole principals, and firms. These drafts were in turn based on our research into current conveyancing practice at several of our subscriber firms and have been widely adopted to ensure compliance with the scheme’s mandatory requirements.

For example, the Manuals cover not only the more general aspects such as AML, data protection, confidentiality and file review processes but provides templates for more CQS-specific issues including a Stamp Duty Land Tax Policy and a Leasehold Property Policy (as required by paragraphs 1.2 and 1.5 respectively of the Core Practice Management Standards).

A number of our other compliance materials will also help you to make sense of what is expected of all firms in this area, including our guidance on the SRA Transparency Rules so far as they relate to conveyancing work. Given the ever-growing risks of theft and cybercrimes see also our Factsheet dealing with “Avoiding Property and Mortgage Fraud” and, should the worst come to the worst, “Dealing with a Cybersecurity Incident”. There is also a draft statement for the firm to adopt as to why it has not appointed a Data Protection Officer (see paragraph 6.1 of the Core Practice Management Standards).

Beyond “tick the box”, therefore, in relation to mere CQS compliance, our guidance and support materials will assist you to manage this most at risk service in the majority of high street practices.

Other Quality Standards

Lexcel and CQS are not, of course, the only quality standards to which law firms can be accredited. Other standards exist which may be more relevant to your firm. These include:

The Specialist Quality Mark (SQM)

Developed by the Legal Aid Agency (LAA) to help with its own procurement services and to ensure that the public requiring specialist advice receive a service of sufficient quality, the SQM was designed to help ensure that public legal services providers are well run and provide excellent client care. It is a requirement that those who have, or who are seeking, a contract with the LAA comply with the SQM (or an equivalent standard such as Lexcel).

The Infolegal Office Procedures Manual will help to ensure that your firm is able to become, and remain, SQM compliant and we can also provide guidance and advice on how to apply for and achieve the standard.

The Wills and Inheritance Quality Scheme (WIQS)

The Wills and Inheritance Quality Scheme (WIQS) is another scheme which is operated by the Law Society, and it recognises quality standards for those who provide wills and estate administration advice.

Claimed to help firms minimise their risk of claims and to protect their reputation, the scheme seeks to help firms to demonstrate their expertise in the sector, use standardised processes to address risks, address client expectations and allow firms to benefit from training and marketing programmes.

Firms who wish to apply for accreditation must be able to demonstrate compliance with the Wills and Inheritance Protocol which covers issues including will drafting, general estate administration, variations, claims under the Inheritance (Provision for Family and Dependants) Act as well as requiring that firms have policies in relation to clients with a disability, taking instructions and the provision of retainer letters.

Whilst the Infolegal Office Procedures Manuals do not specifically address the various policies and procedures required by WIQS, nevertheless many of the provisions to be found in the Manual will assist firms with this and in addition we can provide consultancy, advice, and training services to enable the acquisition and maintenance of this accreditation.

ISO Standards for Solicitors

There are a number of ISO standards which are particularly relevant to solicitors' practices and which firms may feel it worth exploring if their particular client base requires that such standards be in place or is more receptive to ISO-based standards than the specific legal ones.

ISO standards which may be relevant include:

- ISO 9001 – this standard is used by businesses in many sectors to monitor, manage and improve the quality of their products and services. It provides a framework to help the firm consistently meet customer's expectations and regulatory requirements and whilst not solicitor specific in the same way that Lexcel is, may be seen by many firms as being more relevant to, or commanding greater respect from, those with whom they deal on a daily basis.
- ISO 27001 – this is the International Standard for Information Security. There have been a number of high-profile data breaches within the legal sector so there may be firms that feel that managing issues relating to data risks and demonstrating that they are able to keep client data confidential is an important factor in their day-to-day practice.

- ISO 22301 – this is the International Standard for Business Continuity. Obtaining it involves carrying out a business impact analysis, having in place systems to manage disruptive events and establishing effective recovery plans. Business continuity is a vital consideration for most law firms since they need to be able to demonstrate that client matters will not be prejudiced in the event that the firm is affected by some form of catastrophic event – for example damage to the premises preventing it from being used, terrorist incidents or even the incapacity of key managers and staff.

As with WIQS, the Infolegal Office Procedures Manual does not specifically address the requirements of the various ISO standards, nor does Infolegal provide consultancy services aimed specifically at the implementation of these standards. However, many of the provisions to be found on the Infolegal InfoHub will provide firms with the processes and procedures that they need to have in place in order to start the process of ISO accreditation. This particularly applies to procedures addressing data integrity and cyber resilience.